



**2024**  
**Annual Security Report**  
**and**  
**Annual Fire Safety Report**

**SWEET  
BRIAR  
COLLEGE**



## **2024 Security and Fire Safety Report**

The Campus Security Act requires colleges and universities to publish an annual report documenting reported crimes and fire incidents that occurred on campus; in certain off-campus buildings or property owned or controlled by Sweet Briar College; and on public property within, or immediately adjacent to and accessible from Sweet Briar College. This report includes crime and fire statistics and must be published every year by October 1.

The report also includes College policies concerning campus security, such as policies concerning sexual assault and other matters. If you have any questions about the information contained in this report, please contact the Department of Campus Safety at extension 6144 (dial 434-381-6144 from off campus.)

### **Availability of Crime Statistics**

Sweet Briar College will provide upon request all campus crime statistics as reported to the U.S. Department of Education. The U.S. Department of Education website is: [www.ed.gov](http://www.ed.gov). Sweet Briar College provides campus crime statistics on its website, [www.sbc.edu/campus-safety](http://www.sbc.edu/campus-safety).

### **Department Mission Statement**

The Mission of the Sweet Briar College Department of Campus Safety is to support the overall educational mission of Sweet Briar College by providing a safe, friendly and welcoming environment for students, visitors, faculty and staff to live, learn, work, and play.

### **Department Values**

The Sweet Briar College Department of Campus Safety values the principles of honesty, integrity, honor, fairness, and respect in our interactions with those we serve. We are committed to achieving excellence in our services through community-based, pro-active programs.





# 2024 Annual Security and Fire Safety Report

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## **I. PREPARATION OF THE ANNUAL SECURITY REPORT AND DISCLOSURE OF CRIME STATISTICS**

The Director of the Department of Campus Safety prepares this report to comply with the Jeanne Clery Disclosure of Campus Security and Crime Statistics Act using information maintained by Campus Safety, information provided by other College offices such as Student Life, Residence Life, and other Campus Security Authorities, and information provided by local law enforcement agencies surrounding campus. Each of these offices provides updated policy information and crime data.

This report provides statistics for the previous three years concerning reported crimes that occurred on campus and/or in certain off-campus buildings or property owned, leased, or controlled by Sweet Briar College. This report also includes institutional policies concerning campus security, such as policies regarding sexual assault, and alcohol and other drugs.

The Sweet Briar College Security and Fire Safety Report is published on the Campus Safety website, and a notice of the availability of this report is distributed electronically to the Sweet Briar community, by October 1 of each year. Anyone, including prospective students and employees, may review a paper copy of this report by contacting the Campus Safety at 434-381-6144 or by visiting the Campus Safety website at: <http://sbc.edu/campus-safety/annual-security-and-fire-safety-report.htm> to download a copy of the report.

## **II. ABOUT THE SWEET BRIAR COLLEGE DEPARTMENT OF CAMPUS SAFETY**

Located in the Dorothy Sales Building, the Department of Campus Safety is dedicated to providing professional campus safety and security services to the College community in support of the College's academic mission. Our Campus Safety Officers are officials of the College with specific responsibilities for safety, security and parking/traffic enforcement operations.

### Role, Authority, and Training

All Sweet Briar Campus Safety Officers are certified or duly licensed through the Virginia Division of Criminal Justice Services as *Campus Security Officers*. All Sweet Briar College Campus Safety Officers have the authority to enforce campus rules and regulations. Specially designated, trained, and licensed Campus Security Officers are also certified Armed Security Officers and under limited circumstances, have the authority to make arrests. The Department of Campus Safety also has primary jurisdiction for preliminary investigations of criminal incidents occurring on campus.

Campus Safety officer receive annual in-service training in a variety of crime prevention and operational topics, as well as bi-annual certification in First Aid, CPR and use of the Automatic Electronic Defibrillator (AED).

Every encounter between a Sweet Briar community member and an SBC Campus Safety Officer is an educational opportunity. We strive to make all encounters positive; however, when situations arise that require the intervention of a Campus Safety Officer, part of the resolution process is explaining the nature of campus policies and referring infractions to College administrators for resolution.

### Working Relationship with Local, State, and Federal Law Enforcement Agencies

When warranted, local law enforcement agencies may be contacted to assist or assume control of incidents/investigations. The Department of Campus Safety at Sweet Briar College maintains a professional working relationship with the Amherst County Sheriff's Office, Virginia State Police, and the Town of Amherst Police Department.

## **III. REPORTING CRIMES AND OTHER EMERGENCIES**

Despite Campus Safety's best efforts, crimes and policy violations do occur on campus. Community members are strongly encouraged to immediately report criminal activity, hate/bias motivated incidents, and any/all suspicious person(s) to the Department of Campus Safety at the time the incident happens. Campus Safety will investigate all reports and initiate the appropriate emergency response or judicial procedures.

# CALL 6111 (434-381-6111)

## TO REPORT ANY CRIME, SUSPICIOUS ACTIVITY, OR EMERGENCY.

In accordance with the Clery Act, Sweet Briar College also collects and discloses statistics concerning the occurrence of certain criminal offenses reported to local law enforcement agencies or any official of the College identified as a ‘Campus Security Authority.’ Campus Security Authorities (CSA) are non-law enforcement individuals who have significant responsibility for student and campus activities, and who by the very nature of their significant roles, responsibilities, or job title, may reasonably be identified by students and employees as officials or authorities to whom crime should be reported.

In recognizing that some students or employees are more comfortable or more inclined to report crime to someone other than the campus law enforcement, the following campus offices/officials are provided as alternative means for reporting crime. Any CSA may also be contacted when a student or employee believes a student who lives in on-campus student housing has been missing for 24 hours.

Even if you are not sure if a crime has occurred or whether an ongoing threat exists, immediately contact Campus Safety or one of the following offices. When unsure, err on the side of reporting.

<b>Office</b>	<b>Staff Member</b>
<b>Campus Safety</b>	<ul style="list-style-type: none"> <li>• All Campus Safety personnel</li> </ul>
<b>Student Life</b>	<ul style="list-style-type: none"> <li>• Dean of Student Life</li> <li>• All OSL Staff members</li> <li>• Resident Directors</li> <li>• Resident Advisors</li> </ul>
<b>Athletics</b>	<ul style="list-style-type: none"> <li>• Athletic Director</li> <li>• Associate Athletics Director</li> <li>• Coaches</li> <li>• Assistant Coaches</li> <li>• Riding Center faculty</li> <li>• Riding Center Staff</li> </ul>
<b>Dean of Faculty</b>	<ul style="list-style-type: none"> <li>• Dean of the Faculty and Vice President of Academic Affairs</li> <li>• Assistant Dean of Student Success</li> <li>• Faculty Club Advisors</li> </ul>
<b>Human Resources</b>	<ul style="list-style-type: none"> <li>• Manager of Human Resources</li> <li>• Title IX Coordinator</li> <li>• Human Resources Staff</li> </ul>
<b>Health Provider</b>	<ul style="list-style-type: none"> <li>• All Support Staff</li> <li>• Licensed Medical Staff when acting as a student club or organization advisor</li> </ul>
<b>SBC Administration</b>	<ul style="list-style-type: none"> <li>• Vice President for Finance, Operations, and Auxiliary Enterprises</li> <li>• Vice President for Alumnae Relations, Development, and Communications</li> </ul>

**See the statement addressing Counselors and confidentiality below on this page.**

Regardless of how and where you decide to report these incidents, it is critical for the safety of the entire Sweet Briar community that you immediately report all incidents so that the Campus Safety can investigate the situation and determine if follow-up actions are required, including issuing a Timely Warning or Emergency Notification. Prompt reporting will assist us in maintain a safe campus environment, and assure timely warning notices on-campus and timely disclosure of crime statistics.

#### Off-Campus Incidents

Incidents that occur off the Sweet Briar College campus are investigated by the law enforcement agency having jurisdiction. All campus support services are available to you regardless of where the incident took place. The Department of Campus Safety can help you in identifying the appropriate investigative agency or agencies and assist in contacting them.

#### Confidential Reporting Procedures

If you are the victim of, or witness to, a crime, you may want to consider making a confidential report. With your permission, the Dean of Student Life, the Director of Residential Life, or the Director of Campus Safety, can file a report on the details of the incident and begin to conduct an investigation without revealing your identity.

The victim or witness who filed the report may choose not to pursue disciplinary action or to utilize the disciplinary process as outlined in the *Sweet Briar College Student Handbook*. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, the College can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger.

#### Clery Policy Statement Addressing Counselors

Campus “Pastoral Counselors” and Campus “Professional Counselors,” when acting as such, are not considered to be a campus security authority and are not required to report crimes for inclusion into the annual disclosure of crime statistics. As a matter of policy, they are encouraged, if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary/confidential basis for inclusion into the annual crime statistics. Counselors are defined as:

- Pastoral Counselor is an employee of an institution, who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as pastoral counselor.
- Professional Counselor is an employee of an institution whose official responsibilities including providing psychological counseling to members of the institution’s community and who is functioning within the scope of his or her license or certification.

### **IV. Timely Warnings and Emergency Notifications**

It is the policy of Sweet Briar College and the Department of Campus Safety to comply with the “Timely Warning” provisions of the Jeanne Clery Act and the “Emergency Notification” provisions of the Campus Crime Statistics Act by providing the required warnings to the Sweet Briar community in an efficient and expedient manner.

In the event that a situation arises, either on or off campus, that, in the judgment of the Director of Campus Safety and/or the Sweet Briar College Critical Incident Response Team (CIRT) constitutes an ongoing or continuing threat to the campus community, a campus wide timely warning will be immediately issued. Based on the type of emergency or threat facing the community, emergency notifications may be disseminated by the most expedient method to ensure individuals have time to prepare or react to the situation. Dissemination methods include:

- Activation of the SBC Emergency Alert System
- Use of the *LiveSafe* messaging system

- Direct phone calls to designated personnel
- Voice mail
- Campus-wide email

If the threat involves an immediate violent criminal threat or other non-natural incident, such as an armed gunman or active shooter on campus, or a hazardous material spill, the emergency notifications will include the Amherst County 911 Center and/or other emergency services. The emergency notifications will be disseminated on a continual basis until such time as it has been determined that threat to the community no longer exists. Once the incident is over or the threat no longer exists, an all-clear notification will be disseminated to the community through all available means.

## V. Daily Crime Log

In compliance with federal law, the Department of Campus Safety maintains a daily crime log listing all crimes reported to the Department of Campus Safety that occurred on campus, in or on non-campus buildings or property, or on public property immediately adjacent to and accessible from the campus or within the patrol jurisdiction of campus safety.

The log lists the date, time reported, date occurred, general location, and disposition of the complaint if this information is known at the time the daily crime log is created. The daily crime log is available for public inspection during normal business hours at the Department of Campus Safety.

## VI. Missing Student Reporting Procedures

Any student who may be missing should be reported to the Department of Campus Safety immediately by calling: **434-381-6111**.

New students at Sweet Briar College complete the Student Missing Person Contact form before arriving on campus. In the event that a student is a reported or believed to be missing, the College will contact this individual. If students wish to update their Missing Person Contact, they should notify Campus Safety.

Students may be considered “a missing person” if the person’s absence from campus is contrary to his/her usual pattern of behavior and unusual circumstances may have caused the absence. Such circumstances could include, but are not limited to, being overdue to return to campus, is drug dependent, is in a life-threatening situation, has been with persons who may endanger the student’s welfare, has expressed suicidal thoughts, victim of foul play, or after giving family or friends a specific time or return and has not been heard from.

### Student Notification Policy

The Higher Education Opportunity Act requires colleges and universities to establish a missing student notification policy and procedures for those who reside on campus. Students should be given the option to identify and provide contact information for a person to be notified in the event the student is officially reports as missing.

The following information will be gathered from incoming students using the Student Missing Person Contact form:

*In the event the College receives notification that I may be missing, please contact:  
\_\_\_\_\_ (name) \_\_\_\_\_ (relationship)  
\_\_\_\_\_ (phone number). By providing this information I am granting  
permission for College officials to contact this (these) person(s) as needed.*

#### Student Life Response Guidelines for Missing Persons

##### A. Initial Response

1. If a report is made to the Office of Student Life, the receiving staff member will ensure that an official report is filed with Campus Safety.
2. The Office of Student Life will notify the Director of Campus Safety about a possible missing student (if Campus Safety is not the reporter). The Office of Student Life will also notify the Dean of Students and will keep them updated throughout the process.
3. The Office of Student Life will go to the student's room to look for the student.
4. The Office of Student Life will attempt to contact the student via the student's cellular phone (if the number was provided to the College).

##### B. Additional Follow Up

5. Once a report is filed with Campus Safety and the person has been missing for more than 24 hours the Office of Student Life will obtain confidential contact information for person(s) the student has identified and contact them via telephone within the next 24 hours.
  - a. If the student is 18 years of age or younger, a parent or guardian will be notified.
  - b. In cases when a student is over 18 and has not identified a person to be contacted, appropriate law enforcement officials will be notified.

##### C. Communication

6. After the report is made with Campus Safety and the identified person(s) have been contacted, the Office of Student Life will assist Campus Safety as needed.

## **VII. Building Security and Access Control Procedures**

It is the policy of the Sweet Briar College Department of Campus Safety to provide the members of the College community with a safe and secure environment to work and learn by ensuring access to specific buildings is limited to authorized individuals.

### Residential Buildings

The exterior doors of all residential buildings are secured 24 hours a day while students are in residence. During extended breaks when no students are on campus, Department personnel will conduct regular inspections of the residential buildings to ensure the exterior doors are secured.

If personnel receive requests to grant access to a residential building from an individual, the individual will be asked to provide identification prior to being allowed access to the specific residential building and the information will be properly documented.

### Campus Entrance/Access Policy

During the school year, the Main Gate on the main drive into campus is staffed daily by a Campus Safety Officer. Unauthorized persons are turned away. Perimeter gates are locked creating only one access point, the main entrance by which to drive on campus.

During normal business hours the College is open to students, employees, and visitors. Proximity cards and keys are issued to faculty, staff and students who are authorized to enter certain buildings during business and non-business hours.

### Security Checks

During routine patrol by foot and motor vehicles, Campus Safety Officers are observant for issues related to safety and security such as defective lighting inside and outside of our buildings, as well as issues with building security such as broken or defective locks and/or doors. Work orders are completed and submitted to the physical plant to have any issues identified corrected in a prompt manner.

## **VIII. CRIME PREVENTION**

The Department of Safety participates with the Department of Student Life in providing crime prevention and personal safety programs. Fire safety, sexual assault, substance abuse and use, crime prevention, and security procedures are also covered during new student orientation.

The Department of Campus Safety is currently developing programming to provide additional resources for informing students and employees about personal safety and crime prevention strategies. The current training program provided by Campus Safety and other College departments include:

- Campus Crime Watch  
Members of the campus community are requested to report any suspicious activity or people immediately to Campus Safety. This help enables our officers to investigate the situation and possibly prevent a crime from occurring. In order to maintain a safe, crime-free community, close cooperation between Campus Safety and the community is necessary.
- Bystander Intervention Training- Bringing in the Bystander  
Developed by the University of New Hampshire and licensed through Soterio Solutions, this curriculum provides students with case studies of sexual violence at other campuses and helps them to locate potential bystanders who could have possibly intervened. The workshops provide a model for decision making in bystander situations which focuses on the safety of those who may intervene and the multiple dimensions through which assistance can come. Students practiced these skills with mock scenarios in small groups and discussed potential responses.
- New Employee Training  
New College employees are given an overview of, and information about, the Campus Safety function at Sweet Briar College during initial orientation with Human Resources, and receive additional safety information from their immediate supervisor/building coordinator.
- Self-Defense Course with COBRA (Self-Defense class with focus on personal protection) C.O.B.R.A.™  
Fighting System, or C.F.S., is a system of training that combines law enforcement tactical training, self-defense techniques, martial arts, boxing and kickboxing into an exciting, modern method of learning personal protection. Learn skills and techniques that really work, and get in great physical shape in the process.
- Wing Chun Course  
The course is open to all students as a Physical Education class. The course introduces students to traditional martial arts in a respectful and cooperative environment. Individual form and partner exercises develop sensitivity and control over the body, while basic meditation teaches students to relax and focus, even during stress. Students explore how physical and mental wellness are connected, and work to develop a healthy balance in both.

- Emergency Phones

Emergency phones have been strategically placed throughout the campus. Upon picking up the receiver, you will be in immediate contact with the dispatcher at the SBC Department of Safety. When an emergency phone is activated, an officer is dispatched to investigate.

A blue light or an “Emergency Phone” sign is installed above the phone boxes identifies the emergency phones. These phones may be found at the following locations:

- Art Barn, near stairwell, parking lot side
- Boat House, under deck, near canoe room,
- Boat House upper level interior to left
- Boat House Road at Field Hockey Field near roadway
- Boat House Road at Field Hockey Field locate at back of field
- Dew Hall, exterior wall of Dew Hall facing lower quad
- Meta Glass Parking Lot, at the foot of the steps leading to Meta Glass Residence Hall
- Elijah Parking Lot, on the back corner on the Music Box Apartments
- Green Village, between unit 3 and unit 4 on lamp post
- Guion Parking Lot, on the east end of the Train Station
- Softball field, behind backstop
- Soccer Field, on shed at Upper Babcock Field
- Tennis Court, on stairs behind FAC
- Wailes Conference Center, near the right entrance doors
- Dorothy Sales Building, left of the Campus Safety Office Main entrance

Additional “public” phones are located around the campus for your safety. The phones listed below, do not automatically connect you with the Department of Safety, you must dial **ext. 6144**. Please dial **ext. 6111** if there is an emergency.

- Beside the front doors of Meta Glass, Dew, Reid, and Carson
- In the ground floor arcade between Manson Hall and Randolph Hall, and between Grammer Hall and Reid Hall
- Laundromat, inside on the wall to the far left of the entrance
- Hunter Barn, on wall in Hunter Barn
- Bistro, located on exterior wall on the back of the FAC
- Bookshop, exterior wall near loading dock of book shop

- “Inside Scoop” Campus Safety Ice Cream Social with Students

Provides an opportunity for students and staff to have contact with a Campus Safety Officer in a non-threatening way. Officers are able to discuss any concerns and crime prevention recommendations to those who come to the advertised location for the positive interaction experience.

- Residential Hall Campus Safety

Campus Safety Officers provide security 24/7 and the students can contact the Campus Safety Office at the non-emergency number 434-381-6144 to facilitate discussions, trainings on subjects including theft prevention, after-hours precautions, or safe behaviors at parties and social gatherings. The officers can provide information about College resources.

- Orientation workshops

Which are mandatory for all of the first-year students. The first related to creating healthy relationships with alcohol, tobacco, and drugs. In this session, we reviewed key concepts such as blood alcohol content and the effects of alcohol on the body (particularly in women). The session also sought to contextualize what role models students had growing up who taught them about healthy and unhealthy relationships with alcohol. The workshop provided information about common date rape drugs and strategies for students to protect themselves. In relationship to tobacco and drugs, the workshop reinforced Virginia state laws and encouraged students to secure and appropriately use their own prescription medications.

Date	Event	Description
10/23/2024	"For Pleasure's Sake" workshop with Cassandra Corrado	In this workshop we'll tackle: Sexual Shame Consent and Communication Toy Safety and other Pleasure Basics And how you can safely explore your desires – on your own or with partners!
08/21/2024	"COBRA Self-Defense"	The Combat Objective Battle Ready Applications, or C.O.B.R.A.™, self-defense system designed to be highly effective in real world situations where your survival is on the line. This four-hour course focuses on empowering, covering self-defense topics such as: psychology, verbal de-escalation, basic grappling, basic self-defense, some grabs, chokeholds, bear hugs and ground defense.
04/30/2024	4th Annual "Take Back the Night"	A night-time 1.5 mile walk around campus focused on creating safe communities and respectful relationships through awareness. We seek to end sexual assault, domestic violence, dating violence, sexual abuse and all forms of sexual violence. We invite all members of the Sweet Briar community to come out to show strength, support, and commitment to end sexual violence. Our keynote speaker will be Katie Koestner, the first woman to speak out nationally and publicly as a survivor of campus 'date' rape and founder of Campus Outreach Services. She will be here on campus to speak on her experiences and show support for our community.
01/6/2024	Spring RA Training	During training for Resident Advisors, staff were retrained on emergency response protocols, responding to students in distress and how to approach a variety of situations such as alcohol or drug overdoses, sexual assault, and fire safety

09/04/2024	Wellness Kickoff	Join Student Life for a grab-and-go for all of your Wellness needs for the semester. Learn about resources at SBC and in your community. Sign up for Timely Care and connect with our staff while enjoying a sweet treat
2/14/2024	Hugs & Kisses from the Peas	To celebrate Valentines Day, the Sweet Peas (Peer Health Educators & Avocates) tabled to provide educational information about consent & healthy relationships.
6/15 - 30/2024	Vector Training Solutions	Students were assigned a list of online training modules through the Vector Solutions Platform. The courses assigned included Alcohol and Other Drug Prevention, Sexual Violence Prevention, and Mental Health Awareness
11/13 & 14/2024	Hazing	<p>Hazing Prevention Week Bakes Sale</p> <p>Hazing Prevention week allowed students to enjoy delicious treats while supporting a culture of respect and unity. Take a stand against hazing !</p> <p>All proceeds went to the Love Like Adam Foundation</p> <p>Hazing Prevention Pledge Signing</p> <p>Join the ICC during the annual "These Hands Donut Haze" canvas signing, with donuts served afterward.</p> <p>Sign the Canvas to pledge to commit to an anti-hazing campus so everyone can feel Campus Safe</p>
8/1-14/2024	Fall RA Training	Resident Advisors arrived early for the semester for training on all aspects of their job which included Title IX training, responding to student emergency situations, and an in-depth mental health support. This prepared the RA staff to help support Campus Safety.
03/03/2024 08/21/2024 08/22/2024	COBRA Self-Defense	The Combat Objective Battle Ready Applications, or C.O.B.R.A.™, self-defense system designed to be highly effective in real world situations where your survival is on the line. This two-hour course focuses on empowering, covering self-defense topics.

10/24/2024	Sex Ed & Anatomy with Casandra Corrado	From "pocketbooks" to "private parts" we spend a lot of time nicknaming our Sexual anatomy but we havent learned much about how they work and how to care for them. A safe space to ask questions.
10/23/2024	"For Pleasure's Sake" workshop with Cassandra Corrado	"There are a lot of reasons why people have sex, but fundamentally, people have sex because they want to feel good. So why are we taught to feel ashamed of our sexual desires and pleasure? In this workshop, we'll tackle: sexual shame consent and communication toy safety and other pleasure basics and how you can safely explore your desires — on your own or with partners!"
02/21/24	Virtual Workshop: "Supporting Survivors" with Cassandra Corrado	The Conversation about survivorship and sexual trauma is bigger than ever before. But despite our conversations about sexual violence we aren't talking about one essential component - how we support survivors on their journey through recovery. In this 90-minute virtual workshop, we'll discuss real ways to support survivors on their healing journeys

- Personal Safety

College campus communities are not invulnerable to crime. Campus Safety Officers regularly patrol the campus, both by vehicle and on foot, to maintain the safety and security of the community.

Anyone can be the victim of a crime. Plan ahead and make safety a priority in your life.

- Be certain residence hall doors are closed and locked when entering and leaving. Do not prop doors open at any time and do not leave rooms unlocked at any time.
- Do not walk alone or with another person at night to the lake, entrance gate, or in dark or secluded campus areas. Be careful about walking after dark in semi-lit places. Stay on walks and established paths and avoid walking near shrubbery.
- Avoid driving alone at night.
- Don't waste time looking for your keys; have them ready. Drive with your doors locked and your windows rolled up.
- Check around, under and in your automobile when approaching it to make sure no one is concealed near it. Make sure you keep your doors locked once you are inside your vehicle, and as soon as you exit your vehicle to leave it for any period of time.
- Do not hitchhike or pick up hitchhikers, even if you recognize someone in the car alongside the road. Avoid stopping at lonely, out-of-the-way or poorly lit places.
- If you think you are being followed by another vehicle, stop at a gas station or grocery store where there are lots of people and sound the horn. Do not go to your home, or attempt to get out of the vehicle.

- If your car breaks down and someone stops to assist you, remain in the locked vehicle, ask the person to call the police and wait. Do not accept a ride.
- Park in well-lit places. Store valuables and packages out of sight in a locked trunk or glove compartment. Check that car doors and trunk are locked.
- Always accompany your guest, so that unidentified persons will not be wandering around campus.
- Report all strangers or suspicious activities to a police/security officer by telephone or in person.
- Report in a timely manner to a Resident Advisor, Resident Coordinator, or the Department of Safety any personal concern for the safety or well-being of an absent friend or roommate or anyone who is sick or injured on campus.
- Lock the door when you leave your room.
- Save Campus Safety's telephone number in your mobile phone: **Non-emergency, 434-381-6144; Emergency, 434-381-6111.**

### **REMEMBER!**

- An unlocked or unclosed door is an open invitation for anyone wishing to enter. Double check your lock on your way out.
- Thieves are looking for an opportunity and for easy prey. Leaving your valuables unattended and in plain view for even a short time opens the window of opportunity for the thief. Don't forget that valuables, especially small items, can easily be concealed by the thief.
- Immediately report any crime of which you are a victim or a witness to, or any suspicious person loitering on campus in parking lots or in any building to Campus Safety.
- Note the locations of all hall phones and emergency phones. Don't be afraid to use them if you need them.
- Use (and check) locks on your bicycle and lockers.
- Use the escort service provided by Campus Safety.

## **IX. Sweet Briar College Alcohol Policy**

The College's statement on the use and possession of alcoholic beverages has been developed to reflect the values of the College and to be in compliance with the Alcohol Beverage Control Laws of the Commonwealth of Virginia. Students are responsible for educating themselves about regulations and abiding by them. Students are considered adults, are expected to obey the law, and are held accountable for their own behavior and safety.

As noted in the College's statement, only students of legal drinking age may possess and consume alcoholic beverages in student residences. Common containers (i.e. beer balls, kegs) are not permitted in student residences. Students are expected to follow the proper procedures for securing appropriate location and obtaining proper permits for events where alcohol will be served.

Per Commonwealth law, alcohol is not to be consumed in public areas, including residence hall lounges, hallways, stairwells, bathrooms, etc. Green Village patios and decks are not considered public areas and therefore, alcohol is permitted on these spaces only.

Students are expected to follow the proper procedures for securing appropriate location and obtaining proper permits for events where alcohol will be served. Sweet Briar College is committed to maintaining a healthy living and learning environment that encourages the lawful and responsible use of alcohol and discourages alcohol abuse.

The College's Alcohol Policy is based upon the following objectives and premises:

- A. The decision to drink is an individual one that should be made responsibly, and in accordance with College, local, state, and federal regulations.
- B. Each individual who decides to use alcohol should do so in moderation and is accountable for their conduct. Any student who consumes alcohol accepts responsibility for their consequent behavior and may

be disciplined in an appropriate fashion. In other words, being intoxicated will not be accepted as an excuse for erratic, irresponsible, and/or disruptive behavior either to one's person, or any other person(s), or to any property.

- C. No individual should be coerced or encouraged against her wishes to use alcohol. Nonalcoholic beverages must be available at all events where alcohol is being served or offered.
- D. The College is committed to providing ongoing education and assistance to students regarding the use and abuse of alcohol.
- E. Violations of local, state, or federal laws also constitute violation of College regulations. Individuals who violate these regulations could be subject to College disciplinary action, in addition to legal consequences. The laws of the Commonwealth of Virginia apply in all cases to the use and possession of alcohol on Sweet Briar campus. The regulations of the Alcoholic Beverage Control Commission of Virginia require:
- F. That alcohol not be served to any person whom you know or have reason to believe is under 21 years of age; nor is permitted to consume any alcoholic beverage at a sponsored event.
- G. That alcohol cannot be served to any person whom is known or believed to be intoxicated.
- H. That the consumption of any alcoholic beverages by such person is not permitted at your event, and that you do not allow such person to remain in attendance at your event.
- I. That you acknowledge in your role as an individual host or organization host you can be held liable for alcohol-related accidents and/or injuries.
- J. That those who serve alcohol at your event must be 21 years of age or older.
- K. Virginia law does impose criminal liability for the sale or purchase of alcoholic beverages to any person who is underage or intoxicated. Violators may be subject to arrest, legal prosecution, and/or College initiated sanctions.
- L. Publicity for an event may not include the availability of alcoholic beverages.
- M. When alcohol is present, the host (event sponsor(s) and/or resident(s) of a room) must be 21 years of age or older. It is the responsibility of each member of the Sweet Briar College community and sponsors of any College or private event to know and comply with all pertinent State laws and College regulations.

Further, they must assume responsibility and potential liability in all matters of compliance with Federal, State, County, and College regulations regarding the consumption of alcoholic beverages. Each community member is expected to help prevent any misuse or excesses stemming from the use of alcoholic beverages. In particular, students are reminded of their general responsibility for the safety and welfare of one another, as well as their specific responsibility to the College community for the highest standards of conduct and behavior from themselves and their guests.

#### General Regulations and Guidelines

- A. Alcohol may not be used as a focus of membership or recruitment functions (e.g., clubs or special interest groups). In addition to internal disciplinary measures, the College will report to local law enforcement officials any conduct that may be a violation of Virginia's anti-hazing statements and may report violations of alcoholic beverage control statute.
- B. At any event at which alcoholic beverages are served, food and nonalcoholic beverages must also be made available and readily accessible to guests for the duration of the event at the same vicinity as the alcoholic beverages and featured as prominently as the alcoholic beverages.
- C. Alcohol may not be used as a prize for any contest, nor are games allowed which emphasize drinking alcohol, i.e. drinking contests.
- D. The possession or use of beer kegs is not permitted in student residences. This includes cardboard kegs and beer balls.
- E. Except for College-sponsored events and College-approved private parties, the consumption of any alcoholic beverage is not permitted in outdoor or other areas open to the "public view" on the campus. This includes walking on campus or in public locations with an open container of alcohol (can, bottle, cup, etc.).

- F. The consumption of alcoholic beverages is not permitted in athletic facilities or classroom buildings unless a license has been secured for an event in one of these facilities.

#### Individual Possession, Consumption and Responsibility

Students of legal drinking age may possess and consume alcoholic beverages on campus in a responsible manner in the following areas:

- Student residence rooms, Green Village patios and balconies
- At registered and approved private events
- In the Houston Bistro (alcohol not purchased at the Houston Bistro may not be brought into this location)
- At College events where alcohol is served or made available
- An Open Events/College-Controlled Public Spaces is defined as events that are open to SBC students, their guests, and students from other colleges, in areas on campus for which the College has obtained (or can obtain) ABC licensing for the sale or service of alcoholic beverages. Areas included are the Houston Bistro, Prothro Dining Room, outdoor dells, the Vixen Den, the Boathouse, and other areas as approved by the Dean of Student Life, the Vice President for Finance and Auxiliary Services, or designee.

#### Regulations Governing Open Events/College-Controlled Public Spaces

- A. Any approved student organization (e.g. CEO, a class, club, etc.) or the Office of Student Life or other College office may sponsor open events in College controlled public spaces.
- B. A space reservation for open events must be obtained from the appropriate office within fourteen (14) working days prior to the scheduled event.
- C. If alcohol is to be served or made available, it must be served and consumed in a designated area. If the event is located at Prothro Hall, the Dell, the Houston Bistro, the Vixen Den, or the Boathouse, the Dean of Student Life, the Vice President for Finance and Auxiliary Services, or designee, will make decisions regarding distribution and consumption of alcohol on an event-by-event basis.
- D. Residence hall public areas can be utilized by SBC students 24 hours per day/7 days per week for impromptu gatherings without alcohol. Students and their male guests may also utilize these areas during visitation hours. At all times students must respect the rights of other students and the residents of a particular area.

#### Regulations Governing Private/Social Events

- A. Any approved student organization, College office or department, or any individuals or groups of students, staff, or faculty may sponsor private gatherings/social events in College-controlled public spaces (i.e. The Den, Dell). The facility must be reserved along with written approval received from the Dean of Student Life.
- B. When alcohol is to be served or made available, the event sponsors must obtain permission from the Dean of Student Life, or designee, at least three days in advance, and agree to a system to control access to the event and for verifying a lawful process for the service and consumption of alcohol (e.g. picture IDs at door, use of stamp or bracelet, a viable way of designating those of legal age to drink).
- C. Alcohol consumption in designated areas cannot occur unless a Reservation and Use Agreement Form for the Den or a Dell has been filed. The size, nature, and location of the event will determine if a member of the Department of Safety should be present. Students wishing to serve alcohol are encouraged to use the service of SBC Catering which provides bartender(s), supplies, and alcohol below cost and takes responsibility for checking legal drinking age.
- D. No money may be collected by student hosts at any private event involving alcohol, including The Den, Dell, or Boathouse. All events will be “spot checked” by an Officer.

- E. The possession or consumption of any alcoholic beverage is not permitted in residence hall common areas, i.e. corridors, stairwells, and lounges.
- F. These regulations are subject to an ongoing review and modification.

## **X. Sweet Briar College Drug Policy**

- A. Students are expected and required to be in appropriate mental and physical condition for pursuing a course of study. Students shall respect and maintain the campus as a drug-free, healthful, safe, and secure environment.
- B. The unlawful manufacture, distribution, dispensation, possession, or use of narcotics, hallucinogens, depressants, stimulants, marijuana, other controlled substances, possession of drug paraphernalia, and underage alcohol consumption on College premises, at College activities, or while representing the College is absolutely prohibited.
  - 1. Violations of this policy will result in disciplinary action, up to and including termination, and/or satisfactory participation in an alcohol and drug abuse-counseling program, and may result in referral for legal prosecution. College disciplinary proceedings for student violations shall fall within the provisions of Article VI of the Constitution of the Student Government Association. Federal, state, and local laws also prohibit the conduct prohibited by this policy.
  - 2. Criminal and/or administrative penalties include suspension or loss of driver's license, monetary fines and/or imprisonment. Particulars of these various laws are available from a local U.S. Attorney's office, Commonwealth Attorney's office, or law enforcement officials.
- C. Students convicted of any criminal or administrative drug or alcohol offense shall report it to the Dean of Student Life within five (5) days after conviction. The College will not disclose any such report of conviction except as provided by law and this policy.
- D. Students must abide by the terms of the above policy, as a standard for participation and completion of a program of study at Sweet Briar College.

### Prevention and Education Programs

The College recognizes drug or alcohol dependency as an illness and a major health problem. The use of illicit drugs or abuse of alcohol poses physical, mental, and emotional health risks, such as increased risk of cardiac, renal, and liver dysfunction; pre-, peri- and postnatal complications, depression, and suicide. The College also recognizes drug or alcohol abuse as a potential threat to the health, safety and security of other persons or property.

The College will make the following drug and alcohol services available to students who wish or need help. These services may be obtained on a voluntary basis or through referral when performance or behavior suggests a problem.

- Counseling services are available to students on campus. If the situation warrants, a referral can be made for long-term care at an in or outpatient facility.
- Horizon Behavioral Health Mental Health Counselor makes available confidential counseling and referrals for students in dealing with substance abuse problems.

Students who are placed under observation, hospitalized and/or need medical assistance due to substance use/abuse will be referred for an assessment.

All incoming First Year students and their parents receive a letter from the President of the College and information from the Virginia Department of Alcoholic Beverage Control related to alcohol and drug abuse and prevention strategies.

The SBC Sweet Peas, student health and wellness peer educators, conduct alcohol awareness programming during the academic year and are available to work with individual students or student groups in providing information on alcohol and drug issues.

All first-year students and their parents are provided with the Virginia’s Guide for Parents of First-Year College Students.

## **XI. Anti-Discrimination Policy**

### **A. Statement of Compliance with Title IX**

Sweet Briar College provides notice of intent to comply with the regulations effectuating Title IX of the Higher Education Amendments of 1972 as amended by Public Law 93-568. The College intends to adhere to the letter and the spirit of the law through a policy of nondiscrimination on the basis of sex in all College operations. This policy applies in particular to Sweet Briar’s educational program, to all employees therein, and to admission, save where exceptions under subpart C86.15.

The Title IX Coordinator is Erin Wood, Bartlett James,. She can be contacted at 704-363-3858 or erin@bartlettjames.com

### **B. Statement of Compliance with Section 504**

Sweet Briar College provides notice of intent to comply with the regulations effectuating Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act (as amended). The College intends to adhere to the letter and the spirit of the law through a policy of nondiscrimination on the basis of disability in all College operations.

The Section 504 Coordinator is the Manager of Human Resources who works in conjunction with the Dean of the Faculty and Dean of Student Life. The Director of Human Resources is. Robert Kenny. He can be contacted at ext. 6323.

### **C. Anti-Discrimination and Equal Opportunity Policy**

In accordance with federal law and the laws of the Commonwealth of Virginia, discrimination in educational programs or in employment on the basis of race, religion, nationality, sex, age, disability, or veteran status by one member of the Sweet Briar community against any other member of the Sweet Briar community will not be tolerated. Discrimination encompasses any difference in treatment on a prohibited basis.

This prohibition against discrimination shall not in any way alter, affect, or negate the at-will employment status of any employee. Further, it is Sweet Briar’s intent and policy to extend protections analogous to the protections provided by law to all members of the Sweet Briar community regardless of whether such protections are legally mandated. Sweet Briar’s commitment to inclusivity and diversity extends beyond that which is required by law. Our values uphold the dignity of all persons without regard to sexual orientation, gender identity or its expression, socio-economic circumstances, political convictions, or other personal circumstances or characteristics. All members of the community have the right to be free from discriminatory behavior.

It is a violation of this policy for any member of the Sweet Briar community to discriminate against any other member of the Sweet Briar community on any basis, including but not limited to, race, religion, nationality, sex, age, disability, veteran status, sexual orientation, gender identity or its expression, socioeconomic circumstances, political convictions, or other personal circumstances or characteristics. Retaliation against any individual who raises a good faith report under this policy is strictly prohibited. Any member of the Sweet Briar community who feels that he or she has been the subject of any form of discrimination, harassment, sexual violence or bullying should promptly report the incident to the following College officials:

- Student complaint: Dean of Student Life, P.O. Box 1058, Sweet Briar, VA 24595  
Phone: ext. 6134
- Faculty complaint: Dean of the Faculty, P.O. Box 1054, Sweet Briar, VA 24595  
Phone: ext. 6205
- Staff complaint: Director of Human Resources, P.O. Box 1090, Sweet Briar, VA 24595  
Phone: ext. 6323

If a member of the Sweet Briar community believes that he or she has been discriminated against, bullied, or harassed by the person to whom he or she would report the incident, the report may be made to one of the other listed officials.

Any member of the Sweet Briar community who engages in the types of behavior described above or otherwise violates this policy are subject to disciplinary action, which for students, includes the student judicial process and its sanctions, and for others, dismissal from the relationship that makes such person a member of the Sweet Briar community. Conversely, where results of an investigation reveal that a complaint of discriminatory activity is frivolous or groundless, the individual having made such a complaint may be subject to the same disciplinary action, including dismissal.

It is the responsibility of each member of the administration of the College, from the President to a first line supervisor, to give this non-discrimination policy full support through leadership and personal example. In addition, it is the duty of every employee of the College to create a work environment that is conducive to our non-discrimination policies; it is the obligation of every student to create a learning and living environment that is also in support of our non-discrimination policies.

#### D. Harassment Policy

Sweet Briar College is committed to providing a learning and work environment free of unlawful harassment. In keeping with this commitment, the College prohibits and will not tolerate unlawful harassment on any basis protected by federal, state, or local law or otherwise based upon race, religion, nationality, sex, age, disability, veteran status, sexual orientation, gender identity or its expression, socio-economic circumstances, political convictions, creed, color, physical or mental disability, medical conditions, marital status, age, or other personal circumstances or characteristics.

Further, it is Sweet Briar's intent and policy to extend protections analogous to the protections provided by law to all members of the Sweet Briar community regardless of whether such protections are legally mandated.

Sweet Briar's commitment to inclusivity and diversity extends beyond what is required by law. Our values uphold the dignity of all persons without regard to sexual orientation, gender identity or its expression, socio-economic circumstances, political convictions, or other personal circumstances or characteristics. All members of the community have the right to be free from harassing or bullying behavior.

It is a violation of this policy for any member of the Sweet Briar community to harass or bully, any other member of the Sweet Briar community on any basis, including but not limited to, any basis protected by federal, state, or local law or otherwise based upon race, religion, nationality, sex, age, disability, veteran status, sexual orientation, gender identity or its expression, socio-economic circumstances, political convictions, creed, color, physical or mental disability, medical conditions, marital status, age, or other personal circumstances or characteristics.

It is the policy of Sweet Briar College to prohibit harassment within the campus community of faculty, staff, students and guests by any person and in any form, and to apply the procedures outlined below in responding to any complaints of harassment. The College is committed to investigate promptly any complaints of harassment. Where unlawful harassment is found to have occurred, the College will take appropriate disciplinary action reasonably calculated to end the harassment, up to and including dismissal.

#### E. Definition of Harassment

For purposes of this agreement, harassment is behavior, directed at another person, that is abusive or demeaning and includes or implies a reference to the individual's race, religion, nationality, sex, age, disability, veteran status, sexual orientation, gender identity or its expression, socio-economic circumstances, political convictions, creed, color, physical or mental disability, medical conditions, marital status, age, or other personal circumstances or characteristics, and that has the purpose or effect of creating an intimidating or hostile environment, or interfering with the individual's work or academic performance.

Illegal and improper harassment may include, for example:

- Making unwelcome comments about a person's clothing, body, skin color, religious beliefs or personal life
- Offensive or abusive physical contact
- Use of offensive nicknames or terms of endearment
- Offensive jokes or unwelcome innuendos
- Any suggestion that sexual activities, race, gender, religion, national origin, age, disability, or any other protected classification would affect one's job, promotion, performance evaluation, working conditions, learning environment or academic performance
- Other conduct that, even if not objectionable to some employees or students, creates a working or learning environment that may be considered by others to be offensive or hostile

Sexual harassment, in particular, may consist of unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when one or more of the following occur:

- Submission or rejection of such conduct is made a term or condition of an individual's employment or a student's academic performance;
- Submission or rejection of such conduct is used for the basis of an employment decision, such as promotion, demotion, termination, or pay, or for an academic decision, such as a passing or improved grade, failure in a course, or assignment relief; or,
- Such condition interferes with an employee's work performance, a student's academic performance, or creates a hostile, intimidating or offensive work or learning environment.

Examples of conduct that can be considered sexual harassment (sexual misconduct) may include:

- Making sexual propositions or pressuring students/colleagues for sexual favors
- Touching of a sexual nature
- Writing graffiti of a sexual nature
- Displaying or distributing sexually explicit drawings, pictures, or written materials
- Performing sexual gestures or touching oneself sexually in front of others
- Telling sexual or dirty jokes
- Spreading sexual rumors or rating other students/colleagues as to sexual activity or performance
- Circulating or showing emails or websites of a sexual nature

Sexual harassment does not have to be of a sexual nature, however, and can include offensive remarks about a person's gender/sex. For example, it is illegal to harass a woman by making offensive comments about women in general. Both victim and the harasser can be either a woman or a man, and the victim and harasser can be the same gender/sex.

Sexual harassment includes conduct that is criminal in nature, such as rape, sexual assault, domestic violence, dating violence, and sexually motivated stalking. Although the law doesn't prohibit simple teasing, offhand comments, or isolated incidents that are not very serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work or learning environment or when it results in an adverse employment or educational decision.

#### F. Academic Freedom

The College recognizes that tension may exist between academic freedom and the legal limits of expression. The College also recognizes that in an academic community, the legitimate study of any discipline may raise issues related to race, sex, religion, etc. that causes some individuals to be uncomfortable. However, such study is not considered harassment. Individuals who feel that the content of a course or discussion is inappropriate are encouraged to bring the matter to the attention of the Dean of the Faculty.

#### G. Stopping Harassment

Harassment can be a very subjective area. What seems to be humorous or acceptable to one person may be perceived as offensive or inappropriate to another. Any student or employee who is confronted with

behavior that s/he feels is harassing is encouraged to tell the person that s/he finds the behavior offensive or bothersome. Often this is enough to stop the behavior. However, s/he is not required to confront another person directly, if s/he is uncomfortable doing so, or believes that such action may result in retaliation.

Reports of harassment should be made promptly before the conduct becomes severe or pervasive. In an emergency situation, such as after normal business hours, or in the event an individual is concerned for his/her safety, he/she should contact the Sweet Briar College Department of Campus Safety. As soon as possible thereafter, the individual should report any conduct that may be harassment to one of the appropriate College officials.

#### H. Complaint/Grievance Procedures

In compliance with federal laws and/or in compliance with this policy with regard to matters not addressed by applicable law, Sweet Briar College will promptly and equitably resolve complaints that violate this policy, including:

- Discrimination or harassment against an employee or student because of any basis protected by federal, state, or local law or otherwise based upon race, religion, nationality, sex, age, disability, veteran status, sexual orientation, gender identity or its expression, socio-economic circumstances, political convictions, creed, color, physical or mental disability, medical conditions, marital status, age, or other personal circumstances or characteristics; or,
- Retaliation against an employee or student for bringing forth such a complaint, whistle blowing, or engaging in other protected activity.

##### 1. Complaint Process

Any active employee or student who feels that s/he has been the subject of harassment, discrimination or sexual violence should promptly report the incident to the appropriate College official:

- Student complaint: Dean of Student Life, P.O. Box 1058, Sweet Briar, VA 24595, Phone: ext. 6134
- Faculty complaint: Dean of the Faculty, P.O. Box 1054, Sweet Briar, VA 24595, Phone: ext. 6205
- Staff complaint: Director of Human Resources, P.O. Box 1090, Sweet Briar, VA 24595, Phone: ext. 6323

If a member of the Sweet Briar community believes that he or she has been discriminated against, bullied, or harassed by the person to whom he or she would report the incident, the report may be made to one of the other listed officials or to the Department of Campus Safety.

In an emergency situation, including a situation involving domestic violence, dating violence, sexual assault or stalking, such as after normal business hours, or in the event an individual is concerned for his/her safety, s/he should contact the Sweet Briar College Department of Campus Safety at ext. 6111. As soon as possible thereafter, the individual should report any conduct that may be harassment or discrimination to one of the appropriate College officials listed above.

A student worker who believes that s/he has been subjected to harassment or discrimination has the right to make use of all the established procedures for employees of the College. S/he should report instances of discrimination or harassment directly to the Director of Human Resources.

Allegations of harassment or discrimination should be put in writing and should include:

- Information on specific events and dates of the occurrence(s)
- How s/he believes this occurrence has violated the College's policy
- The desired outcome, answering the question: "What might resolve the issue?"

##### 2. Obligation to Report

In order to take appropriate corrective action, the College must be aware of harassment or related retaliation. Therefore, anyone who believes that s/he has experienced or witnessed harassment or related retaliation should promptly report such behavior to a College official, as listed above.

Additionally, anyone in a supervisory, advisory or evaluative role (e.g. supervisors, managers, department chairs or faculty members) who experiences, witnesses or receives a written or oral report or complaint of harassment or related retaliation shall promptly report it to the appropriate College official, as listed above.

### 3. Obligation to Respond

The College is required by law to investigate certain types of complaints of harassment and will investigate complaints of harassment that violate this policy; it will strive to protect, to the greatest extent possible, the confidentiality of persons reporting or accused of harassment. The College will respond in writing to the person making the complaint within five days of the conclusion of the investigation.

### 4. Confidentiality

Confidentiality will be maintained throughout the entire investigatory process to the extent practicable and appropriate under the circumstances to protect the privacy of persons involved. The persons charged with investigating the complaint must discuss the complaint or the underlying behavior only with the persons involved in the case which have a need to know the information, which must include the complainant and the accused harasser. Employees who desire to discuss possible claims of harassment in a more confidential setting to clarify whether to proceed with a complaint are encouraged to contact the Employee Assistance Program (EAP); students may want to talk with the Licensed Mental Health Counselor to discuss possible claims of harassment in a more confidential setting.

### 5. Investigation, Follow Up and Disciplinary Process

The College will investigate all complaints in a timely fashion, based on the severity of the situation and the availability of the claimant, the accused, the investigator and others critical to the investigation. The investigation will be facilitated by College officials or designees who receive annual training about discrimination, sexual harassment and sexual violence.

During the course of an investigation, it may be appropriate for the College to take interim measures to protect the parties involved in the complaint, to ensure the safety or well-being of the members of the College community. These measures could include, but are not limited to, no-contact orders and suspension.

The threshold of “preponderance of the evidence” will be used for all situations involving sexual harassment or sexual violence. Upon completion of the investigation, the claimant will be notified of the outcome of the investigation and a disciplinary process may ensue.

Remedies will vary based on the particulars of the situation and may include disciplinary action (up to and including termination of employment or expulsion). Possible disciplinary action and sanctions may include:

- Official Warning: an oral or written reprimand
- Referral: referral to support services and/or educational programs
- Disciplinary Probation: Probation is defined as the middle status between good standing and suspension, where further violation(s) of College policy may result in additional and more severe sanctions.
- Suspension from the College
- Termination, dismissal or expulsion from the College

Details regarding the resolution may not be fully disclosed to the claimant to protect the accused; however, in situations regarding student-to-student sexual harassment or sexual violence, the College will provide simultaneous written notice of the outcome of any disciplinary hearing and information about the College’s appeal procedures. We will periodically follow-up with the complainant to ensure that the actions taken by the College have remedied any problems and that the issues that prompted the complaint have not recurred.

For student-to-student allegations, see also the Judicial Process and the Administrative Review Process, both outlined in the Student Handbook, for more information about this specific type of investigation and

process. Any hearing process conducted by the College is designed to protect the victim's safety, promote accountability and ensure a harassment-free environment.

## **XII. Administrative Review and Investigation Process**

### **A. Administrative Review**

1. The Honor system establishes a student-governed process establishing and utilizing a student Judicial Committee so that concerns about student conduct may be effectively heard as provided in and in accordance with applicable policies the Honor and Judicial systems determine responsibility and establish consequences for behavior that violates policy or community standards in specified circumstances.

The Judicial Committee's processes, however, remain subject to the understanding that the Faculty, the Deans and the President have legitimate and compelling interests, perspectives and expertise for sustaining the Honor System.

The Judicial Committee may, at its discretion, request the assistance, advice or support of the Dean of the Faculty or her designee in academic cases or from the Dean of Student Life or her designee in non-academic cases.

2. If the nature, extent, or severity of the behavior poses an immediate risk to the safety of the campus community the Administration may, at its discretion, take separate and independent action.

The following interim sanctions and processes are available to Administration in emergency or extraordinary situations: In certain circumstances, the Dean of the Faculty, Dean of Student Life, or the President of the College may impose a suspension pending an assessment and/or a hearing before the Judicial Committee. Appropriate circumstances in which an interim suspension may be imposed are as follows:

- To ensure the safety or well-being of members of the College community; or
- To preserve College property; or
- To ensure the student's own physical or emotional safety or well-being; or
- If the student poses a threat of disruption or interference with the normal operations of the College.

During interim suspension, the student may be denied access to student residences and/or to the campus (including classes) and/or all other College activities or privileges for which the student might otherwise be eligible. A determination of the appropriateness and the extent of the interim suspension shall be made in the sole discretion of the Dean of the Faculty or the Dean of Student Life.

Whenever interim sanctions are imposed, a hearing by the Judicial Committee shall be convened at the earliest reasonable possible time after the imposition. In the sole discretion of the Dean of the Faculty or the Dean of Student Life, the interim sanction may remain in effect until a final decision has been reached, including completion of the appropriate appeals process.

The College further reserves the right to exclude at any time, following established procedures that protect individual rights, any student whose conduct or academic standing it regards as unacceptable in a community of scholars and students. Any student accepting a place in the Sweet Briar College community should know that the College will not tolerate illegal acts or extremes of social behavior which ignore the rights of others or are injurious to individuals, the community, or to the College.

3. There are certain other circumstances that may not rise to the level of an immediate risk to the safety of the campus community, but in which the nature, extent or severity of a matter warrants redirection of a case from the Honor system to the Administration for investigation and resolution ("Administrative Review") in order to maintain the well-being or effective functioning of the College.

The appropriate Judicial Chair will, in consultation with her respective advisor, or the Dean of Student Life in Non-Academic matters/Dean of the Faculty in Academic matters in consultation with the applicable Chairwoman, determine that a case will be referred to an Administrative Review.

When a student matter is referred by the Honor system to Administrative Review, the President will appoint a senior officer of the College other than the Dean of Student Life (“OSL”) to lead an investigation (“Investigator”).

**B. Investigation**

1. The Investigator at her/his discretion may work with another Senior Staff officer of the College on the investigation.
2. The Investigator will confer with the appropriate student Judicial Chair throughout the investigation.
3. The investigation will be maintained as confidential unless a violation of law appears to have occurred that warrants the involvement of law enforcement agencies. All participants in the investigation will agree to observe confidentiality throughout the process and the outcome.
4. The Investigator may use judgment and discretion as to methods of gathering evidence, including, but not limited to, interviewing witnesses in person or by teleconference and making a record of interviews, soliciting written statements from persons with information, and making record of social media interactions or other public behaviors.
5. After the Investigator completes the assembly of evidence, students under investigation have the right to review evidence assembled in their case but such evidence will be provided in a manner that preserves confidentiality.
6. Students under investigation have the right to respond to evidence assembled in their cases, either in person or in writing or both, within 48 hours of the being provided with the evidence. Upon response or if a student under investigation fails to respond, the Administrative Review will proceed.
7. The Investigator(s) will consider any response to the evidence.
8. If the Investigator finds that no infraction or violation has occurred, such outcome will be reported to the Dean of OSL who will inform the student under investigation that the investigation is complete and no violation has been found.
9. The Dean of OSL will inform the complainant(s) that the matter has been investigated and resolved.
10. If the Investigator(s) determines that there is sufficient evidence to support that an infraction or violation occurred, the Investigator will report this finding to the Dean of OSL and the Administrative Review will move forward to an Administrative Review hearing (“Hearing”).

**C. Administrative Review Hearing**

1. The accused student has the right to involve a member of the faculty or staff who is not party to the matter in the proceedings as an advocate (“Advocate”), whose role is only to provide emotional support for participants, assist in the preparation of the defense, and be present at the Hearing during the entire evidentiary phase of the Hearing.
2. A student making a complaint also has the right to seek the assistance of an Advocate, as outlined above.
3. The Chair of the Hearing will be elected by the Panel and the Chair will be responsible for conducting the Hearing. The Hearing will be held by a panel (“Panel”) comprised of Dean of Student Life as Chair and two other Senior Staff officers of the College who were not involved in the original investigation and one Student Judicial Committee representative (or in the case of a graduate student, one graduate student representative).
4. The accused student will be granted access to all written documents at least 48 hours in advance of the Hearing but such written documents will be provided in a manner that preserves confidentiality.
5. The accused student and complainant each may present a list of witnesses to the Chair which must be provided at least 24 hours prior to the Hearing. Student witnesses are required to provide testimony in compliance with the Honor Principle and may only give testimony concerning matters of which they have direct personal knowledge.
6. The accused student has the right to question all witnesses, subject to limits of appropriateness and relevancy determined at the discretion of the Chair. The complainant and the accused may question

each other through the Chair. In cases of sexual misconduct, all contact and questions between the complainant and accused will go through the Chair.

7. The accused student may not be compelled to testify against herself and the Panel will be instructed not to draw any negative inference from her refusal. Any prior bad acts of the individual may neither be discussed nor considered by the Panel. The accused student will be afforded the Student Rights in the Judicial System provided in the Student Handbook titled **Student Rights and Responsibilities/Judicial/Code of Conduct**, pgs. 35-49.
8. If the accused student fails to appear at the Hearing, after waiting a reasonable amount of time, the Hearing will proceed and a binding decision rendered without her presence.
9. The evidence is presented by the Chair. The accused has the right to address and discuss all evidence and question all material witnesses, subject to the limits of appropriateness and relevancy determined at the discretion of the Chair.
10. Testimony by witnesses may be made in person or through a written statement. If a student is off campus, arrangements may be made to present testimony via Skype or teleconference or other electronic means pursuant to which all participants can be heard. If a statement is submitted, there will not be an opportunity for the author of the statement to be questioned by the accused or the Panel and will be considered within this context. Once a statement has been submitted there is no opportunity to add to, or supplement, it.
11. Witnesses are only present during the testimony they provide and during any questions from the accused or Panel. The College is committed to protecting witnesses from retaliation or harassment prior to, during or following the judicial process and will pursue appropriate action against any student engaging in this behavior.
12. After the conclusion of the presentation of evidence by the Chair, the accused student presents evidence and witnesses on her behalf. The accused and the Panel have the right to address and discuss all evidence and question all witnesses, subject to limits of appropriateness and relevancy determined at the discretion of the Chair.
13. The Chair and then the accused will have the opportunity to make a final statement.
14. After the deliberation process begins; the accused and Advocate are excused.
15. The standard of guilt is “clear and convincing evidence” which means there is a high degree of certainty in the mind of a reasonable person that the accused student has engaged in the act under review. In cases of sexual misconduct, the standard of guilt is “preponderance of the evidence,” which means that more than 50 percent of the evidence points to guilt (it is more certain than not that the behavior occurred).
16. The Panel members vote by secret ballot; a finding that the student has engaged in the act requires a 2/3 affirmative vote of the Panel members.
17. If the student is found not to have engaged in the act, she is informed in person about this outcome both orally and via a letter presented at that time; the Advocate may not attend this portion of the Hearing.
18. If the accused student is found to have engaged in the act, the sanction(s) is determined by a majority vote of the Panel, with neither the accused nor the Advocate present. During the consideration of the sanction(s), the prior disciplinary record of the student can and should be consulted where appropriate, as well as actual or potential consequences of the incident(s). An outline of Non-Academic Conduct Sanctions can be found in the Student Handbook titled **Student Rights and Responsibilities/Judicial/Code of Conduct**, pgs. 35-49.
19. After the sanction(s) have been determined, the accused student is asked to return to the Hearing and is informed of the outcome and any sanction(s) both orally and via a letter that is presented to her at that time. She is also provided with information about the Appeal process which is outlined in the Student Handbook titled **Student Rights and Responsibilities/Judicial/Code of Conduct**, pgs. 35-49.
20. A written and audio record of the Hearing shall be made; it will be maintained until any appeal process has concluded.

21. Sweet Briar College will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the results of any disciplinary hearing conducted by the College against the student who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the crime or offense, Sweet Briar College will provide the results of the disciplinary hearing to the victim's next of kin, if so requested.

### **XIII. Sex Offender Registration Information**

In the Commonwealth of Virginia, convicted sex offenders must register with the *Sex Offender and Crimes Against Minors Registry*. The registry was established pursuant to §19.2-390.1 of the Commonwealth's Criminal Code. Every person convicted on or after July 1, 1997, including juveniles tried and convicted in the circuit courts pursuant to §16.1-269.1, whether sentenced as adults or juveniles, of an offense for which registration is required shall be required as a part of the sentence imposed upon conviction to register and reregister with the Commonwealth's Department of State Police.

The Sex Offender and Crimes Against Minors Registry (SOR) for VIOLENT SEX OFFENDERS is available via Internet pursuant to Section 19.2-390.1, (D), of the Code of Virginia. Registry information provided under this section shall be used for the purposes of the administration of criminal justice, screening of current or prospective employees, volunteers or otherwise for the protection of the public in general and children in particular. Unlawful use of the information for purposes of intimidating or harassing another is prohibited and willful violation shall be punishable as a Class 1 misdemeanor.

The on-line registry may be found at: <http://sex-offender.vsp.virginia.gov/sor/>

The Sweet Briar College Campus Safety Department recognizes the fact that sex offenses are personal violent crimes that have great psychological and physical effects on the victims. It is the policy of the Sweet Briar College Campus Safety Department to assist sexual assault victims in a supportive manner, using appropriate crisis intervention skills.

### **XIV. Sexual Assault Information**

Sexual assault includes offenses that meet the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting System. A sex offense is any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. Rape is defined as penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim; fondling - the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity; incest - nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law; and statutory rape—nonforcible sexual intercourse with a person who is under the statutory age of consent.

Virginia defines sexual assault as offenses involving sexual penetration or sexual contact with any person by force or threat of force, fear, intimidation, ruse, or through the use of a person's mental incapacity or physical helplessness, or any other attempt to force sexual penetration/contact on any person. Sexual Assault offenses meet the definition of rape, fondling, incest, or statutory rape. The Code of Virginia under Article 7 Criminal Sexual Assault provides additional information regarding Virginia law. Due to the seriousness of these offenses and the delicate nature of the investigations involved, it is important for the department to undertake diligent investigations in order to increase the reporting of these crimes. Reducing recidivism and serial criminal offenses through the apprehension and prosecution of the assailants is a department priority. The thorough, complete and accurate collection of evidence is a vital and often key requirement for the successful investigation and prosecution of sexual assaults.

To constitute lack of consent, acts must be committed by force, intimidation or through use of the victim's mental incapacity or physical helplessness. Intoxication may indicate an inability to give consent.

If a sex offense should occur, the victim has the option of take the following actions:

- The victim is urged to go to a safe place and contact a friend or family member for support.
- After an incident of sexual assault, the victim should begin considering seeking medical attention as soon as possible. Lynchburg Hospital will be able to examine and treat you after an assault, whether or not you choose to report the assault to police. You can go to the emergency room at the hospital, tell them you were sexually assaulted. Sweet Briar College students may contact Campus Safety to arrange for transportation to the hospital.
- As with any crime, it is important to preserve evidence. The victim is encouraged to preserve evidence. Do not destroy physical evidence that may be found. If the offense occurred within the past 72 hours, evidence of criminal activity may be preserved. Evidence may be collected even if you chose not to make a report to law enforcement. The evidence collected can be held until a decision is made about pursuing legal action.
- Do not destroy the physical evidence that may be found in the vicinity of the crime. If the crime occurred in the victim's home, the victim should not clean or straighten until the police have had an opportunity to collect evidence if contacted. Preservation of evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order.
- Do not shower, bathe, or douche. Do not urinate, if possible. Do not eat, drink liquids, smoke or brush teeth if oral contact took place.
- Keep the clothes worn during the offense. If clothes are changed, place clothes in a paper bag (evidence deteriorates in plastic).
- If possible, tell someone all the details remembered about the assault and write everything down you remember as soon as possible.
- Although the College strongly encourages all members of its community to report sexual assault to law enforcement, you also have the option not to make a report with law enforcement. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease and provide for support.
- If a report is made to law enforcement, call the police department in the jurisdiction where the crime occurred. Call the Sweet Briar College Campus Safety at 434-381-6111 or Amherst County Sheriff's Dept. at 434-946-9300.
- The responding officer's primary responsibility will be the victim's physical well-being and emergency medical needs to include arranging for transportation to the hospital.
- An investigation will follow to include the obtaining preliminary statements, preserving the crime scene, and collection of evidence. An investigator trained in sexual assault will respond and continue the investigation. If the assault occurred within 72 hours, at the hospital, the victim will be encouraged to allow an examination by a sexual assault nurse examiner to obtain evidence (Physical Evidence Recovery Kit) and a sexual assault victim advocate from the Sexual Assault Response Program (Lynchburg) 424-947-7422 or 888-947-7273 will be called to assist the victim.
- Law enforcement will help obtain an emergency protective order for the victim if applicable and provide guidance through the criminal complaint process.
- Law enforcement in concert with other entities such as Title IX, Centra – Amherst Medical Center, Lynchburg Hospital, and the Office of Student Life and the Counseling Center will help coordinate medical, counseling and support services for students. Lynchburg Hospital will coordinate for non-student victims.
- Written information providing information on existing counseling, health, mental health, victim advocacy, legal assistance and if applicable visa and immigration assistance along with other services available for victims, both within the institution and in the community will be provided. This information will also include options for and available assistance to victims for changing academic, living, transportation and working situations if requested by the victim and reasonably available.

#### What to expect at the Emergency Room

Going to the emergency room after a sexual assault can be a scary and confusing experience. In Virginia evidence may be collected even if you chose not to make a report to law enforcement. The evidence collected can be held until a decision is made about pursuing legal action. Lynchburg Hospital can assist with collecting

evidence with a physical evidence recovery kit. You do have options. Although the College strongly encourages all members of its community to report violations to law enforcement, it is the victim's choice whether or not to make such a report and victims have the right to decline involvement with the police. When you arrive at the emergency room, you will be checked in at the triage desk where you will be registered. At this time, someone from the Sexual Assault Response Program (Lynchburg) 424-947-7422 or 888-947-7273 may be called as well as a specialized nurse called a SANE nurse (Sexual Assault Nurse Examiner). Students can call the office of Student Life at 434-381-6134 to request a member to accompany them if they desire. Institutional personnel will assist the victim in notifying these authorities, if the student requests the assistance of these personnel.

The Sexual Assault Nurse Examiner's program, otherwise known as SANE, is a program set up specifically to gather forensic evidence from victims of sexual assault. SANE nurses are on call for duties to be performed at the Emergency Room. Police investigators suggest that victims receive an exam by a SANE nurse if they are interested in pressing charges. SANE exams are administered to walk-in victims. SANE nurses are trained in examination techniques, forensic practice, how to collaborate with law enforcement officers, and how to present evidence as an expert witness in the courtroom. The SANE exam is an evidentiary exam, not a diagnostic one. There is a SANE nurse available 24/7 and exams are done for both adult and pediatric victims.

If the victim does not wish to support a police investigation or declines a forensic exam, she/he will be referred to the Emergency Room Physician.

For the exam, the SANE nurse obtains a brief medical history and may ask some detail about the assault that will help to know what areas of physical examination are most important for a thorough collection of forensic evidence. Blood, hair, and specific body fluids will be collected and packaged in a manner prescribed by the Virginia State Crime Laboratory. Specimens are labeled in detail and then sealed in a box that is remitted to law enforcement, following the rules of chain-of-custody. The investigating agency is then responsible for carrying the sealed evidence to the crime lab. (The Virginia Supreme Court can pay expenses related to the PERK kit exam. The Criminal Injuries Compensation Fund applies, per Virginia Code Section 19.2-368.18).

At the completion of the exam, the victim is offered prophylaxis for sexually transmitted diseases (STDs) and pregnancy and is given follow-up instructions depending on any findings during the exam. Follow-up can be through a private physician, or the College Health Center.

If the victim is a student, the SANE nurse requests of the victim that they allow the nurse to call a professional counselor from the school to let them know of the assault. The SANE nurses are bound by the limits of confidentiality, however, and may be able to only let the counselor know that an assault occurred on a student, but be unable to name that student if the victim wishes not to be named.

The College must respond to complaints concerning Title IX. To the extent of the victim's cooperation and consent, College offices to include the Office of Student Life, Title IX Coordinator, and the College Counseling Center, will work cooperatively to ensure that the victim's health, physical safety, work and academic status are protected, pending the outcome of a formal College investigation of the complaint. For example, if reasonably available, a victim may be offered changes to academic, living, or working situations in addition to counseling, health services and assistance in notifying appropriate local law enforcement. The Office of Student Life will assist a victim with these accommodations. Additionally, personal identifiable information about the victim will be treated as confidential and only shared with persons with a specific need to know who are investigating. Adjudicating the complaint or delivering resources or support services to the victim to the extent permissible by law. The College does not publish the name of crime victims nor identifiable information regarding victims in the Department of Campus Safety Daily Crime Log or in Timely Warning notifications or community crime alerts.

Reports of all domestic violence, dating violence, sexual assault and stalking made to the Sweet Briar College Campus Safety Department will automatically be referred to the Title IX Coordinator for investigation regardless of if the victim chooses to pursue criminal charges.

Victims have the option of keeping their report of sexual assault in complete confidence, protecting their right to anonymity, when making a report through the Counseling Center. If an incident is reported to the Counseling

Center, a professional staff member will be assigned to work with the victim on deciding whether or not to pursue legal action and will connect the victim with local programs and agencies, such as the Sexual Assault Response Program (Lynchburg) and the Victim/Witness Assistance Program. Victims have the option of keeping their report of sexual assault in complete confidence to the extent permitted by law, protecting their right to anonymity, when making a report through the Counseling Center. The Counseling Center offers free and confidential short and long-term individual, group, and emergency sexual trauma counseling services for students; advocacy services for survivors, including assistance with medical, judicial, and legal referrals; and, finally, consultation services, including consultation around Title IX, for faculty, staff, family members, and friends of survivors of sexual trauma.

During the initial assessment appointment, a counselor will help students decide which service(s) would be the most beneficial. Message from Counseling Center Title IX of the Education Amendments of 1972 requires all College employees to report disclosures of sexual harassment and sexual assault to their supervisor in an effort to foster and maintain an environment free from sex discrimination, and so that the College can provide a prompt and effective response. Most faculty, staff, and student employees must abide by these requirements. As staff members certified and pastoral counselors are exempt from Title IX reporting requirements, and communications with clients is privileged by law; therefore, they will discuss Title IX implications with faculty, staff, family members, and students as needed, and serve as clinicians for students directly impacted by sexual trauma. The Health Center is a safe and confidential environment for discussion of sexual harassment and assault; however, we encourage all survivors and support persons to review Title IX requirements before making any disclosures to other College personnel.

Following any incident, victims are encouraged to make a report to Sweet Briar College Campus Safety Department or local police if they have not done so previously. This action does not obligate prosecution, but it does make legal action possible if the decision to prosecute is made at a later date. The earlier an incident is reported, the easier it is to collect valuable evidence and investigate the incident and obtain protective orders.

### Protective Orders

Protective orders are civil court orders meant to protect victims who have experienced or are reasonably in fear of physical violence, sexual assault or stalking by another individual. The Sweet Briar College Campus Safety Department will explain and provide assistance in the process of obtaining protective orders. An emergency protective order (EPO) aims to protect the health or safety of any person regardless of a decision to arrest. An officer shall request an emergency protective order for the victim (or contact the Amherst County Sheriff's Department for assistance) for any act involving violence, force, or threat that results in bodily injury, OR places one in reasonable apprehension of death, sexual assault, or bodily injury. Such acts include, but are not limited to, any forceful detention, stalking, or criminal sexual assault in violation of Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, OR any criminal offense that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury.

An emergency protective order is issued by a judge or magistrate, upon request of a law enforcement officer or an alleged victim. To obtain an emergency protective order, the alleged victim must have been subjected to an act of violence, force, or threat, and the judge or magistrate finds that (i) there is probable danger of a further such act being committed by the respondent against the alleged victim or (ii) a petition or warrant for the arrest of the respondent has been issued for a criminal offense resulting from the commission of an act of violence, force, or threat.

An emergency protective order can:

- Prohibit acts of violence, force, or threat or criminal offenses resulting in injury to person or property,
- Prohibit contacts by the respondent with the petitioner or the petitioner's family or household members, and
- Grant other conditions that the judge or magistrate deems necessary to prevent (i) acts of violence, force, or threat, (ii) criminal offenses resulting in injury to person or property, or (iii) communication or other contact of any kind by the respondent. This remains in effect for 72 hours unless the 72-hour period expires at a time that Court is not in session. In that case, the order is extended until 5:00 p.m. on the next business day that the Court is in session. The victim may request a preliminary protective order, within a reasonable period of time following the incident, through the general district court. A preliminary protective order

(PPO) is issued by a judge, upon request of an alleged victim or law enforcement officer. To obtain a preliminary protective order, the alleged victim must have been subjected to an act of violence, force, or threat, or a petition or warrant has been issued for the arrest of the alleged perpetrator for any criminal offense resulting from the commission of an act of violence, force, or threat. An alleged victim must appear before a judge in person to request a preliminary protective order.

A preliminary protective order can:

- Prohibit acts of violence, force, or threat or criminal offenses that may result in injury to person or property,
- Prohibit contacts by the respondent with the petitioner or the petitioner's family or household members, and
- Grant other conditions that the court deems necessary to prevent (i) acts of violence, force, or threat, (ii) criminal offenses resulting in injury to person or property, or (iii) communication or other contact of any kind by the respondent.

A preliminary protective order is valid for 15 days, or until the date of the next hearing scheduled at the time of issuance of the preliminary protective order for a permanent or full protective order. A full protective is issued by a judge, following a hearing at which both the petitioner and respondent are present.

A full protective order can:

- Prohibit acts of violence, force, or threat or criminal offenses that may result in injury to person or property,
- Prohibit contacts by the respondent with the petitioner or the petitioner's family or household members, and
- Grant other conditions that the court deems necessary to prevent (i) acts of violence, force, or threat, (ii) criminal offenses resulting in injury to person or property, or (iii) communication or other contact of any kind by the respondent.

A Protective Order is valid for any period of time up to a maximum of two years. It is very important to keep a copy of the protective order with you at all times. Show these to the police officer, magistrate, prosecutor, or judge if he/she violates the order.

If you are a student or an employee victim, please inform the Sweet Briar College Campus Safety of any protection orders. Officers shall enforce protective orders from other states or possessions of the United States as if they were issued in the Commonwealth of Virginia.

### Bystander Intervention

Bystander Intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes:

- Recognizing situations of potential harm
- Understanding institutional structures and cultural conditions that facilitate violence
- Overcoming barriers to intervening
- Identifying safe and effective intervention options
- Taking action to intervene

### Risk Reduction

Risk reductions entails options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

While you can never completely protect yourself from sexual assault, there are some things you can do to help reduce your risk of being assaulted. Avoid dangerous situations by:

- Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- Try to avoid isolated areas. It is more difficult to get help if no one is around.
- Walk with purpose. Even if you don't know where you are going, act like you do.
- Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
- Try not to load yourself down with packages or bags as this can make you appear more vulnerable.

- Make sure your cell phone is with you and charged and that you have cab money.
- Don't allow yourself to be isolated with someone you don't trust or someone you don't know.
- Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
- When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together.
- Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one. Date rape drugs are colorless, tasteless, and odorless substances that can be placed in any drink, not just alcohol, undetected. They are strong relaxants the effects of which can be felt as soon as fifteen minutes after ingestion. The side effects of date rape drugs include possible blackouts, coma, impaired judgment, memory impairment, dizziness, headaches, confusion and loss of coordination. Alcohol can intensify these side effects. Date rape drugs often cause memory loss. Some date rape drugs remain in the system for as little as 6-8 hours, making immediate testing imperative. Common date rape drugs are rohypnal, GHB, ketamine, and alcohol. Alcohol remains the most commonly used date rape drug both on and off college campuses. Today it remains the substance most frequently associated with date rape, and the most easily accessible sedating substance. When large enough quantities are consumed alcohol can have a tremendous sedating effect leaving anyone vulnerable to assault. If you suspect or suspect someone you know has been drugged and/or assaulted, first, go to a safe place; call the Sweet Briar Campus Safety at 434-381-6111 or local police if off campus by dialing 911. Go to the local hospital's emergency room for immediate treatment and testing.

If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner. These suggestions may help you to reduce your risk for being accused of sexual misconduct:

- Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.
- Understand and respect personal boundaries.
- DON'T MAKE ASSUMPTIONS about consent; about someone's sexual availability; about whether they are attracted to you; about how far you can go or about whether they are physically and/or mentally able to consent. If there are any questions or ambiguity, then you DO NOT have consent.
- Mixed messages from your partner are a clear indication that you should stop, defuse any sexual tension and communicate better. You may be misreading them. They may not have figured out how far they want to go with you yet. You must respect the timeline for sexual behaviors with which they are comfortable.
- Don't take advantage of someone's drunkenness or drugged state, even if they did it to themselves.
- Realize that your potential partner could be intimidated by you, or fearful. You may have a power advantage simply because of your gender or size. Don't abuse that power.
- Understand that consent to some form of sexual behavior does not automatically imply consent to any other forms of sexual behavior.
- Silence and passivity cannot be interpreted as an indication of consent. Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language.

### Proactive / Preventative Programs

Sweet Briar College provides many opportunities for the students to participate in proactive and preventative programs. Some of the programs offered during the year of this report includes:

- A sexual assault awareness poster campaign took place in September and October that explained the campus resources for sexual assault incidents. The awareness posters were placed in areas throughout campus that students frequently visit.
- Student Government announcements were provided via emails to all registered students. The announcements contained information on the resources available to students. These announcements were provided throughout the academic year.

- Take Back the Night Walk on Campus- A nighttime 1.5-mile walk focused on creating safe communities and respectful relationships through awareness. The focus was to seek to end sexual assault, domestic violence, dating violence, sexual abuse and all forms of sexual violence. All members of the Sweet Briar community were invited to come out to show strength, support and commitment to end sexual violence. "
- Support Survivors Workshop- The conversation about survivorship and sexual trauma is bigger than ever before. But despite our conversations about sexual violence, we aren't talking about one essential component – how we support survivors on their journey through recovery.
- "It's On Us" Pledge Week- The mission of It's On Us is to combat college sexual assault by engaging young men and changing campus culture. We achieve our mission by teaching prevention education, training the next generation of student organizers, and disseminating large-scale creative campaigns. Our prevention education work is focused on three key areas: bystander intervention, consent education, and survivor support."
- Hazing Prevention Week-November 7-10, 2023 Vision Board Making: All students are invited to create a vision board that positively represents their club community and identity. Bake Sale: Clubs baked some treats to sell! Movie Night and Bingo: ACA-awesome Movie and play "Spot the Hazing" bingo for bad behaviors featured in the film, followed by discussion of what they saw and alternate ways to engage with club members. These hands "Donut" Haze: Join ICC for Hazing Prevention Week! Sign Sweet Briar's anti-hazing pledge to receive a free Donut.
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## **XVI. Title IX Sexual Misconduct Policy**

### **I. Policy Statement**

Sweet Briar College is committed to providing all students and employees, regardless of gender, sexual orientation or gender identity, with an educational environment free from discrimination. The sexual harassment of students/employees, including sexual violence and exploitation, domestic and dating violence, and nonconsensual sexual contact or intercourse, gender-based harassment, and stalking, interferes with students'/employees' right to receive an education/workplace free from discrimination and, in the case of sexual violence, is a crime and is considered "Sexual Misconduct." Sexual misconduct can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. Sexual misconduct may be committed by men or by women, and it can occur between people of the same or different sex. This policy covers reports by students/employees of alleged Sexual Misconduct committed by Sweet Briar College students, faculty, staff, or third parties, as well as any report of alleged Sexual Misconduct by a Sweet Briar student/employee when the Reporting Party is not a Sweet Briar student/employee. Sexual Misconduct, as defined by this policy, comprises a broad range of behavior that will not be tolerated. Sexual Misconduct violates Sweet Briar College policy, federal civil rights laws and may also result in criminal prosecution. Sweet Briar College is committed to fostering a community that promotes prompt reporting of Sexual Misconduct, support for anyone who has been subject to Sexual Misconduct, and timely and fair resolution of Sexual Misconduct cases. Creating a safe and respectful environment is the responsibility of all members of the campus community.

Consistent with the College's Non-Discrimination Notice and the U.S. Department of Education's implementing regulations for Title IX of the Education Amendments of 1972 ("Title IX") (*see* 34 C.F.R. § 106 *et seq.*), Sweet Briar College prohibits Sexual Harassment that occurs within its education programs and activities.

As further defined herein, Sexual Harassment includes:

1. Quid Pro Quo Sexual Harassment
2. Hostile Environment Sexual Harassment

3. Sexual Assault
4. Domestic Violence
5. Dating Violence
6. Stalking

Administrators, faculty members, staff, students, contractors, guests, and other members of Sweet Briar College community who commit Sexual Harassment are subject to the full range of the College’s discipline including verbal reprimand; written reprimand; mandatory training, coaching, or counseling; mandatory monitoring; partial or full probation; partial or full suspension; fines; permanent separation from the College (i.e., termination or dismissal); physical restriction from Sweet Briar College property; cancellation of contracts; and any combination of the same.

Sweet Briar College will provide persons who have experienced Sexual Harassment ongoing remedies as reasonably necessary to restore or preserve access to Sweet Briar College’s education programs and activities.

## **II. Scope**

- (1) This policy applies to Sexual Harassment that occurs within Sweet Briar College’s Education Programs and Activities<sup>1</sup> in the United States<sup>2</sup> and that is committed by an administrator, faculty member, staff, student, contractor, guest, or other member of Sweet Briar College community.
- (2) Sexual misconduct that does not fall within the scope of this policy may be prohibited by and addressed under Sweet Briar College’s Non-Discrimination, Harassment and/or other Sweet Briar College policies.

## **III. Definitions**

- A.** “Sexual Harassment” is conduct on the basis of sex that constitutes Quid Pro Quo Sexual Harassment, Hostile Environment Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, or Stalking.
- B.** “Quid Pro Quo Sexual Harassment” is an employee of Sweet Briar College conditioning the provision of an aid, benefit, or service of Sweet Briar College on an individual’s participation in unwelcome sexual contact.
- C.** “Hostile Environment Sexual Harassment” is unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person access to Sweet Briar College’s education programs and activities.
- D.** “Sexual Assault” includes the sex offenses of Rape, Sodomy, Sexual Assault with an Object, Fondling, Incest, and Statutory Rape.
  1. “Rape” is the carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity. There is “carnal knowledge” if

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<sup>1</sup> “Sweet Briar College Education Programs and Activities” includes locations, events, circumstances over which the College exercises substantial control over both the Respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the College.

<sup>2</sup> Study Abroad Programs do not fall under the scope of this Title IX Policy in accordance with the U.S. Department of Education’s implementing regulations..

there is the slightest penetration of the vagina or penis by the sexual organ of the other person. Attempted Rape is included.

2. “Sodomy” is oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
  3. “Sexual Assault with an Object” is using an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity. An “object” or “instrument” is anything used by the offender other than the offender’s genitalia.
  4. “Fondling” is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
  5. “Incest” is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Virginia law.
  6. “Statutory Rape” is sexual intercourse with a person who is under the statutory age of consent as defined by Virginia law.
- E.** “Domestic Violence” is felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Virginia, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of Virginia.
- F.** “Dating Violence” is violence committed by a person –
1. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
  2. Where the existence of such a relationship will be determined based on a consideration of the following factors:
    - The length of the relationship;
    - The type of relationship; and
    - The frequency of interaction between the persons involved in the relationship.
- G.** “Stalking” is engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
- Fear for their safety or the safety of others; or
  - Suffer substantial emotional distress.

- H.** “Consent” refers to words or actions that a reasonable person in the perspective of the Respondent would understand as agreement to engage in the sexual conduct at issue. A person who is Incapacitated is not capable of giving Consent. Additional information regarding Consent is provided in Section V below.
- I.** “Incapacitated” refers to the state where a person does not appreciate the nature or fact of sexual activity due to the effect of drugs or alcohol consumption, medical condition or disability, or due to a state of unconsciousness or sleep. Additional information regarding Incapacitation is provided in Section V below.
- J.** “Retaliation” is intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by Title IX and its implementing regulations or because an individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy.
- K.** “Complainant” means an individual who is alleged to be the victim of conduct that could constitute Sexual Harassment.
- L.** “Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment.
- M.** “Formal Complaint” means a document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that Sweet Briar College investigate the allegation of Sexual Harassment in accordance with this policy. For purposes of this policy only, at the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in Sweet Briar College’s education programs and activities. A “document filed by a Complainant” means a document or electronic submission (such as an email) that contains the Complainant’s physical or electronic signature or otherwise indicates that the Complainant is the person filing the Complaint.
- N.** “Supportive Measures” are non-disciplinary, non-punitive individualized services offered, as appropriate, and reasonably available, and without fee or charge, that are designed to restore or preserve equal access to Sweet Briar College’s Education Programs and Activities without unreasonably burdening another party, including measures designed to protect the safety of all parties implicated by a report or Sweet Briar College’s education environment, or to deter Sexual Harassment. Supportive measures may include: counseling, extensions of academic or other deadlines, course-related adjustments, modifications to work or class schedules, campus escort services, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of campus, and other similar measures. Supportive Measures may also include mutual restrictions on contact between the parties implicated by a report.
- O.** “Education Programs and Activities” refers to all the operations of Sweet Briar College, including, but not limited to, in-person and online educational instruction, employment, research activities, extracurricular activities, athletics, residence life, dining services, performances, and community engagement and outreach programs. The term applies to all activity that occurs on campus or on other property owned or occupied by Sweet Briar College. It also includes off-campus locations, events, or circumstances over which Sweet Briar College exercises substantial control over the Respondent and the context in which the Sexual Harassment occurs, including Sexual Harassment occurring in any building owned or controlled by a student organization that is officially recognized by Sweet Briar College.
- P.** “Review Committee is mandated by Virginia law to determine whether reporting an act of alleged Sexual Misconduct to law enforcement is required;

- a. Consists of three or more persons, including the Title IX Coordinator or designee, a representative of law enforcement, and a student life representative;
- b. Reviews information related to acts of sexual violence;
- c. May obtain law-enforcement records, criminal history record information, health records, available institutional conduct or personnel records, and known facts and circumstances of the information reported or information or evidence known to the College or to law enforcement;
- d. Conducts its review in compliance with federal privacy law.

#### **IV. Understanding Hostile Environment Sexual Harassment**

In determining whether a hostile environment exists, Sweet Briar College will consider the totality of circumstances, including factors such as the actual impact the conduct has had on the Complainant; the nature and severity of the conduct at issue; the frequency and duration of the conduct; the relationship between the parties (including accounting for whether one individual has power or authority over the other); the respective ages of the parties; the context in which the conduct occurred; and the number of persons affected. Sweet Briar College will evaluate the totality of circumstances from the perspective of a reasonable person in the Complainant's position. A person's adverse subjective reaction to conduct is not sufficient, in and of itself, to establish the existence of a hostile environment.

Some specific examples of conduct that may constitute Sexual Harassment if unwelcome include, but are not limited to:

- Unreasonable pressure for a dating, romantic, or intimate relationship or sexual contact
- Unwelcome kissing, hugging, or massaging
- Sexual innuendos, jokes, or humor
- Displaying sexual graffiti, pictures, videos, or posters
- Using sexually explicit profanity
- Asking about, or telling about, sexual fantasies, sexual preferences, or sexual activities
- E-mail and Internet use that violates this policy
- Leering or staring at someone in a sexual way, such as staring at a person's breasts or groin
- Sending sexually explicit emails, text messages, or social media posts
- Commenting on a person's dress in a sexual manner
- Giving unwelcome personal gifts such as lingerie that suggest the desire for a romantic relationship
- Insulting, demeaning, or degrading another person based on gender or gender stereotypes

#### **V. Understanding Consent**

Consent for purposes of this Policy is:

- Informed (knowing)
- Voluntary (freely given)
- 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.

According to Va. Code § 18.2-371 individuals aged 17 or younger are not able to legally consent to sexual activity.

Consent cannot be obtained by Force. Force includes the use of (a) physical violence, (b) threats, (c) intimidation, and/or (d) coercion.

- a) 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.
- b) 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.
- c) 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). Previous occurrences of threats or physical violence may also constitute intimidation.
- d) Coercion is the use of an unreasonable amount of pressure to gain sexual access. Coercion is more than an effort to persuade, entice, or attract another person to have sex. When a person makes clear a decision not to participate in a particular form of sexual contact or sexual intercourse, a decision to stop, or a decision not to go beyond a certain sexual interaction, continued pressure can be coercive. In evaluating whether coercion was used, Sweet Briar College will consider: (i) the frequency of the application of the pressure, (ii) the intensity of the pressure, (iii) the degree of isolation of the person being pressured, and (iv) the duration of the pressure.

Consent cannot be gained by taking advantage of or causing the incapacitation of another.

Incapacitation means that a person lacks the ability to make informed, rational judgments about whether or not to engage in sexual activity. A person who is incapacitated is unable, temporarily or permanently, to give 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.

Sweet Briar College offers the following guidance on Consent and assessing incapacitation:

A person who wants to engage in a specific sexual activity is responsible for obtaining Consent for that activity. Lack of protest does not constitute Consent. Lack of resistance does not constitute Consent. Silence and/or passivity also do not constitute 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 arises during sexual activity, participants are encouraged to stop and clarify a mutual willingness to continue that activity.

Consent to one form of sexual activity does not, by itself, constitute Consent to another form of sexual activity. For example, one should not presume that Consent to oral-genital contact constitutes Consent to vaginal or anal penetration. Consent to sexual activity on a prior occasion does not, by itself, constitute Consent to future sexual activity.

Consent may be withdrawn at any time. An individual who seeks to withdraw Consent must communicate, through clear words or actions, a decision to cease the sexual activity. Once Consent is withdrawn, the sexual activity must cease immediately.

In evaluating Consent in cases of reported incapacitation, Sweet Briar College asks two questions: (1) Did the Respondent know that the Complainant was incapacitated? and if not, (2) Would a sober, reasonable person in a similar set of circumstances as the Respondent have known that the Complainant was incapacitated? If the answer to either of these questions is "yes," there was no Consent; and the conduct is likely a violation of this policy.

Incapacitation is a state beyond drunkenness or intoxication. A person is not necessarily incapacitated merely as a result of drinking or using drugs. The impact of alcohol and other drugs varies from person to person.

One is not expected to be a medical expert in assessing incapacitation. One must look for the common and obvious warning signs that show that a person may be incapacitated or approaching incapacitation. Although every

individual may manifest signs of incapacitation differently, typical signs include slurred or incomprehensible speech, unsteady walking or standing, combativeness, emotional volatility, vomiting, incontinence, or unconsciousness. A person who is incapacitated may not be able to understand some or all of the following questions: “Do you know where you are?” “Do you know how you got here?” “Do you know what is happening?” “Do you know who is with you?”

One should be cautious before engaging in Sexual Contact or Sexual Intercourse when either party has been drinking alcohol or using other drugs. The introduction of alcohol or other drugs may create ambiguity for either party as to whether Consent has been sought or given. If one has doubt about either party’s level of intoxication, the safe thing to do is to forego all sexual activity.

Being impaired by alcohol or other drugs is no defense to any violation of this policy. Participating in prohibited conduct as part of an initiation into a student organization is no defense to any violation of this policy.

## **VI. Reporting Sexual Harassment and Mandatory Reporting Obligations**

Any person may report Sexual Harassment to the Title IX Coordinator. Reports may be made in person, by regular mail, telephone, electronic mail, or by any other means that results in the Title IX Coordinator receiving the person’s verbal or written report. In-person reports must be made during normal business hours, but reports can be made by regular mail, telephone, or electronic mail at any time, including outside normal business hours.

- Title IX Coordinator – Erin Wood, erin@bartlettjames.com 704-363-3858

Sweet Briar College also offers access to confidential resources for individuals who are unsure about whether to report Prohibited Conduct or are seeking counseling or other emotional support in addition to (or instead of) making a report to Sweet Briar College. The following link identifies confidential resources, both at Sweet Briar College and in the Amherst County community, and further explains options for reporting Prohibited Conduct to Sweet Briar College and to law enforcement:

- Reporting to Local Law Enforcement.* As noted earlier, Sexual Misconduct may constitute both a violation of college policy and criminal activity. The College encourages students/employees to report alleged Sexual Misconduct promptly to Campus Safety as well as the Amherst County Sheriff’s Department. The Campus Safety Department will assist in contacting the local Sheriff’s Department.

Criminal investigations may be useful in the gathering of relevant evidence, particularly forensic evidence. Because the standards for finding a violation of criminal law are different from the standards for finding a violation of this policy, criminal investigations or reports are not determinative of whether Sexual Misconduct, for purposes of this policy, has occurred. In other words, conduct may constitute Sexual Misconduct under this policy even if law enforcement agencies lack sufficient evidence of a crime and therefore, decline to prosecute. The filing of a report of Sexual Misconduct under this policy is independent of any criminal investigation or proceeding, and (except that the College’s investigation may be delayed temporarily while police criminal investigators are gathering evidence) the College will not wait for the conclusion of any criminal investigation or proceedings to commence its own investigation and take interim measures to protect the Reporting Party and the College community.

The Amherst County Sheriff’s Department may be contacted by calling for non-emergency (434) 946-9300 or 9-1-1 for emergency.

- Reporting to Off-Campus Resources.* Off-campus counselors, advocates, and health care providers

will also generally maintain confidentiality and not share information with the College unless the Reporting Party requests the disclosure and signs a consent or waiver form. The following is contact information for these off-campus resources:

- a. Sexual Assault Response Program (Lynchburg)- (434) 947-7422 or (888)947-7273
- b. Lynchburg General Hospital- 1901 Tate Springs Road, Lynchburg (434)947-3000
- c. Crime Victim Assistance Info-Line (888) 887-3418

- C. *Reporting to Office for Civil Rights.* A student/employee also has the option of contacting the Office for Civil Rights regarding sex discrimination issues at: Washington D.C. (Metro), Office for Civil Rights, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202-1475, Telephone: (202) 453-6020, FAX: (202) 453-6021; TDD: 800-877-8339, e-mail: OCR.DC@ed.gov.

**Mandatory Reporters:** A mandatory reporter is mandated by Virginia law to determine whether reporting an act of alleged Sexual Misconduct to law enforcement is required. Mandatory Reporters are not required to report information disclosed (1) at public awareness events (e.g., “Take Back the Night”, candlelight vigils, protests, “survivor speak-outs”, or other public forums in which students may disclose incidents of Prohibited Conduct; collectively “Public Awareness Events”); (2) during an individual’s participation as a subject in an Institutional Review Board-approved human subjects research protocol (“IRB Research”); or (3) in academic assignments. Sweet Briar College may provide information about Title IX rights and about available campus and community resources and support at Public Awareness Events, however, and Institutional Review Boards may, in appropriate cases, require researchers to provide such information to all subjects of IRB Research.

Where a Mandatory Reporter has a specific concern that sharing information with the Title IX Coordinator may significantly impact the safety or well-being of the Complainant or another individual, the Mandatory Reporter must disclose the report to the Title IX Coordinator, who will work with the Mandatory Reporter to evaluate the need to share personally identifiable information with the Title IX Coordinator based on the potential risk of harm to the Complainant or another individual.

If a Complainant requests (a) that personally identifiable information not be shared with the Respondent, (b) that no investigation be pursued, and/or (c) that no disciplinary action be taken, Sweet Briar College will balance this request against Sweet Briar College’s obligation to campus safety.

To report Prohibited Conduct, Mandatory Reporters should promptly complete the online reporting form made available by Sweet Briar College. Completing the online reporting form also fulfills the reporting obligation for Campus Security Authorities under the Clery Act. If an employee does not have access to the internet, the employee should call 434-381-6323. Failure to adhere to this policy may result in disciplinary action, up to and including termination, depending on the circumstances of the policy violation.

## **VII. Special Advice for Individuals Reporting Sexual Assault, Domestic Violence, Dating Violence, or Stalking**

If you believe you are the victim of Sexual Assault, Domestic Violence, or Dating Violence, do everything possible to preserve evidence by making certain that the crime scene is not disturbed. Preservation of evidence may be necessary for proof of the crime or in obtaining a protection order. For those who believe that they are victims of Sexual Assault, Domestic Violence, or Dating Violence, Sweet Briar College recommends the following:

- Get to a safe place as soon as possible.
- Try to preserve all physical evidence of the crime—avoid bathing, using the toilet, rinsing one’s mouth or changing clothes. If it is necessary, put all clothing that was worn at the time of the incident in a paper bag, not a plastic one.
- Do not launder or discard bedding where the assault occurred- preserve for law enforcement.
- Preserve all forms of electronic communication that occurred before, during, or after the assault. Contact law enforcement by calling 911 or Campus Safety Office at 6111.

- Get medical attention - all medical injuries are not immediately apparent. This is also necessary to collect evidence in case the individual decides to press charges. Local hospitals have evidence collection kits necessary for criminal prosecution should the victim wish to pursue charges. Take a full change of clothing, including shoes, for use after a medical examination.
- Contact a trusted person, such as a friend or family member for support.
- Talk with a professional licensed counselor, Sweet Briar College chaplain, or resident health care provider who can help explain options, give information, and provide emotional support.
- Make a report to the Title IX Coordinator.
- Explore this policy and avenues for resolution under the Title IX Grievance Process.

It is also important to take steps to preserve evidence in cases of Stalking, to the extent such evidence exists. Such evidence is more likely to be in the form of letters, emails, text messages, etc. rather than evidence of physical contact and violence. This type of non-physical evidence will also be useful in all types of Sexual Harassment investigations.

Once a report of Sexual Assault, Domestic Violence, Dating Violence, or Stalking is made, the victim has several options such as, but not limited to:

- obtaining Supportive Measures
- contacting parents or a relative
- seeking legal advice
- seeking personal counseling (always recommended)
- pursuing legal action against the perpetrator
- filing a Formal Complaint
- requesting that no further action be taken

Amherst County Sherriff’s Department can assist individuals in obtaining a Protective Order.

### **VIII. Preliminary Assessment**

Upon receipt of a report made pursuant to Section VI, the Title IX Coordinator will conduct a preliminary assessment to determine:

- Whether the conduct, as reported, falls or could fall within the scope of the policy specified in Section II; and
- Whether the conduct, as reported, constitutes or could constitute Sexual Harassment.

If the Title IX Coordinator determines that the conduct reported could not fall within the scope of the policy, and/or could not constitute Sexual Harassment, even if investigated, the Title IX Coordinator will close the matter and may notify the reporting party if doing so is consistent with the Family Educational Rights and Privacy Act (“FERPA”). The Title IX Coordinator may refer the report to other Sweet Briar College offices, as appropriate.

If the Title IX Coordinator determines that the conduct reported could fall within the scope of the policy, and/or could constitute Sexual Harassment, if investigated, the Title IX Coordinator will proceed to contact the Complainant as specified in Section IX.

As part of the preliminary assessment, the Title IX Coordinator may take investigative steps to determine the identity of the Complainant, if such identity is not apparent from the report.

### **IX. Contacting the Complainant**

If a report is not closed as a result of the preliminary assessment specified in Section VIII and the Complainant’s identity is known, the Title IX Coordinator will promptly contact the Complainant to discuss the availability of

Supportive Measures specified in Section X; to discuss and consider the Complainant's wishes with respect to such Supportive Measures; to inform the Complainant of the availability of such Supportive Measures with or without filing a Formal Complaint; and to explain the process for filing and pursuing a Formal Complaint. The Complainant will also be provided options for filing complaints with the local police and information about resources that are available on campus and in the community.

If the Complainant is a minor, Virginia law requires that any College employee who, in the ordinary course of their employment, knows, has reason to suspect, or receives information indicating that a minor has been or is being subjected to abuse, must report the matter immediately to either the Virginia Department of Social Services toll-free minor abuse and neglect hotline (800-552-7096), or the local social services department of the county or city where the minor resides or where the abuse is believed to have occurred. Pursuant to Virginia Code § 63.2-1509, any person who makes a report or provides records or information of suspected child abuse or neglect to the Virginia Department of Social Services or who testifies in any judicial proceeding arising from such report, records, or information shall be immune from any civil or criminal liability or administrative penalty or sanction on account of such report, records, information, or testimony, unless such person acted in bad faith or with malicious purpose. A more thorough definition of what constitutes abuse or neglect is found at Section 63.2-100 of the Code of Virginia, and is also described in Recognizing & Reporting Minor Abuse and Neglect (pdf) published by the Virginia Department of Social Services.

## **X. Supportive Measures**

If a report is not closed as a result of the preliminary assessment specified in Section VIII, Sweet Briar College will offer and make available Supportive Measures to the Complainant regardless of whether the Complainant elects to file a Formal Complaint.

Contemporaneously with the Respondent being notified of a Formal Complaint, the Title IX Coordinator will notify the Respondent of the availability of Supportive Measures for the Respondent, and Sweet Briar College will offer and make available Supportive Measures to the Respondent in the same manner in which it offers and makes them available to the Complainant. Sweet Briar College will also offer and make available Supportive Measures to the Respondent prior to the Respondent being notified of a Formal Complaint, if the Respondent requests such measures.

Sweet Briar College will maintain the confidentiality of Supportive Measures provided to either a Complainant or Respondent, to the extent that maintaining such confidentiality does not impair Sweet Briar College's ability to provide the Supportive Measures in question.

## **XI. Interim Removal**

At any time after receiving a report of Sexual Harassment, the Title IX Coordinator may remove a student Respondent from Sweet Briar College's education programs and activities on a temporary basis if an individualized safety and risk analysis determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment justifies removal. In the event the Title IX Coordinator imposes an interim removal, the Title IX Coordinator must offer to meet<sup>3</sup> with the Respondent within twenty-four hours and provide the Respondent an opportunity to challenge the interim removal.

In the case of a Respondent who is a non-student employee (administrator, faculty, or staff), and in its discretion, Sweet Briar College may place the Respondent on administrative leave at any time after receiving a report of Sexual Harassment, including during the pendency of the investigation and adjudication process specified in Sections XVI and XVIII.

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<sup>3</sup> At the Title IX Coordinator's discretion, this meeting may be held virtually.

For all other Respondents, including independent contractors and guests, Sweet Briar College retains broad discretion to prohibit such persons from entering onto its campus and other properties at any time, and for any reason, whether after receiving a report of Sexual Harassment or otherwise.

## **XII. Formal Complaint**

A Complainant may file a Formal Complaint with the Title IX Coordinator requesting that Sweet Briar College investigate and adjudicate a report of Sexual Harassment in accordance with the provisions of Sections XVI and XVIII. At the time the Complainant submits a Formal Complaint, the Complainant must be participating in, or attempting to participate in, one or more of Sweet Briar College's education programs or activities.

A Complainant may file a Formal Complaint with the Title IX Coordinator in person, by regular mail, or by email using the contact information specified in Section VI above. No person may submit a Formal Complaint on the Complainant's behalf.

In any case, including a case where a Complainant elects not to file a Formal Complaint, the Title IX Coordinator may file a Formal Complaint on behalf of Sweet Briar College if doing so is not clearly unreasonable. Such action will normally be taken in limited circumstances involving serious or repeated conduct or where the alleged perpetrator may pose a continuing threat to Sweet Briar College Community. Factors the Title IX Coordinator may consider include (but are not limited to): (a) was a weapon involved in the incident; (b) were multiple assailants involved in the incident; (c) is the accused a repeat offender; and (d) does the incident create a risk of occurring again.

If the Complainant or the Title IX Coordinator files a Formal Complaint, then Sweet Briar College will commence an investigation as specified in Section XVI and proceed to adjudicate the matter as specified in Section XVIII. In all cases where a Formal Complaint is filed, the Complainant will be treated as a party, irrespective of the party's level of participation.

In a case where the Title IX Coordinator files a Formal Complaint, the Title IX Coordinator will not act as a Complainant or otherwise as a party for purposes of the investigation and adjudication processes.

## **XIII. Consolidation of Formal Complaints**

Sweet Briar College may consolidate Formal Complaints as to allegations of Sexual Harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of Sexual Harassment arise out of the same facts or circumstances. Where the investigation and adjudication process involve more than one Complainant or more than one Respondent, references in this policy to the singular "party," "Complainant," or "Respondent" include the plural, as applicable. A Formal Complaint of Retaliation may be consolidated with a Formal Complaint of Sexual Harassment.

## **XIV. Dismissal Prior to Commencement of Investigation**

In a case where the Complainant files a Formal Complaint, the Title IX Coordinator will evaluate the Formal Complaint and must dismiss it if the Title IX Coordinator determines:

- The conduct alleged in the Formal Complaint would not constitute Sexual Harassment, even if proved; or
- The conduct alleged in the Formal Complaint falls outside the scope of the policy specified in Section II.

In the event the Title IX Coordinator determines the Formal Complaint should be dismissed pursuant to this Section, the Title IX Coordinator will provide written notice of dismissal to the parties and advise them of their right to appeal as specified in Section XX. The Title IX Coordinator may refer the subject matter of the Formal Complaint to other Sweet Briar College offices, as appropriate. A dismissal pursuant to this Section is presumptively a final

determination for purposes of this policy, unless otherwise specified in writing by the Title IX Coordinator in the written notice of dismissal.

## **XV. Notice of Formal Complaint**

Within five (5) days of the Title IX Coordinator receiving a Formal Complaint, the Title IX Coordinator will transmit a written notice to the Complainant and Respondent that includes:

- A physical copy of this policy or a hyperlink to this policy;
- Sufficient details known at the time so that the parties may prepare for an initial interview with the investigator, to include the identities of the parties involved in the incident (if known), the conduct allegedly constituting Sexual Harassment, and the date and location of the alleged incident (if known);
- A statement that the Respondent is presumed not responsible for the alleged Sexual Harassment and that a determination of responsibility will not be made until the conclusion of the adjudication and any appeal;
- Notification to the Complainant and Respondent of their right to be accompanied by an advisor of their choice, as specified in Section XXI;
- Notification to the Complainant and Respondent of their right to inspect and review evidence as specified in Section XVI.D;
- Notification to the Complainant and Respondent of Sweet Briar College's prohibitions on retaliation and false statements specified in Sections XXXIII and XXXIV; and
- Information about resources that are available on campus and in the community.

Should Sweet Briar College elect, at any point, to investigate allegations that are materially beyond the scope of the initial written notice, Sweet Briar College will provide a supplemental written notice describing the additional allegations to be investigated.

## **XVI. Investigation**

### **A. Commencement and Timing**

After the written notice of Formal Complaint is transmitted to the parties, an investigator selected by the Title IX Coordinator will undertake an investigation to gather evidence relevant to the alleged misconduct, including inculpatory and exculpatory evidence. The burden of gathering evidence sufficient to reach a determination in the adjudication lies with Sweet Briar College and not with the parties. The investigation will culminate in a written investigation report, specified in Section XVI.E, that will be submitted to the adjudicator during the selected adjudication process. Although the length of each investigation may vary depending on the totality of the circumstances, Sweet Briar College strives to complete each investigation within thirty (30) to forty-five (45) days of the transmittal of the written notice of Formal Complaint.

### **B. Equal Opportunity**

During the investigation, the investigator will provide an equal opportunity for the parties to be interviewed, to present witnesses (including fact and expert witnesses), and to present other inculpatory and exculpatory evidence. Notwithstanding the foregoing, the investigator retains discretion to limit the number of witness interviews the

investigator conducts if the investigator finds that testimony would be unreasonably cumulative, if the witnesses are offered solely as character references and do not have information relevant to the allegations at issue, or if the witnesses are offered to render testimony that is categorically inadmissible, such as testimony concerning sexual history of the Complainant, as specified in Section XXIII. The investigator will not restrict the ability of the parties to gather and present relevant evidence on their own.

The investigation is a party's opportunity to present testimonial and other evidence that the party believes is relevant to resolution of the allegations in the Formal Complaint. A party that is aware of and has a reasonable opportunity to present particular evidence and/or identify particular witnesses during the investigation, and elects not to, will be prohibited from introducing any such evidence during the adjudication absent a showing of mistake, inadvertence, surprise, or excusable neglect.

### **C. Documentation of Investigation**

The investigator will take reasonable steps to ensure the investigation is documented. Interviews of the parties and witnesses may be documented by the investigator's notes, audio recorded, video recorded, or transcribed. The particular method utilized to record the interviews of parties and witnesses will be determined by the investigator in the investigator's sole discretion, although whatever method is chosen shall be used consistently throughout a particular investigation.

### **D. Access to the Evidence**

At the conclusion of the evidence-gathering phase of the investigation, but prior to the completion of the investigation report, the investigator will transmit to each party and their advisor, in either electronic or hard copy form, all evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including evidence Sweet Briar College may choose not to rely on at any hearing and inculpatory or exculpatory evidence whether obtained from a party or some other source. Thereafter, the parties will have ten (10) days in which to submit to the investigator a written response as to why certain evidence should be included or excluded from the Investigation Report, which the investigator will consider prior to completing the investigation report.

The parties and their advisors are permitted to review the evidence solely for the purposes of this grievance process and may not duplicate or disseminate the evidence to the public.

### **E. Investigation Report**

After the period for the parties to provide any written response as specified in Section XVI.D has expired, the investigator will complete a written investigation report that fairly summarizes the various steps taken during the investigation, summarizes the relevant evidence collected, lists material facts on which the parties agree, and lists material facts on which the parties do not agree. When the investigation report is complete, the investigator will transmit a copy to the Title IX Coordinator. The investigator will also transmit the investigation report to each party and their advisor, in either electronic or hard copy form.

## **XVII. Adjudication Process Selection**

After the investigator has sent the investigation report to the parties, the Title IX Coordinator will transmit to each party a notice advising the party of the two different adjudication processes specified in Section XVIII. The notice will explain that the hearing process specified in Section XVIII.A is the default process for adjudicating all Formal Complaints and will be utilized unless both parties voluntarily consent to administrative adjudication as specified in Section XVIII.B as a form of informal resolution<sup>4</sup>. The notice will be accompanied by a written consent to

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<sup>4</sup> A student may not be sanctioned to suspension or expulsion through the administrative adjudication process. In certain situations, the Title IX Coordinator may determine that due to the egregiousness of the violation or a demonstrated pattern of behavior, the administrative adjudication process and other informal resolution options are not in the College's best interest.

administrative adjudication and will advise each party that, if both parties execute the written consent to administrative adjudication, then the administrative adjudication process will be used in lieu of the hearing process. Parties are urged to carefully review this policy (including the entirety of Section XVIII), consult with their advisor, and consult with other persons as they deem appropriate (including an attorney) prior to consenting to administrative adjudication.

Each party will have three (3) days from transmittal of the notice specified in Section XVII to return the signed written consent form to the Title IX Coordinator. If either party does not timely return the signed written consent, that party will be deemed not to have consented to administrative adjudication and the Formal Complaint will be adjudicated pursuant to the hearing process provided in Section XVIII.A.

## **XVIII. Adjudication**

### **A. Hearing Process**

The following hearing process will be used to adjudicate all Formal Complaints unless both parties' timely consent to administrative adjudication as specified in Section XVII above.

#### **1. Hearing Officer**

After selection of the hearing process as the form of administrative adjudication, the Title IX Coordinator will promptly appoint a hearing officer who will oversee the hearing process and render a determination of responsibility for the allegations in the Formal Complaint, at the conclusion of the hearing process. The Title IX Coordinator will see that the hearing officer is provided a copy of the investigation report and a copy of all evidence transmitted to the parties by the investigator as specified in Section XVI.D.

#### **2. Hearing Notice and Response to the Investigation Report**

After the hearing officer is appointed by the Title IX Coordinator, the hearing officer will promptly transmit written notice to the parties notifying the parties of the hearing officer's appointment; setting a deadline for the parties to submit any written response to the investigation report; setting a date for the pre-hearing conference; and setting a date and time for the hearing. Neither the pre-hearing conference, nor the hearing itself, may be held any earlier than ten (10) days from the date of transmittal of the hearing officer's written notice to the parties as specified in this Section.

A party's written response to the investigation report must include:

- To the extent the party disagrees with the investigation report, any argument or commentary regarding such disagreement;
- Any argument that evidence should be categorically excluded from consideration at the hearing based on privilege, relevancy, the prohibition on the use of sexual history specified in Section XXIII, or for any other reason;
- A list of any witnesses that the party contends should be requested to attend the hearing pursuant to an attendance notice to be issued by the hearing officer;
- A list of any witnesses that the party intends to bring to the hearing without an attendance notice issued by the hearing officer;
- Any request that the parties be separated physically during the pre-hearing conference and/or hearing;

- Any other accommodations that the party seeks with respect to the pre-hearing conference and/or hearing;
- The name and contact information of the advisor who will accompany the party at the pre-hearing conference and hearing;
- If the party does not have an advisor who will accompany the party at the hearing, a request that Sweet Briar College provide an advisor for purposes of conducting questioning as specified in Section XVIII.A.5.

A party's written response to the investigation report may also include:

- Argument regarding whether any of the allegations in the Formal Complaint are supported by a preponderance of the evidence; and
- Argument regarding whether any of the allegations in the Formal Complaint constitute Sexual Harassment.

### 3. Pre-Hearing Conference

Prior to the hearing, the hearing officer will conduct a pre-hearing conference with the parties and their advisors. The pre-hearing conference will be conducted live, with simultaneous and contemporaneous participation by the parties and their advisors. At the hearing officer's discretion or at the request of either party, the hearing may take place virtually with the parties in separate rooms with the parties able to simultaneously see and hear each other.

During the pre-hearing conference, the hearing officer will discuss the hearing procedures with the parties; address matters raised in the parties' written responses to the investigation report, as the hearing officer deems appropriate; discuss whether any stipulations may be made to expedite the hearing; discuss the witnesses the parties have requested be served with notices of attendance and/or witnesses the parties plan to bring to the hearing without a notice of attendance; and resolve any other matter that the hearing officer determines, in the hearing officer's discretion, should be resolved before the hearing.

### 4. Issuance of Notices of Attendance

After the pre-hearing conference, the hearing officer will transmit notices of attendance to any Sweet Briar College employee (including administrator, faculty, or staff) or student whose attendance is requested at the hearing as a witness. The notice will advise the subject of the specified date and time of the hearing and advise the subject to contact the hearing officer immediately if there is a material and unavoidable conflict.

The subject of an attendance notice should notify any manager, faculty member, coach, or other supervisor, as necessary, if attendance at the hearing will conflict with job duties, classes, or other obligations. All such managers, faculty members, coaches, and other supervisors are required to excuse the subject of the obligation, or provide some other accommodation, so that the subject may attend the hearing as specified in the notice.

Sweet Briar College will not issue a notice of attendance to any witness who is not an employee or a student.

### 5. Hearing

After the pre-hearing conference, the hearing officer will convene and conduct a hearing. The hearing will be audio recorded. The audio recording will be made available to the parties for inspection and review on reasonable notice, including for use in preparing any subsequent appeal.

The hearing will be conducted live, with simultaneous and contemporaneous participation by the parties and their advisors. At the hearing officer's discretion or at the request of either party, the hearing may take place virtually with the parties in separate rooms with the parties able to simultaneously see and hear the party or witnesses answering questions.

While the rulings from the hearing officer will govern the particulars of the hearing, each hearing will include, at a minimum:

- Opportunity for each party to address the hearing officer directly and to respond to questions posed by the hearing officer;
- Opportunity for each party's advisor to ask directly, orally, and in real time, relevant questions, and follow up questions, of the other party and any witnesses, including questions that support or challenge credibility;
- Opportunity for each party to raise contemporaneous objections to testimonial or non-testimonial evidence and to have such objections ruled on by the hearing officer and a reason for the ruling provided;
- Opportunity for each party to submit evidence that the party did not present during the investigation due to mistake, inadvertence, surprise, or excusable neglect;
- Opportunity for each party to make a brief closing argument.

Except as otherwise permitted by the hearing officer, the hearing will be closed to all persons except the parties, their advisors, the investigator, the hearing officer, the Title IX Coordinator, and other necessary Sweet Briar College personnel. With the exception of the investigator and the parties, witnesses will be sequestered until such time as their testimony is complete.

During the hearing, the parties and their advisors will have access to the investigation report and evidence that was transmitted to them pursuant to Section XVI.D.

While a party has the right to attend and participate in the hearing with an advisor, a party and/or advisor who materially and repeatedly violates the rules of the hearing in such a way as to be materially disruptive, may be barred from further participation and/or have their participation limited, as the case may be, in the discretion of the hearing officer.

Subject to the minimum requirements specified in this Section, the hearing officer will have sole discretion to determine the manner and particulars of any given hearing, including with respect to the length of the hearing, the order of the hearing, and questions of admissibility. The hearing officer will independently and contemporaneously screen questions for relevance in addition to resolving any contemporaneous objections raised by the parties and will explain the rationale for any evidentiary rulings.

The hearing is not a formal judicial proceeding and strict rules of evidence do not apply.

## 6. Subjection to Questioning

In the event that any party or witness refuses to attend the hearing, or attends but refuses to submit to questioning by the parties' advisors, the statements of that party or witness, as the case may be, whether

given during the investigation or during the hearing, will not be considered by the hearing officer in reaching a determination of responsibility.

Notwithstanding the foregoing, the hearing officer may consider the testimony of any party or witness, whether given during the investigation or during the hearing, if the parties jointly stipulate that the testimony may be considered or in the case where neither party requested attendance of the witness at the hearing.

In applying Section XVIII.A.6, the hearing officer will not draw an inference about the determination regarding responsibility based solely on a party or a witness's absence from the live hearing and/or refusal to submit to questioning by the parties' advisors.

#### 7. Deliberation and Determination

After the hearing is complete, the hearing officer will objectively evaluate all relevant evidence collected during the investigation, including both inculpatory and exculpatory evidence, together with testimony and non-testimony evidence received at the hearing, and ensure that any credibility determinations made are not based on a person's status as a Complainant, Respondent, or witness. The hearing officer will take care to exclude from consideration any evidence that was ruled inadmissible at the pre-hearing conference, during the hearing, or by operation of Section XVIII.A.6. The hearing officer will resolve disputed facts using a preponderance of the evidence (i.e., "more likely than not") standard and reach a determination regarding whether the facts that are supported by a preponderance of the evidence constitute one or more violations of the policy as alleged in the Formal Complaint.

#### 8. Discipline and Remedies

In the event the hearing officer determines that the Respondent is responsible for violating this policy, the hearing officer will determine any discipline to be imposed. The hearing officer will also, prior to issuing a written decision, consult with the Title IX Coordinator who will determine whether and to what extent ongoing support measures or other remedies will be provided to the Complainant.

#### 9. Written Decision

After reaching a determination and consulting with the Title IX Coordinator as required by Section XVIII.A.8, the hearing officer will prepare a written decision that will include:

- Identification of the allegations potentially constituting Sexual Harassment made in the Formal Complaint;
- A description of the procedural steps taken by Sweet Briar College upon receipt of the Formal Complaint, through issuance of the written decision, including notification to the parties, interviews with the parties and witnesses, site visits, methods used to gather non-testimonial evidence, and the date, location, and people who were present at or presented testimony at the hearing;
- Articulated findings of fact, made under a preponderance of the evidence standard, that support the determination;
- A statement of, and rationale for, each allegation that constitutes a separate potential incident of Sexual Harassment, including a determination regarding responsibility for each separate potential incident;
- The discipline determined;

- Whether the Complainant will receive any ongoing support measures or other remedies as determined by the Title IX Coordinator; and
- A description of Sweet Briar College’s process and grounds for appeal, as specified in Section XX.

The hearing officer’s written determination will be transmitted to the parties. Transmittal of the written determination to the parties concludes the hearing process, subject to any right of appeal as specified in Section XX.

Although the length of each adjudication by hearing will vary depending on the totality of the circumstances, Sweet Briar College strives to issue the hearing officer’s written determination within fourteen (14) days of the conclusion of the hearing.

## **B. Administrative Adjudication**

In lieu of the hearing process, the parties may consent to have a Formal Complaint resolved by administrative adjudication as a form of informal resolution. Administrative adjudication is voluntary and must be consented to in writing by both parties and approved by the Title IX Coordinator as specified in Section XVII. At any time prior to the issuance of the administrative officer’s determination, a party has the right to withdraw from administrative adjudication and request a live hearing as specified in Section XVIII.A.

If administrative adjudication is selected, the Title IX Coordinator will appoint an administrative officer. The Title IX Coordinator will see that the administrative adjudicator is provided a copy of the investigation report and a copy of all the evidence transmitted to the parties by the investigator as specified in Section XVI.D.

The administrative officer will promptly send written notice to the parties notifying the parties of the administrative officer’s appointment; setting a deadline for the parties to submit any written response to the investigation report; and setting a date and time for each party to meet with the administrative officer separately. The administrative officer’s meetings with the parties will not be held any earlier than ten (10) days from the date of transmittal of the written notice specified in this paragraph.

A party’s written response to the investigation report must include:

- To the extent the party disagrees with the investigation report, any argument or commentary regarding such disagreement;
- Any argument that a particular piece or class of evidence should be categorically excluded from consideration by the administrative officer based on privilege, relevancy, the prohibition on the use of sexual history specified in Section XXIII, or for any other reason;
- Argument regarding whether any of the allegations in the Formal Complaint are supported by a preponderance of the evidence;
- Argument regarding whether any of the allegations in the Formal Complaint constitute Sexual Harassment.

After reviewing the parties’ written responses, the administrative officer will meet separately with each party to provide the party with an opportunity make any oral argument or commentary the party wishes to make and for the administrative officer to ask questions concerning the party’s written response, the investigative report, and/or the evidence collected during the investigation.

After meeting with each party, the administrative officer will objectively reevaluate all relevant evidence, including both inculpatory and exculpatory evidence and ensure that any credibility determinations made are not based on a person's status as a Complainant, Respondent, or witness. The administrative officer will take care to exclude from consideration any evidence that the administrative officer determines should be ruled inadmissible based on the objections and arguments raised by the parties in their respective written responses to the investigation report. The administrative officer will resolve disputed facts using a preponderance of the evidence (i.e., "more likely than not") standard and reach a determination regarding whether the facts that are supported by a preponderance of the evidence constitute one or more violations of the policy as alleged in the Formal Complaint.

Thereafter, the administrative officer will prepare and transmit a written decision in the manner as specified in Section XVIII.A.8 which shall serve as a resolution for purposes of informal resolution.

Transmittal of the administrative officer's written determination concludes the administrative adjudication, subject to any right of appeal as specified in Section XX.

Although the length of each administrative adjudication will vary depending on the totality of the circumstances, Sweet Briar College strives to issue the administrative officer's written determination within twenty-one (21) days of the transmittal of the initiating written notice specified in this Section.

### **XIX. Dismissal During Investigation or Adjudication**

Sweet Briar College may dismiss a Formal Complaint at any point during the investigation or adjudication process if the Title IX Coordinator determines that any one or more of the following is true:

- The Complainant provides the Title IX Coordinator written notice that the Complainant wishes to withdraw the Formal Complaint or any discrete allegations therein (in which case those discrete allegations may be dismissed);
- The Respondent is no longer enrolled or employed by Sweet Briar College, as the case may be; or
- Specific circumstances prevent Sweet Briar College from gathering evidence sufficient to reach a determination as to the Formal Complaint, or any discrete allegations therein (in which case those discrete allegations may be dismissed).

In the event the Title IX Coordinator determines that a Formal Complaint should be dismissed pursuant to this Section, the Title IX Coordinator will provide written notice of dismissal to the parties and advise them of their right to appeal as specified in Section XX. The Title IX Coordinator may refer the subject matter of the Formal Complaint to other Sweet Briar College offices, as appropriate. A dismissal pursuant to this Section is presumptively a final determination as it pertains to this policy, unless otherwise specified in writing by the Title IX Coordinator in the written notice of dismissal.

### **XX. Appeal**

Either party may appeal the determination of an adjudication, or a dismissal of a Formal Complaint, on one or more of the following grounds:

- A procedural irregularity affected the outcome;
- There is new evidence that was not reasonably available at the time the determination or dismissal was made, that could have affected the outcome;

- The Title IX Coordinator, investigator, hearing officer, or administrative officer, as the case may be, had a conflict of interest or bias for or against complainants or respondents generally, or against the individual Complainant or Respondent, that affected the outcome.

No other grounds for appeal are permitted. Appeals are not intended to be a full rehearing. In most cases, appeals are limited to a review of the written documentation and pertinent documentation regarding the grounds for appeal.

A party must file an appeal within seven (7) days of the date they receive notice of dismissal, the hearing officer's determination, or the administrative officer's determination. The appeal must be submitted in writing to the Title IX Coordinator. The appeal must specifically identify the determination and/or dismissal appealed from, articulate which one or more of the three grounds for appeal are being asserted, explain in detail why the appealing party believes the appeal should be granted, and articulate what specific relief the appealing party seeks.

Promptly upon receipt of an appeal, the Title IX Coordinator will conduct an initial evaluation to confirm that the appeal is timely filed and that it invokes at least one of the permitted grounds for appeal. If the Title IX Coordinator determines that the appeal is not timely, or that it fails to invoke a permitted ground for appeal, the Title IX Coordinator will dismiss the appeal and provide written notice of the same to the parties.

If the Title IX Coordinator confirms that the appeal is timely and invokes at least one permitted ground for appeal, the Title IX Coordinator will share the appeal with the other party and provide written notice to them that an appeal has been filed and that they may submit a written opposition to the appeal within seven (7) days. The Title IX Coordinator will also appoint a (3) member appellate panel to consider and resolve the appeal.

Upon receipt of any opposition, or after the time period for submission of an opposition has passed without one being filed, the appeal panel will promptly decide the appeal and transmit a written decision to the parties that explains the outcome of the appeal and the rationale.

The determination of a Formal Complaint, including any discipline, becomes final when the time for appeal has passed with no party filing an appeal or, if any appeal is filed, at the point when the appeal panel has resolved all appeals, either by dismissal or by transmittal of a written decision.

No further review beyond the appeal is permitted.

Although the length of each appeal will vary depending on the totality of the circumstances, Sweet Briar College strives to issue the appeal officer's written decision within (21) days of an appeal being filed.

## **XXI. Advisor of Choice**

From the point a Formal Complaint is made, and until an investigation, adjudication, and appeal are complete, the Complainant and Respondent will have the right to be accompanied by an advisor of their choice to all meetings, interviews, and hearings that are part of the investigation, adjudication, and appeal process. The advisor may be, but is not required to be, an attorney.

Except for the questioning of witnesses during the hearing specified in Section XVIII.A.5, the advisor will play a passive role and is not permitted to communicate on behalf of a party, insist that communication flow through the advisor, or communicate with Sweet Briar College about the matter without the party being included in the communication. In the event a party's advisor of choice engages in material violation of the parameters specified in this Section or Section XVIII.A.5, Sweet Briar College may preclude the advisor from further participation, in which case the party may select a new advisor of their choice.

In the event a party is not able to secure an advisor to attend the hearing specified in Section XVIII.A.5, and requests Sweet Briar College to provide an advisor, Sweet Briar College will provide the party an advisor, without fee or charge, who will conduct questioning on behalf of the party at the hearing. Sweet Briar College will have sole

discretion to select the advisor it provides. The advisor Sweet Briar College provides may be, but is not required to be, an attorney.

Sweet Briar College is not required to provide a party with an advisor in any circumstance except where the party does not have an advisor present at the hearing specified in Section XVIII.A.5 and requests that Sweet Briar College provide an advisor.

## **XXII. Treatment Records and Other Privileged Information**

During the investigation and adjudication processes, the investigator and adjudicator, as the case may be, are not permitted to access, consider, disclose, permit questioning concerning, or otherwise use:

- A party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party; or
- Information or records protected from disclosure by any other legally-recognized privilege, such as the attorney client privilege; unless Sweet Briar College has obtained the party's voluntary, written consent to do so for the purposes of the investigation and adjudication process.

Notwithstanding the foregoing, the investigator and/or adjudicator, as the case may be, may consider any such records or information otherwise covered by this Section if the party holding the privilege affirmatively discloses the records or information to support their allegation or defense, as the case may be.

## **XXIII. Sexual History**

During the investigation and adjudication processes, questioning regarding a Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. Notwithstanding the foregoing, a Complainant who affirmatively uses information otherwise considered irrelevant by this Section for the purpose of supporting the Complainant's allegations, may be deemed to have waived the protections of this Section.

## **XXIV. Informal Resolution**

At any time after the parties are provided written notice of the Formal Complaint as specified in Section XV, and before the completion of any appeal specified in Section XX, the parties may voluntarily consent, with the Title IX Coordinator's approval, to engage in mediation, facilitated resolution, or other form of dispute resolution the goal of which is to enter into a final resolution resolving the allegations raised in the Formal Complaint by agreement of the parties. Administrative Adjudication as specified in Section XVIII.B is a form of informal resolution.

The specific manner of any informal resolution process will be determined by the parties and the Title IX Coordinator, in consultation together. Prior to commencing the informal resolution process agreed upon, the Title IX Coordinator will transmit a written notice to the parties that:

- Describes the parameters and requirements of the informal resolution process to be utilized;
- Identifies the individual responsible for facilitating the informal resolution (who may be the Title IX Coordinator, another Sweet Briar College official, or a suitable third-party);

- Explains the effect that participating in informal resolution and/or reaching a final resolution will have on a party's ability to resume the investigation and adjudication of the allegations at issue in the Formal Complaint; and
- Explains any other consequence resulting from participation in the informal resolution process, including a description of records that will be generated, maintained, and/or shared.

After receiving the written notice specified in this paragraph, each party must voluntarily provide written consent to the Title IX Coordinator before the informal resolution may commence.

During the pendency of the informal resolution process, the investigation and adjudication processes that would otherwise occur are stayed and all related deadlines are suspended.

If the parties reach a resolution through the informal resolution process, and the Title IX Coordinator agrees that the resolution is not clearly unreasonable, the Title IX Coordinator will reduce the terms of the agreed resolution to writing and present the resolution to the parties for their written signature. Once both parties and the Title IX Coordinator sign the resolution, the resolution is final, and the allegations addressed by the resolution are considered resolved and will not be subject to further investigation, adjudication, remediation, or discipline by Sweet Briar College, except as otherwise provided in the resolution itself, absent a showing that a party induced the resolution by fraud, misrepresentation, or other misconduct or where required to avoid a manifest injustice to either party or to Sweet Briar College. Notwithstanding the foregoing, if the form of informal resolution is Administrative Adjudication as specified in Section XVIII.B, there shall not be an agreed resolution requiring the parties' signatures; instead, the determination issued by the administrative officer shall serve as the resolution and conclude the informal resolution process, subject only to any right of appeal. With the exception of a resolution resulting from the Administrative Adjudication process specified in Section XVIII.B, all other forms of informal resolution pursuant to this Section are not subject to appeal.

A party may withdraw their consent to participate in informal resolution at any time before a resolution has been finalized.

Absent extension by the Title IX Coordinator, any informal resolution process must be completed within twenty-one (21) days. If an informal resolution process does not result in a resolution within twenty-one (21) days, and absent an extension, abeyance, or other contrary ruling by the Title IX Coordinator, the informal resolution process will be deemed terminated, and the Formal Complaint will be resolved pursuant to the investigation and adjudication procedures. The Title IX Coordinator may adjust any time periods or deadlines in the investigation and/or adjudication process that were suspended due to the informal resolution.

Other language in this Section notwithstanding, informal resolution will not be permitted if the Respondent is a non-student employee accused of committing Sexual Harassment against a student.

## **XXV. Presumption of Non-Responsibility**

From the time a report or Formal Complaint is made, a Respondent is presumed not responsible for the alleged misconduct until a determination regarding responsibility is made final.

## **XXVI. Resources**

Any individual affected by or accused of Sexual Harassment will have equal access to support and counseling services offered through Sweet Briar College. Sweet Briar College encourages any individual who has questions or concerns to seek support of Sweet Briar College identified resources. The Title IX Coordinator is available to provide information about Sweet Briar College's policy and procedure and to provide assistance. A list of Sweet Briar College identified resources may be found on Sweet Briar College's Title IX website.

## **XXVII. Conflicts of Interest, Bias, and Procedural Complaints**

The Title IX Coordinator, investigator, hearing officer, administrative officer, appeal panel members, and informal resolution facilitator will be free of any material conflicts of interest or material bias. Any party who believes one or more of these Sweet Briar College officials has a material conflict of interest or material bias must raise the concern promptly so that Sweet Briar College may evaluate the concern and find a substitute, if appropriate. The failure of a party to timely raise a concern of a conflict of interest or bias may result in a waiver of the issue for purposes of any appeal specified in Section XX or otherwise.

### **XXVIII. Objections Generally**

Parties are expected to raise any objections, concerns, or complaints about the investigation, adjudication, and appeals process in a prompt and timely manner so that Sweet Briar College may evaluate the matter and address it, if appropriate.

### **XXIX. Constitutional Rights and Academic Freedom**

Sweet Briar College will construe and apply this policy consistent with the principles of academic freedom specified in the Faculty Handbook. In no case will a Respondent be found to have committed Sexual Harassment based on expressive conduct that is protected the principles of academic freedom specified in the Faculty Handbook.

### **XXX. Relationship With Criminal Process**

This policy sets forth Sweet Briar College's processes for responding to reports and Formal Complaints of Sexual Harassment. Sweet Briar College's processes are separate, distinct, and independent of any criminal processes. While Sweet Briar College may temporarily delay its processes under this policy to avoid interfering with law enforcement efforts if requested by law enforcement, Sweet Briar College will otherwise apply this policy and its processes without regard to the status or outcome of any criminal process.

### **XXXI. Recordings**

Wherever this policy specifies that an audio or video recording will be made, the recording will be made only by Sweet Briar College and is considered property of Sweet Briar College, subject to any right of access that a party may have under this policy, FERPA, and other applicable federal, state, or local laws. Only Sweet Briar College is permitted to make audio or video recordings under this policy. The surreptitious recording of any meeting, interview, hearing, or other interaction contemplated under this policy is strictly prohibited. Any party who wishes to transcribe a hearing by use of a transcriptionist must seek pre-approval from the hearing officer.

### **XXXII. Vendors, Contractors and Third Parties**

Sweet Briar College does business with various vendors, contractors, and other third-parties who are not students or employees of Sweet Briar College. Notwithstanding any rights that a given vendor, contractor, or third-party Respondent may have under this policy, Sweet Briar College retains its right to limit any vendor, contractor, or third-party's access to campus for any reason. And Sweet Briar College retains all rights it enjoys by contract or law to terminate its relationship with any vendor, contractor, or third-party irrespective of any process or outcome under this policy.

### **XXXIII. Bad Faith Complaints and False Information**

It is a violation of this policy for any person to submit a report or Formal Complaint that the person knows, at the time the report or Formal Complaint is submitted, to be false or frivolous. It is also a violation of this policy for any person to knowingly make a materially false statement during the course of an investigation, adjudication, or appeal under this policy. Violations of this Section are not subject to the investigation and adjudication processes in this policy; instead, they will be addressed under the Code of Student Conduct in the case of students and other Sweet Briar College policies and standards, as applicable, for other persons.

#### **XXXIV. Retaliation**

It is a violation of this policy to engage in Retaliation. Reports and Formal Complaints of retaliation may be made in the manner specified in Sections VI and XII. Any report or Formal Complaint of Retaliation will be processed under this policy in the same manner as a report or Formal Complaint of Sexual Harassment, as the case may be. Sweet Briar College retains discretion to consolidate a Formal Complaint of Retaliation with a Formal Complaint of Sexual Harassment for investigation and/or adjudication purposes if the two Formal Complaints share a common nexus.

#### **XXXV. Confidentiality**

Sweet Briar College will keep confidential the identity of any individual who has made a report or Formal Complaint of Sexual Harassment or Retaliation including any Complainant, the identity of any individual who has been reported to be a perpetrator of Sexual Harassment or Retaliation including any Respondent, and the identity of any witness. Sweet Briar College will also maintain the confidentiality of its various records generated in response to reports and Formal Complaints, including, but not limited to, information concerning Supportive Measures, notices, investigation materials, adjudication records, and appeal records. Notwithstanding the foregoing, Sweet Briar College may reveal the identity of any person or the contents of any record if permitted by FERPA, if necessary to carry out Sweet Briar College's obligations under Title IX and its implementing regulations including the conduct of any investigation, adjudication, or appeal under this policy or any subsequent judicial proceeding, or as otherwise required by law. Further, notwithstanding Sweet Briar College's general obligation to maintain confidentiality as specified herein, the parties to a report or Formal Complaint will be given access to investigation and adjudication materials in the circumstances specified in this policy.

While Sweet Briar College will maintain confidentiality specified in this Section, Sweet Briar College will not limit the ability of the parties to discuss the allegations at issue in a particular case. Parties are advised, however, that the manner in which they communicate about, or discuss a particular case, may constitute Sexual Harassment or Retaliation in certain circumstances and be subject to discipline pursuant to the processes specified in this policy.

Note that certain types of Sexual Harassment are considered crimes for which Sweet Briar College must disclose crime statistics in its Annual Security Report that is provided to the campus community and available to the public. These disclosures will be made without including personally identifying information.

#### **XXXVI. Outside Appointments, Dual Appointments, and Delegations**

Sweet Briar College retains discretion to retain and appoint suitably qualified persons who are not Sweet Briar College employees to fulfill any function of Sweet Briar College under this policy, including, but not limited to, the investigator, hearing officer, administrative officer, informal resolution officer, and/or appeal officers.

Sweet Briar College also retains discretion to appoint two or more persons to jointly fulfill the role of investigator, hearing officer, administrative officer, informal resolution officer, and/or appeal officers.

The functions assigned to a given Sweet Briar College official under this policy, including but not limited to the functions assigned to the Title IX Coordinator, investigator, hearing officer, administrative officer, informal resolution officer, and appeals officer, may, in Sweet Briar College's discretion, be delegated by such Sweet Briar College official to any suitably qualified individual and such delegation may be recalled by Sweet Briar College at any time.

#### **XXXVII. Training**

Sweet Briar College will ensure that Sweet Briar College officials acting under this policy, including but not limited to the Title IX Coordinator, investigators, hearing officers, administrative officers, informal resolution facilitators, Sweet Briar College provided advisors, and appeals officers receive training in compliance with 34 C.F.R. § 106.45(b)(1)(iii) and any other applicable federal or state law.

### **XXXVIII. Recordkeeping**

Sweet Briar College will retain those records specified in 34 C.F.R. § 106.45(b)(10) for a period of seven years after which point in time they may be destroyed, or continue to be retained, in Sweet Briar College's sole discretion. The records specified in 34 C.F.R. § 106.45(b)(10) will be made available for inspection, and/or published, to the extent required by 34 C.F.R. § 106.45(b)(10) and consistent with any other applicable federal or state law, including FERPA.

### **XXXIX. Discretion in Application**

Sweet Briar College retains discretion to interpret and apply this policy in a manner that is not clearly unreasonable, even if Sweet Briar College's interpretation or application differs from the interpretation of the parties.

Despite Sweet Briar College's reasonable efforts to anticipate all eventualities in drafting this policy, it is possible unanticipated or extraordinary circumstances may not be specifically or reasonably addressed by the express policy language, in which case Sweet Briar College retains discretion to respond to the unanticipated or extraordinary circumstance in a way that is not clearly unreasonable.

The provisions of this policy and the Hearing Procedures referenced in Section XVIII.A.5 are not contractual in nature, whether in their own right, or as part of any other express or implied contract. Accordingly, Sweet Briar College retains discretion to revise this policy and the Hearing Procedures at any time, and for any reason. Sweet Briar College may apply policy revisions to an active case provided that doing so is not clearly unreasonable.

### **XVII. Annual Disclosure of Crime Statistics**

The Department of Campus Safety prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. This report is prepared in cooperation with the office of the Dean of Student Life, Department of Campus Safety, and local law enforcement surrounding our campus. Each entity provides updated information on their educational efforts and programs to comply with the Act.

Campus crime, arrest and referral statistics include those reported to the Department of Campus Safety, designated campus officials (including but not limited to directors, deans, department heads, judicial affairs, advisors to students/student organizations, athletic coaches), and local law enforcement agencies.

These statistics may also include crimes that have occurred in private residences, businesses and on public property in a geographical defined area which surrounds the College campus. Crimes Statistics are also available on the College Campus Safety webpage. Copies of the crime statistics may also be obtained at the Department of Campus Safety located in the Dorothy Sales Building.

#### Clery Act Crime Statistics

The following statistics on annual incident rates are provided yearly and comply with the federal Crime Awareness and Campus Security Act of 1990, the Higher Education Amendments of 1992 and Massachusetts General Laws (1996) Chapter 6, Section 168C. These statistics, which conform to the FBI Uniform Crime Report.

These statistics are compiled from all incidents reported to the Department of Campus Safety, as well as incidents reported to Campus Security Authorities, as well as any reported to law enforcement agencies with concurrent jurisdiction over on campus and non-campus College property.

Statistics for this report were received from the Virginia State Police, Amherst County Sheriff's Office, and the Town of Amherst Police Department.

#### Definitions of Clery Act Crimes

To aid in the understanding of the crimes reported in this document, we are providing the following definitions.

- **Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. Some examples of severe or aggravated bodily injuries are wounds requiring stitches, broken bones, and internal injuries.
- **Arson:** Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling, house, public building, motor vehicle, aircraft, personal property of another, etc.

- **Burglary:** The unlawful entry of a structure to commit a felony or a theft.
- **Dating Violence:** Violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such relationship will be gauged by its length, type, and frequency of interaction.
- **Domestic Violence:** Asserted violent misdemeanor and felony offenses committed by the victim's current or former spouse, current or former cohabitant, persons similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.
- **Forcible Sex Offenses:** Any sexual act directed against another person, forcibly or against that person's will, where the victim is incapable of giving consent. This category includes the following:
  - **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, forcibly or against the person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his or her age or because of his or her temporary or permanent mental incapacity. Forcible fondling includes "indecent liberties" and "child molesting."
  - **Rape:** The carnal knowledge of a person, forcibly or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his or her temporary or permanent mental or physical incapacity or because of his or her age.
  - **Sodomy:** Oral or anal sexual intercourse with another person, forcibly or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his or her age or because of his or her temporary or permanent mental or physical incapacity.
  - **Sexual Assault with an Object:** To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his or her youth or because of his or her temporary or permanent mental or physical incapacity.
- **Hate Crimes:** All of the above crimes or any other crime involving bodily injury or the crimes listed below, but only if such offenses are bias/hate motivated. Federal law defines hate crimes as those that manifest evidence that the victim was intentionally selected because of the victim's actual or perceived race, gender, religion, sexual orientation, ethnicity, national origin, or disability.
- **Intimidation:** To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct but without displaying a weapon or subjecting the victim to a physical attack.
- **Simple Assault:** An unlawful physical attack by one person upon another where neither the offender displays a weapon, or the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.
- **Theft (Larceny):** Includes the crimes of Pocket Picking, Purse Snatching, Shoplifting, Theft from Building, Theft from Coin Operated Machine or Device, Theft from Motor Vehicle, Theft of Motor Vehicle Parts or Accessories, and All Other Larceny.
- **Vandalism:** To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.
- **Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle.
- **Murder and Non-Negligent Manslaughter:** The willful (non-negligent) killing of one human being by another.
- **Negligent Manslaughter:** The killing of another person through gross negligence.
- **Non-forcible Sex Offenses:** Unlawful, non-forcible sexual intercourse, including the following:
  - **Incest** – Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  - **Statutory Rape** – Non-forcible sexual intercourse with a person who is under the statutory age of consent.
- **Robbery:** The taking or attempt to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or putting the victim in fear.

- **Stalking:** A course of conduct directed at a specific person that would cause a reasonable person to fear for her, his, or others' safety, or to suffer substantial emotional distress.

### Arrests and Judicial Referrals

These categories do not include violations of College policy:

- **Illegal Weapons Possession Violations:** Weapons offenses, regulatory in nature, such as the manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; using, manufacturing, etc., of silencers; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the above.
- **Drug Abuse Violations:** Violations of federal, state, and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs or marijuana.
- **Liquor Law Violations:** The violations of state laws or local ordinances prohibiting the manufacture, sale, transporting, furnishing, or possessing of intoxicating liquor; maintaining unlawful drinking places; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance (except where permitted by law); and all attempts to commit any of the aforementioned.

### Definitions of Geographical Categories

- **On-Campus**
  - Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls.
  - Any building or property owned by the institution, but controlled by another person, that is within or reasonably contiguous to the geographic area, is frequently used by students, and/or supports institutional purposes (such as a food or other retail vendor).
- **Residence Halls**
  - On-campus dormitories or other residential facilities for students. Please note that statistics reported in this category are a subset of those reported in the "On-Campus" category.
- **Non-Campus**
  - Any building or property owned or controlled by a student organization that is officially recognized by the institution.
  - Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.
- **Public Property**
  - All public property, including parks, thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to, and accessible from, the campus.



# Sweet Briar College FY2024 CLERY CRIME STATISTICS

NOTES: The "On-Campus Residential" category is a subset of the "On-Campus" Category.

Criminal Offenses	On- Campus			On-Campus Residential			Non-Campus			Public Property		
	2022	2023	2024	2022	2023	2024	2022	2023	2024	2022	2023	2024
a. Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
b. Negligent manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
c. Sex offenses - Forcible	0	0	0	0	0	0	0	0	0	0	0	0
d. Rape	1	2	0	1	2	0	0	0	0	0	0	0
e. Fondling	1	1	0	1	0	0	0	0	0	0	0	0
f. Sex offenses - Non-forcible	0	0	0	0	0	0	0	0	0	0	0	0
g. Incest	0	0	0	0	0	0	0	0	0	0	0	0
h. Statutory rape	0	0	0	0	0	0	0	0	0	0	0	0
i. Robbery	0	0	0	0	0	0	0	0	0	0	0	0
j. Aggravated assault	0	0	0	0	0	0	0	0	0	0	0	0
k. Burglary	1	1	0	1	1	0	0	0	0	0	0	0
l. Motor vehicle theft	0	0	0	0	0	0	0	0	0	0	0	0
m. Arson	0	0	0	0	0	0	0	0	0	0	0	0
n. Any other crime involving bodily injury	0	0	0	0	0	0	0	0	0	0	0	0
o. Dating violence	1	1	0	0	1	0	0	0	0	0	0	0
p. Domestic violence	1	1	0	0	1	0	0	0	0	0	0	0
q. Stalking	1	0	0	0	0	0	0	0	0	0	0	0



Disability	0	0	0	0	0	0	0	0	0	0	0
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Arrest/Referrals - Select Offenses	On-Campus			On-Campus Residential			Non-Campus			Public Property		
	2022	2023	2024	2021	2023	2024	2022	2023	2024	2022	2023	2024
Liquor Law Violations - Arrest	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violations - Referral	3	4	2	1	4	2	0	0	0	0	0	0
Drug Law Violations - Arrest	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Violations - Referral		0	0	5	1	0	0	0	0	0	0	0
Illegal Weapons Violation - Arrest	0	0	0	0	0	0	0	0	0	0	0	0
Illegal Weapons Violation - Referral	0	1	0	0	1	0	0	0	0	0	0	0

Unfounded crimes. If a reported crime is investigated by law enforcement authorities and found to be false or baseless, the crime is “unfounded”.

There were no unfounded crimes reported in 2024.

# Sweet Briar College 2024 Fire Safety Report

The Higher Education Opportunity Act (HEOA) includes various provisions related to fire safety and requires institutions with on-campus housing to publish annually a fire safety report that provides statistics for all on-campus residence facilities.

The report must detail such information as the number of fires, deaths, injuries, fire drills, fire-related property damage, and the type of fire detection systems in each building. In addition, each institute must maintain a log of all campus student housing fires, including the nature, date, time, and general location of each fire.

## I. Residential Life and Fire Safety

Sweet Briar College has undertaken an aggressive review of its fire safety program, including policies and procedures for conducting fire and evacuation drills, the inventory and maintenance of fire detection and suppression systems, and in-service training for students, faculty, and staff.

Department of Campus Safety personnel work in close partnership with residential life staff on life and fire safety training basics to include evacuation planning and procedures, fire behavior, malicious activation of fire alarms, and assessing living areas for fire safety.

## II. Sweet Briar Smoking and Prohibited Items Policies

### A. Smoking

Smoking is NOT permitted in any College facility and is prohibited within 50 feet of any residential, academic or administrative building.

The College community is encouraged to use common sense and common courtesy when smoking outside residence halls. In addition, please use caution when lighting, smoking, and extinguishing cigarettes or other smoking materials. Students/community members are liable for any injury to others and/or damage to property resulting from negligence.

### B. Prohibited Items

The following items are prohibited in all SBC Residence Hall rooms:

- Sunlamps
- Clip lamps
- Halogen lamps
- Air conditioners
- Microwaves (the only exception is for approved Micro-Fridge units, which you can rent from Melvin Corporation)
- Hot plates
- Electric frying pans
- Immersion coils
- Any other similar cooking or heating devices
- Space heaters

### III. Fire Protection Systems

Information specific to fire safety/detection systems and fire suppression systems for each on-campus housing facility is detailed in the chart shown below.

Residential Houses	Alarms		Room Smoke Detectors	Sprinkler System	Fire Extinguishers	Evacuation Plans and Placards	No. of Evacuation/ Fire Drills
	Heat	Smoke					
Carson Hall	Y	Y	Y	Y	Y	Y	4
Dew Hall	Y	Y	Y	Y	Y	Y	4
Grammer Hall	Y	Y	Y	Y	Y	Y	4
Green Village 1	Y	Y	Y	Y	Y	Y	4
Green Village 2	Y	Y	Y	Y	Y	Y	4
Green Village 3	Y	Y	Y	Y	Y	Y	4
Green Village 4	Y	Y	Y	Y	Y	Y	4
Green Village 5	Y	Y	Y	Y	Y	Y	4
House 5	Y	Y	Y	Y	Y	Y	4
Manson Hall	Y	Y	Y	Y	Y	Y	4
Meta Glass Hall	Y	Y	Y	Y	Y	Y	4
Patteson House	Y	Y	Y	Y	Y	Y	2*
Randolph Hall	Y	Y	Y	Y	Y	Y	4
Reid Hall	Y	Y	Y	Y	Y	Y	4

\*Patteson House was used during the Spring Semester for quarantine during the Covid Pandemic. During the Fall Semester, it was used as student housing. The alarm system was inspected and activated two times during the academic year.

### IV. Fire Drills and Evacuation Procedures

The College is required to conduct periodic fire drills throughout the academic year. Students should be familiar with the building exits to be used in the event a fire alarm is sounded. All residents and all guests are required to evacuate the residence area when an alarm is sounded and remain outside the residence area until it is declared safe to re-enter by the appropriate College official. Resident Advisors, Resident Directors, Campus Safety, Physical Plant assist with fire drills and evacuation.

Students and staff living or working in each residence hall will respond directly to their assigned evacuation points when any fire alarm sounds. Campus Safety and Residence Life personnel will assist students during evacuations and attempt to account for all students and/or staff assigned to the residence hall.

### V. Campus Evacuation Plan

When an emergency occurs on or near campus that requires a systematic evacuation, Campus Safety will begin the process by contacting the Superintendent of Amherst Public Schools to activate their emergency evacuation protocol for Sweet Briar. Simultaneously, the EAS signal for GATHER will be sounded.

**GATHER SIREN SIGNAL** – A series of 10 second blasts followed by 4 seconds of silence for a period of 3 minutes. This signal indicates that persons should gather on campus at the Fitness and Athletic Center (FAC).

A text message will be sent via the LiveSafe emergency notification system.

The Amherst School District will dispatch busses to the SBC Fitness and Athletic Center from which they will transport the campus population to the Amherst County High School until the threat has abated, or in the event of an extended emergency a dismissal procedure is initiated. In the event that Amherst High School is also in harm's way, an alternate ACS facility will be identified by ACS staff and law enforcement as the evacuation point.

The Critical Incident Response Team will be notified and convene at the FAC to assist Campus Safety in the direction of the evacuation and then at the evacuation facility to assist the management of the gathering at Amherst High School and to coordinate follow up.

A follow up message via LiveSafe and campus email will be sent to the community. The Director of Residence Life will work directly with the Resident Coordinators and Resident Advisors to assist with disseminating information and updates to students.

## **VI. Follow Up/Recovery**

Campus Safety will work with Physical Plant staff to assess any damage on campus. They will use extreme caution when entering buildings and watch for electrical system damage, downed power lines, gas leaks, and sewer and water line damage, as appropriate.

Physical Plant staff will work with the Director of Residence Life to coordinate any housing needs/relocation of students.

Campus Safety and Physical Plant will coordinate follow up with any outside agencies (e.g. DOD, Department of Emergency Management, etc.).

## **VII. Daily Campus Fire Log**

In compliance with federal law, the Department of Campus Safety maintains a daily campus fire log listing all campus student housing fires, including the nature, date, time, and general location of each fire that occurred on campus within any of the College-provided student residential facilities.

The Daily Fire Log is available for public inspection during normal business hours at the Department of Campus Safety.

## VII. 2024 Fire Statistics

The table below documents the fire statistics for on-campus residential housing during 2024.

2024 Residence Hall Fire Statistics					
Residence Hall	Number of Fires	Cause of Fire	No. of Fire Related Injuries <sup>1</sup>	No. of Fire Related Fatalities	Value of Property Fire Damage <sup>2</sup>
Carson Hall	0	N/A	0	0	0
Dew Hall	0	N/A	0	0	0
Grammer Hall	0	N/A	0	0	0
Green Village 1	0	N/A	0	0	0
Green Village 2	0	N/A	0	0	0
Green Village 3	0	N/A	0	0	0
Green Village 4	0	N/A	0	0	0
Green Village 5	0		0	0	0
House 5	0	N/A	0	0	0
Manson Hall	0	N/A	0	0	0
Meta Glass Hall	0	N/A	0	0	0
Patteson House	0	N/A	0	0	0
Randolph Hall	0	N/A	0	0	0
Reid Hall	0	N/A	0	0	0

1. Statistic for injuries requiring treatment at a Medical Facility.

2. Values are in dollar amounts