

Hollins University Sexual Harassment Under Title IX Policy

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INTRODUCTION

On May 6, 2020, the United States Department of Education released amendments to the Title IX regulations of the Education Amendments of 1972. These regulations are effective August 14, 2020. This aspect of the sexual harassment policy addresses only those incidences and process defined by Title IX. Please see the university's harassment policy for processes involving other incidences of sexual harassment not identified in this policy.

Hollins University's primary concern is the community's well-being and ability to participate equally in educational and employment opportunities. This policy specifically addresses those identified by the United States Department of Education.

Within the context of its mission statement, Hollins University strives to recognize human dignity, and is committed to providing equal educational and employment opportunities to all persons, regardless of sex (including gender identity and sexual orientation), race, color, ethnic origin, nationality, disability, genetic information, veteran status, marital status, age, and political and religious beliefs.

Unwelcome conduct may be unlawful, and unfairly interferes with the opportunity for all people to have a productive educational and employment environment. Hollins University is committed to taking all reasonable steps to eliminate harassment, prevent its recurrence, and address its effects in a prompt, equitable, and effective manner, and to discipline where appropriate, under the applicable University disciplinary procedures, those who violate this policy. Hollins believes that a person is entitled to say "no" to unwanted and offensive conduct without the fear of reprisal or retribution from any person.

Hollins University is committed to the principles of academic freedom, and believes that free inquiry, critical thinking, vigorous discussion, debate, and free expression are integral parts of the university community. The educational setting presents unique issues because academic freedom promotes the expression of ideas, even where the ideas may be perceived to be offensive. The educational process relies upon the free exchange of ideas, and this policy shall not be interpreted to otherwise restrict academic freedom. This academic freedom, however, should not be used to create a hostile environment.

It is the goal of Hollins University that, when possible, individuals have a responsibility to resolve conflicts between or among themselves. Hollins will strive to create an environment that promotes mature discussion and resolution of issues and expects that the members of the Hollins community will strive to do the same. All members of the campus community should work to understand that what is perceived as unwelcome conduct by one individual may not be similarly perceived by another where differences of attitude, beliefs, experiences, and/or culture apply. If and when, unwelcome conduct is believed to have occurred, the following internal policy, process, procedures, people, education, and training are in place to report and investigate complaints; provide prompt, equitable, and remedial action to resolve complaints; and provide on- and off-campus assistance and resources to support complainants and respondents.

The university may amend or modify the procedures set forth in this policy at any time, if it determines such amendment or modification is warranted under the circumstances.

SCOPE OF POLICY

People Impacted

This policy applies to all members of the university community, including administration, faculty, staff, students, anyone who resides on campus, vendors and third parties, regardless of sexual orientation or gender identity. The policy applies when prohibited conduct, as described below, occurs on campus and/or in the context of any Hollins program or activity within the United States.

Confidentiality Provision

Confidentiality is a clear expectation throughout the report/complaint filing, investigation, determination, resolution, discipline, and appeals processes. Complete confidentiality can never be promised, as people with “a need to know” must be involved. Also, the safety of the complainant and others must be taken into consideration.

Documentation related to all complaints, including the complaint, information about accommodations and protective measures, witness interviews, complaint evidence, investigative reports and summaries, disposition documents, resolution records, disciplinary records, and appeal documents, will be stored in a location with secure access, and will not be part of employment or academic records unless an individual receives discipline resulting from the Title IX process. Access to records and other information pertaining to complaints, accommodations and protective measures, investigations, determinations, resolutions, discipline, and appeals will be maintained confidentially to the fullest extent possible by restricting access to such records and other information to those individuals with a legitimate need to know and to those individuals designated or otherwise authorized by Hollins University to review such information.

SEXUAL HARASSMENT UNDER TITLE IX

Sexual harassment is unwelcomed and/or offensive physical, written, verbal, or nonverbal conduct of a sexual nature. This includes:

1. A school employee conditioning an educational benefit or service upon a person’s participation in unwelcome sexual conduct (often called “quid pro quo” harassment);
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school’s education program or activity; or
3. Sexual assault, dating violence, domestic violence, or stalking (as those offenses are defined in the Clery Act, 20 U.S.C. § 1092(f), and the Violence Against Women Act, 34 U.S.C. § 12291(a)).

TITLE IX COORDINATOR

Title IX of the Education Amendments of 1972 is a federal civil rights law that prohibits discrimination on the basis of sex in federally funded educational programs and activities. Title IX protects students, employees, applicants for admission and employment, and other people from all forms of sex discrimination, including those related to sexual orientation and gender identity. All public and private colleges and universities receiving any federal financial assistance must comply with Title IX.

Nakeshia Williams is the university’s Title IX Coordinator and Vice President of Student Success, Well-Being, and Belonging. She may be reached at 540-362-6587 (office), williamsnn1@hollins.edu (email) or visited in Upper Moody, Mary Rowland Lounge.

The Title IX coordinator has responsibility for the Harassment Policy and oversight responsibility for policies, training, resources, and campus climate surveys related to sexual misconduct. All complaints involving sex (including gender identity and sexual misconduct) and sexual orientation are ultimately reported to and the responsibility of the Title IX coordinator. The vice president for student success, well-being, and belonging oversees all complaints involving sexual harassment where the Title IX coordinator is the respondent.

The Title IX coordinator's responsibilities include overseeing the university's response to Title IX reports, complaints, and identifying and addressing any patterns or systemic problems revealed by such reports and complaints. Additionally, the Title IX coordinator is responsible for evaluating complainant requests for confidentiality in the context of the university's responsibility to provide a safe and nondiscriminatory environment.

The Title IX coordinator also has responsibility for providing training to students, faculty, and staff on Title IX issues; conducting Title IX investigations, including offering supportive measures to every complainant, investigating facts relevant to a complaint; assisting with determining appropriate sanctions against the respondent; determining remedies for the complainant; determining appropriate interim measures for a complainant upon learning of a report or complaint of sexual violence; and ensuring that appropriate policies and procedures are in place for working with local law enforcement and coordinating services with local survivor advocacy organizations and service providers, including rape crisis centers.

The Title IX coordinator or their designee is also available to meet with complainants and respondents as needed. See the following sections for additional details regarding the Title IX coordinator's duties.

Questions regarding Title IX may be referred to the Title IX coordinator or the Department of Education Office for Civil Rights.

REPORTING INCIDENTS OF SEXUAL MISCONDUCT

Filing an Institutional Complaint

Complaints about Title IX should be reported to the Title IX coordinator or another "official with authority" as close to the alleged incident as possible. "Officials with authority" include but are not limited to members of the Harassment Grievance Board, the president, provost, vice presidents, associate vice president for student success, associate vice president for DEI, dean of students, housing and residence life staff (including community assistants), campus security staff and human resources staff. These other officials will provide immediate assistance, if necessary, and will refer the report to the Title IX coordinator.

To file a formal complaint, the complainant must be participating in or attempting to participate in the education program or activity of the recipient with which the formal complaint is filed. The complaint must be in written form, alleging sexual harassment against a respondent and requesting that the university investigate the allegation of sexual harassment. The written complaint should generally include the following information: name(s) of the respondent, details of what allegedly occurred, when this allegedly occurred, where this allegedly occurred, why the alleged incident occurred if known, witnesses to the alleged concern, response(s) to the alleged concern, and action(s) required for resolution.

With complaints involving alleged criminal conduct (for example, issues of sexual violence), the complainant is encouraged, but not required, to report the incident to local, state, and/or federal law

enforcement agencies. The complainant may contact the University Security Department for assistance notifying law enforcement agencies about alleged criminal conduct.

After receiving the Title IX complaint, the Title IX coordinator will reach out to the complainant with supportive measures and coordinate next steps.

For Parents and Legal Guardians

If a parent has the legal right to act on behalf of their child student (*e.g.*, the student is a minor), the parent may act on the student's behalf by, for example, signing a formal complaint alleging that their child was sexually harassed and asking the university to investigate. The extent to which Hollins must abide by the wishes of a parent, especially in circumstances where the student is expressing a different wish from what the student's parent wants, depends on the scope of the parent's legal right to act on the student's behalf.

Alternatives to Reporting Sexual Harassment Complaints

A student may contact health and counseling services or the university chaplain to have a Title IX complaint deemed, in most cases, a privileged and confidential disclosure. A student may contact an off-campus resource to have a Title IX complaint deemed a privileged and confidential disclosure, and an employee may contact an off-campus resource to have a Title IX complaint deemed a privileged and confidential disclosure. The exceptions to this confidentiality are situations in which there are concerns about the student's or others' safety, or the survivor is a minor. In such situations, incident information pertinent to the student's, others', or the minor's safety will be disclosed to university administrators responsible for helping keep the student, campus community, or minor safe; all other information will remain confidential.

Students and employees who tell a school official about a potential Title IX-covered incident should understand that the official, depending on whether they are an official with authority, must report the incident, including personally identifying details, to the Title IX coordinator as a requirement of this policy, state and federal laws. Certain officials with authority have been trained that if a student or employee contacts them with a Title IX incident, they should explain their reporting obligations before the student or employee reveals any information about the incident to them.

There are times in Title IX complaints when the university may not be able to honor a student's or employee's request that their name not be disclosed to the respondent, or that no investigatory or disciplinary action be taken. These times may include, but are not limited to, if the respondent has been involved in similar incidents; there is a risk to the safety of the student, employee, others, or the campus community; or if the alleged victim is a minor. The Title IX coordinator is responsible for evaluating such requests for confidentiality or no action and will attempt to advise the complainant of the university's disclosure obligations before disclosing any information.

Process for Third-Party and Anonymous Reporting

Hollins may have an obligation to consider anonymous or third-party bystander reports of sexual harassment through the Title IX process or its Harassment Policy depending on the substantive information provided in the anonymous report. If Hollins cannot identify the alleged individuals involved, then its response may be limited. Any anonymous or third-party reports should include all the information stated above for filing an institutional complaint.

False Complaint

If a complainant knowingly files a false complaint, they may be subject to disciplinary action, up to and including, suspension, withdrawal, or employment termination from the university.

Filing a Criminal Complaint

The complainant may contact the Roanoke County Police Department or Commonwealth’s Attorney when the complainant feels the incident of sexual harassment also constituted a crime under Virginia or federal law. The complainant may contact the Campus Security Department for assistance notifying these law enforcement agencies. Cooperation with law enforcement agencies may require Hollins to temporarily suspend its own investigation during the law enforcement agency process. Hollins’ Title IX process is separate and apart from any criminal process involving the same facts because the definitions of sexual misconduct, and its process and standard of proof for finding a university community member responsible for sexual misconduct differ from those used in criminal prosecutions. Law enforcement’s determination whether to prosecute an individual alleged to have engaged in sexual misconduct does not determine whether Hollins will conduct a Title IX investigation. However, Hollins may consider for its Title IX process any criminal disposition, or any information shared by law enforcement.

Roanoke County Police Department

540-562-3265 for non-emergencies, 911 for emergencies
<http://www.roanokecountyva.gov/index.aspx?nid=83>

Commonwealth’s Attorney and Public Defender - Roanoke County

540-387-6174

Hollins University Security Department

540-362-6419

Times When Amnesty Will Be Granted for Students

Per the “Special Provisions” section of the university’s Student Handbook, “In a community, students are encouraged to help other members of the community who are in need; in other words, to be good Samaritans. When a student has assisted an intoxicated student in procuring the services of university security and/or professional medical assistance at health and counseling services or another health care facility, neither the intoxicated student nor the individual(s) who assist(s) them will be subject to formal action through the university conduct process for being intoxicated or having provided that person with alcohol. This applies only to first-time isolated incidents and does not excuse or protect those who flagrantly or repeatedly violate university alcohol policies. A student who reports, or is the survivor of, a violent physical assault or sexual assault, but who may have been in violation of university policies on alcohol or other drugs at the time of the assault, will not be charged with a conduct violation, in the interest of encouraging survivors of violence to come forward and take action.”

RESPONDING TO INCIDENTS OF SEXUAL MISCONDUCT

Supportive Measures: Immediate and Interim Measures for Title IX Complaints

A list of resources and supportive measures, as well as rights and options, will be provided in writing to students and employees who either report Title IX complaints or are a respondent to a Title IX complaint. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient’s education program or activity without unreasonably

burdening the other party, including measures designed to protect the safety of all parties or the recipient's educational environment, or deter sexual harassment.

For the safety and well-being of a student or employee complainant, if requested and reasonably available, the university may take immediate and interim measures for both the complainant and respondent, including, but not limited to, allowing students to move campus residences (temporarily or permanently), changing university work schedules, altering academic schedules, withdrawing from or retaking a class without penalty, and accessing academic support (e.g., tutoring). Other immediate and interim measures the university may take include, but are not limited to, providing escort services, assistance setting up appointments for counseling and/or medical treatment, or issuing a no-contact order or no-trespass notice against the complaint respondent.

Complainants may contact the Title IX coordinator to request remedial and protective measures. Supportive measures may be modified by the university as circumstances change or new information is available.

COMPLAINTS INVOLVING AN ALLEGED ACT OF SEXUAL VIOLENCE

INVESTIGATION PROCEDURES AND PROTOCOLS

Initial Review and Informal Resolution Option

Hollins' response to a complaint of sexual misconduct depends on the nature of the complaint. Once receiving a complaint, the Title IX coordinator will review the complaint and first determine whether immediate measures are necessary to protect the safety and well-being of the complainant. The Title IX coordinator will dismiss complaints that even if the allegations were assumed to be true, would not constitute sexual harassment as defined under this policy, or did not occur in the college's education program or activity, or did not occur against a person in the United States. The Title IX coordinator may also determine whether the factual allegations fall under another university policy, such as the university's Harassment Policy or Student Misconduct/Honor Code Policy. The Title IX coordinator may also consolidate formal complaints of sexual harassment where the allegations of sexual harassment arise out of the same facts or circumstances.

As part of this initial review, the Title IX coordinator will generally meet with the complainant to discuss the factual allegations, notify the complainant of various resources such as medical or counseling services, notify the complainant of the need to preserve potential evidence, and discuss whether the complainant would like to proceed with some form of voluntary informal resolution, if applicable, or formal investigation and adjudication. Depending on the substantive allegations, the Title IX coordinator may still proceed with a formal investigation and retains the discretion to make that determination. Hollins cannot offer an informal resolution process to resolve formal complaints alleging that an employee sexually harassed a student.

If a complainant chooses to proceed with informal resolution, the alleged respondent must also consent to an informal process. Informal processes may include mediation or other form of alternative dispute resolution. In some forms of voluntary resolution, the remedies imposed will focus on supporting the complainant with no participation or involvement by the respondent. Either party, including the Title IX coordinator, also has a right to withdraw from any informal resolution process and proceed with formal investigation and adjudication.

Investigators

Once the Title IX coordinator receives a formal institutional Title IX complaint, they will assign the complaint to a minimum of two investigators. Complaint investigations will be conducted by Harassment Grievance Board officers who receive annual training on issues related to sexual harassment for Title IX concerns and annual training on how to conduct an investigation that protects the safety of complainant and respondent and is impartial. It is the intent of the university that its investigative procedures be prompt, fair, and impartial. Investigators do not function as advocates or support persons for complainants or respondents.

Conflicts of Interest

If the complainant and/or respondent feel that there is a potential conflict of interest with an investigator, they should send a written notice of the concern and rationale for the concern to the Title IX coordinator as soon as is practicable when the concern arises. The Title IX coordinator will then respond to the concern within ten (10) business days. If the conflict of interest is with the Title IX coordinator, the written notice of concern and rationale for the concern should be sent to the vice president for student success, well-being, and belonging and the dean of students as soon as is practical when the concern arises. The vice president for student success, well-being, and belonging and the dean of students will then respond to the concern within ten (10) business days.

Notification Process

The complainant and the respondent will be notified in writing that a formal complaint was filed regardless of whether the complainant has chosen informal resolution or formal adjudication. The notification will include the process for resolution (informal and adjudication); sufficient details known at the time about the allegation (identification of parties, behavior alleged to violation, date and location); a statement setting forth the presumption that the respondent is not responsible; that a determination of responsibility is made at the end of the process; that parties may have an advisor of their choosing; the right to review and inspect evidence; and the location of applicable policy(ies) that knowingly making a false statement is prohibited.

The respondent will be notified as soon as reasonably practicable of receipt of the complaint, unless such notification is impossible through no fault of the university, in which case the notification will be provided as soon as possible under the specific circumstances, and the specific charges will be clearly stated in writing. If additional charges develop during the investigation, the parties will be notified immediately in writing of the changing scope of the investigation.

Both investigators assigned to the complaint will interview the complainant, respondent, and witnesses, and will collect statements and other evidence. Both parties and all witnesses have an opportunity to submit evidence.

The investigators may interview any other individual who has information or may potentially impact the investigation and resolution processes. The investigators then write summary reports.

Timeline

Reasonable attempts will be made to resolve any complaint in a timely manner. While the goal to complete a complaint investigation is approximately ninety (90) calendar days following receipt of the complaint, temporary and limited delays may occur for good cause. Both parties will be notified of the reason for any such short-term delay or extension. The complainant and respondent or their selected advisors will be contacted regularly about the investigation status and will also be notified in writing

should the case require a protracted investigation and the reason for the delay. Such delays may include, but are not limited to, issues involving the availability of parties to the complaint, availability of the Title IX coordinator or investigators, and the demands and schedule of the academic session.

Support Persons and Advisors

Both the complainant and respondent have the opportunity to be accompanied throughout the Title IX process by an advisor of their choosing, including a lawyer. For the purpose of the hearing, the complainant and respondent may be provided with an advisor by the university. The advisor need not be an attorney and this service is offered to both parties free of charge. Requests to bring a support person or advisor to a meeting, including the live hearing, must be submitted in writing to the Title IX coordinator no less than five (5) business days before such meeting. In the event either party believes their advisor is inadequate in their responsibilities, the party can dismiss their advisor. The absence of an advisor to cross-examine a party can result in a delay to the live hearing.

Evidence

Both parties may participate fully and robustly in the investigation process, by gathering evidence, presenting fact and expert witnesses, reviewing the evidence gathered, responding to the investigative report that summarizes relevant evidence, and asking questions of other parties and witnesses before a decision-maker has reached a determination regarding responsibility. The investigators will ask the complainant, respondent, and witness(es) that original evidence and documentation be submitted to them, or if electronic, that the original be forwarded, or a copy be made.

Both parties are provided with an equal opportunity to inspect and review all evidence directly related to the allegations. Hollins will send the parties and their advisors evidence directly related to the allegations, in electronic or hard copy format, and provide both parties at least ten (10) days for the parties to inspect, review, and respond to the evidence. Hollins will also send the parties, and their advisors, an investigative report that fairly summarizes relevant evidence, in electronic format or hard copy, with at least ten (10) days for the parties to respond. Hollins will make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

Certain evidence and information not relevant or otherwise not subject to use in a grievance process, such as information protected by a legally recognized privilege; evidence about a complainant's prior sexual history or conduct; any party's medical, psychological, and similar records unless the party has given voluntary, written consent; and any party or witness statements that have not been subjected to cross examination at a live hearing. Additionally, evidence of a prior consensual dating or sexual relationship between the parties by itself does not imply consent or preclude a finding of sexual misconduct.

Parallel Investigations with Law Enforcement

The university has a memorandum of understanding (MOU) with the Roanoke County (Virginia) Police Department and may contact them to assist in the investigation of any alleged felony criminal sexual assault in or on campus property or on public property. Hollins also has a mutual aid agreement (MAA) with the Virginia State Police and may contact them to assist with any alleged felony sexual assault. Hollins will provide these law enforcement agencies with as much information as possible to aid in their investigations, at the request of a complainant, without violating the confidentiality of a complainant who requests such. The exceptions to this confidentiality are situations in which the respondent has been involved in similar incidents; there is a risk to the safety of the complainant, others, or the campus community; or the victim or survivor is a minor.

Dismissal of Formal Complaint

The University must investigate all formal complaints that fall under the Title IX process. When the behavior does not constitute sexual harassment, did not occur in a university-sponsored educational program or activity, or did not occur in the United States, the university must dismiss a formal complaint. The university may dismiss a formal complaint at any point between the investigations and hearing if the complainant withdraws the complaint in writing, the respondent is not enrolled as a student, or there are circumstances that prevent the collection of evidence. When an allegation is dismissed, the university notifies the parties in writing and must offer an appeal to both sides as to the decision. An alternate adjudicative process, such as another student conduct process, may adjudicate the incident.

RESOLUTION PROCESS OPTIONS

Live Hearings

A live hearing will be held with the complainant and respondent located in separate rooms, with technology enabling participants to see and hear each other, unless both parties request the hearing proceed in one location with all parties present. The hearing will be recorded so that if desired, the parties can review it after the hearing. Hollins will select a decision-maker or a panel of decision-makers who will not be the same people as the Title IX coordinator or either of the investigators.

Prior to the hearing, the decision-maker(s) must afford each party the opportunity to submit written and relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional limited follow-up questions for each party. Decision-maker(s) review the questions to ensure that they are relevant before they are submitted to the other party.

During the live hearing the party's advisor of choice will be allowed to cross-examine other parties and all witnesses. Cross-examination will be conducted directly, orally, and in real time by the party's advisor. Cross-examination will not happen by the parties themselves. If a party does not have an advisor, the university will provide the party with an advisor at no cost.

A party or witness may choose not to appear at the live hearing or opt not to answer cross-examination questions. The decision-maker must then exclude that party's or witness's statements and evaluate evidence that does not involve those statements. No inference will be made by the decision-maker should an individual choose not to be cross-examined or decline to answer certain questions.

Cross-examination means that a party's advisor asks questions that may challenge the statements or accusations of the other party. Before a complainant, respondent, or a witness answers a cross examination question, the decision-maker(s) must determine if the question is relevant and provide an explanation if the question is not relevant. By listening to the questions and answers of each party and their version of events, the unbiased decision-maker(s) will reach a conclusion to determine the responsibility.

Burden of Proof

The decision-maker(s) will use the "preponderance-of-the-evidence" standard in determining whether a violation of Title IX has occurred. With the preponderance-of-the-evidence standard, the decision-maker(s) will determine if it is more likely than not that a Title IX violation occurred.

In determining whether the alleged, unwelcome conduct constitutes a violation of this policy, the decision-maker(s) will objectively evaluate the evidence and reach conclusions regarding whether the

respondent is responsible for the alleged sexual harassment. It is also the decision-makers' responsibility to determine whether remedies should be provided to the complainant or if disciplinary sanctions are needed for the respondent.

Written Determination

The decision-maker(s) issue a single, final written determination that includes the finding on the issue of responsibility, whether remedies are to be offered to the complainant, and any disciplinary sanctions imposed. This written determination provides both parties with the factual basis for the outcome of their grievance process. The written determination will be provided simultaneously to both the complainant and the respondent and their respective advisors. The written determination becomes "final" only after the time period to file an appeal has expired, or if a party files an appeal, after the appeal decision has been sent to the parties.

Resolution with Discipline

The decision-maker(s) may consult with the Title IX coordinator in reaching their determination of appropriate remedies, sanctions, or resolution. The following sanctions, singularly or in combination, may be imposed upon any respondent found in violation of this policy:

- **Deferred Sanctions:** Any of the sanctions listed below may be "deferred" with the understanding of automatic enforcement should the respondent be found responsible for another violation of this kind.
- **Admonition/Warning:** A written statement given to the respondent that their conduct falls below acceptable standards required by the university. Further conduct of this nature may result in more severe disciplinary action.
- **Restrictions:** Loss of or limitations of certain privileges or practices of the respondent.
- **Community Service:** Community service requirements may be issued consistent with the nature of the violation and may include service to the university, residence life, the university community at large, or an organization or agency within the larger local community.
- **Creative/Educational Program:** Innovative sanctioning ideas may be implemented relevant to the nature of the violation.
- **Workshop Attendance, Seminars, and Lectures:** Intervention measures such as attendance at workshops, seminars, and lectures provided on the Hollins campus or in the community.
- **Forced Change of Residency:** The university reserves the right to remove a respondent from an undesirable environment. The decision-maker can order that the respondent be moved to another available residence on campus.
- **Trespass Warning:** Notice that a respondent is prohibited from visiting or returning to a part or all of the university community. This may include prohibition from part or all of student housing.
- **No Contact Order:** Prohibition against having any form of contact with another student for a defined period of time. Such contact includes in-person communications, telephone calls, emails, other forms of electronic communications, or sending messages through a third party.
- **Probation:** A respondent may be placed on a probationary status for a specified amount of time. During their probationary period, respondents remain enrolled in the university, but may not be eligible to hold certain leadership positions on campus and may be excluded from participation in other university activities. Probation also serves as a warning that further misconduct during the probationary period will most likely result in the respondent's separation from the university.
- **Cancellation of University Housing Agreement:** Dismissal from university residence halls.
- **Interim or Summary Suspension:** Interim or summary suspension may be imposed upon finding that the continued presence of the respondent on campus constitutes an immediate threat to the

physical safety and well-being of the respondent or any other member of the university community or its guests, or destruction of property, or substantial disruption to classroom or other campus activities. In any case of immediate suspension, the respondent shall be provided with a hearing on the suspension as soon as possible.

- Suspension: Dismissal or severance of the relationship with the university for a specified period of time. Suspension is considered a serious disciplinary action, and respondents who receive this sanction are granted an automatic appeal through the vice president for student success, well-being, and belonging and the dean of students.
- Contingent Expulsion: Dismissal and severance of the relationship with the university without any guarantee of readmission. Consideration of readmission will not occur in less than one calendar year, with the burden of proof lying with the respondent. Respondents who receive this sanction are granted an automatic appeal through the vice president for student success, well-being, and belonging and the dean of students.
- Permanent Expulsion: Permanent dismissal and severance of the relationship with the university. Respondents who receive this sanction are granted an automatic appeal through the vice president for student success, well-being, and belonging and the dean of students.
- Listing of violation on university transcript.
- Other: Other reasonably constructed sanctions as deemed appropriate by a hearing body/officer.

Transcript Notation for Sexual Violence

In situations where a student is suspended for, is permanently dismissed for, or withdraws from the institution while under investigation for an offense involving sexual violence, a notation will be made on the student's transcript. For any student who is subsequently found not to have committed an offense involving sexual violence, the notation will be removed. Such notation on the transcript will be expunged for good cause shown and after a period of three (3) years.

APPEAL PROCESS

The complainant or respondent may appeal the decision of the hearing by filing a written statement challenging the outcome. Appeal procedures must be applied equally to all parties. Appeals can be filed on the following basis:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- The Title IX coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

All parties must be notified in writing when an appeal is filed. The decision-maker for the appeal cannot be the Title IX coordinator, investigator, or decision-maker from the hearing; additionally, the university will ensure that the representatives hearing the appeal are free from bias or an interest in the underlying matter. The outcome of the appeal is a written document that includes the results and rationale for the appeal decision. The decision must be sent simultaneously to both parties.

A decision becomes final when the parties are sent notification of the outcome of the appeal. If an appeal is not filed within five (5) business days, the decision becomes final. The appeal must be made in writing to the associate vice president for student success, well-being & belonging or the president, and must state in detail the reasons upon which the appeal is based.

If the appeal involves a student or staff member, the associate vice president for student success, well-being, and belonging will coordinate with the provost in appointing a three-member appeal panel consisting of staff and/or faculty uninvolved with the complaint to investigate and consider the basis for appeal. The vice president for student success, well-being, and belonging will convene or will designate one member of the panel as the convener. If the appeal involves a faculty member, the associate vice president for student success, well-being, and belonging will notify the provost who will then notify the Faculty Review Board; and three members of the board will constitute an appeal panel to investigate the appeal.

The vice president for student success, well-being & belonging will forward to each appeal panel member copies of all investigative materials, including recommendations from the Harassment Grievance Board, officers, or the Title IX coordinator. Members of the appeal panel may not re-investigate the underlying matter but may seek clarification of information or advice and will make a decision within thirty (30) calendar days from the date they receive the investigative materials.

The majority of the appeal panel shall make a recommendation either for or against reconsideration of the complaint determination or imposed discipline noted in the appeal. The recommendation will be reported to the associate vice president for student success, well-being & belonging within five (5) business days after a decision is reached, and to both parties involved in the complaint within five (5) business days after a decision is reached. This communication will be sent to both parties simultaneously. It will include information about what specific action(s) and/or procedure(s) should be reconsidered, when the appeal decision becomes final, and a statement that the university will not require either party to abide by a nondisclosure agreement, in writing or otherwise, that would prevent the redisclosure of information related to the outcome of the appeal.

The decision made by the decision-maker of the appeal is final. If the associate vice president for student success, well-being, and belonging or president recommends termination of a faculty member, the normal “termination for cause” procedures defined in the Faculty Handbook will be followed. If a student is suspended or expelled, an automatic appeal with the vice president for student success, well-being, and belonging and the dean of students will occur. If the vice president for student success, well-being, and belonging issues the suspension or expulsion of a student, an automatic appeal with the president will occur.

If the individual making the appeal is dissatisfied with the result, nothing prevents them from filing a complaint with state and/or federal agencies or a court of competent jurisdiction, including the Department of Education Office for Civil Rights and/or the Equal Employment Opportunity Commission.

PROHIBITION AGAINST RETALIATION

Prohibition of retaliation is a clear expectation throughout the report/complaint filing, investigation, determination, resolution, discipline, and appeals processes. Retaliation against a complainant (including a third-party), witness, or any other person exercising their rights or responsibilities under this policy is prohibited. Anyone found to have violated the anti-retaliation provision of this policy will likely be disciplined.

ACCOMMODATIONS WITH THE POLICY PROCESS AND PROCEDURES

Accommodations for the complaint process and procedures include, but are not limited to, those needed for individuals with disabilities. Any accommodation needed in the filing of a Title IX report or complaint, or in the investigation or appeal process, should be brought to the attention of the Title IX

coordinator. If the requester is a student, the Title IX coordinator will share the request within five (5) business days with the associate vice president for student success, well-being & belonging or the director of human resources if the requester is an employee or third party. Within five (5) business days, the director of human resources and/or vice president for student success, well-being, and belonging will review the request, will determine if the request can be reasonably accommodated, and will give written notification to the Title IX coordinator. Once the Title IX coordinator receives notification from the director of human resources and/or vice president for student success, well-being & belonging, they will inform the requester of the decision in writing within five (5) business days.

UNIVERSITY'S REPORTING OBLIGATIONS UNDER THE CLERY ACT

The "Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act" requires colleges and universities to report annually information regarding their campus security policies and campus crime statistics. This is done through the Annual Security Report.

Hollins University has identified non-security department campus security authorities to whom crimes may be confidentially reported by survivors, witnesses, other third parties, or offenders. A list of identified campus security authorities can be found in the university's Student Handbook and posted on the university's security website. Reports taken by non-security department campus security authorities will be forwarded to the chief of security for review, inclusion in the annual disclosure of crime statistics, and for timely warning purposes.

The university will issue a timely warning when a crime is reported to, or brought to the attention of, the security department or other campus security authorities, and that crime represents a serious or ongoing threat to the safety of members of the university community. Information for timely warnings may also come from law enforcement authorities. Every attempt will be made to issue the warning as soon as possible after the incident is reported to the university; however, the release is subject to the availability of accurate facts concerning the incident. Warnings are created by the combined efforts of the university president, the executive vice president and chief operating officer, and the director of public relations, in conjunction with the security department. Crimes for which a timely warning is appropriate include but are not limited to: murder/non-negligent manslaughter, manslaughter, forcible sex offenses, nonforcible sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, arson, domestic violence, dating violence, stalking, and hate crimes in the additional categories of larceny/theft, simple assault, intimidation, and destruction/damage/vandalism of property.

DEFINITIONS

Actual Knowledge

Actual knowledge means notice of sexual harassment or allegations of sexual harassment to a recipient's Title IX coordinator or any official of the recipient who has authority to institute corrective measures on behalf of the recipient.

Advisor

A single individual who students or faculty or staff choose to come to any Title IX meetings and investigations. An advisor can be a friend, lawyer, attorney, parent, or family member. The role of the advisor will allow you to connect and answer some questions for you, and cross live questions for you.

Complainant

Complainant means an individual who is alleged to be the survivor of conduct that could constitute sexual harassment.

Consent

With regard to sexual activity, consent is a voluntary agreement to engage in such activity. Someone who is incapacitated cannot consent; past consent does not imply future consent; silence or an absence of resistance does not necessarily imply consent; consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another; consent can be withdrawn at any time; and coercion, force, threat, or intimidation of either party is not consent, and invalidates prior consent. Consent is not given if the act is accomplished through the use of a person's mental incapacity or physical helplessness. Consent obtained from a person who is under the influence of alcohol or other drugs may not be considered informed consent. Ideally, a person's consent should be informed, freely given, and mutually indicate permission through words and actions unmistakable in meaning.

Dating Violence

An act against a person, with whom the perpetrator is or was involved with romantically or intimately, that involves violence, force, or threats, and results in physical injury, or places the person in fear of injury or harm. The existence of such a relationship will be determined by the length and type of relationship and frequency of interactions.

Decision-maker

The decision-maker makes determinations regarding relevancy of questions in cross-examination and makes the decision regarding the outcome of a hearing. The decision maker evaluates the evidence, decides whether evidence is relevant, and reaches conclusions whether the respondent is responsible for the alleged sexual harassment. Decision makers also determine whether remedies will be determined for complainants and the appropriate disciplinary responses for respondents. The decision-maker writes and issues the written decision letter(s).

Domestic Violence

An act against a family or household member that involves violence, force, or threats, and results in physical injury, or places the family or household member in fear of injury or harm.

Formal Complaint

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 the recipient investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the recipient with which the formal complaint is filed.

Incapacitation

Incapacitation can result from the use of drugs or alcohol, when a person is asleep or unconscious, or because of an intellectual or other disability that prevents a person from having the ability to give consent to sexual activity.

Investigator

Investigators are trained to evaluate the relevance of information to be included in the investigation summary report. The investigator may not be the Title IX coordinator or a decision-maker in the process. An investigator collects statements and other evidence regarding a formal complaint of sexual harassment. The investigator then writes a summary report.

Official with Authority

An official with authority is an employee who is required to report incidents of sexual harassment under Title IX to the Title IX coordinator.

Program or Activity

Education program or activity includes locations, events, or circumstances over which the university exercises substantial control over both the respondent and the context in which the sexual harassment occurs. Title IX responsibilities only apply to sexual harassment occurring in an education program or activity of the recipient against a person in the United States.

Recipient

An educational entity receiving federal funds and, in this case, Hollins University.

Remedies

While it can be reasonably argued that there is no remedy for sexual violence, there may be remedies that restore the opportunity for a complainant to pursue their educational goals. Remedies are measures that are designed to restore or preserve equal access to the recipient’s education program or activity. Such remedies may include the same individualized supportive measures; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent.

Respondent

The respondent is an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment based on Title IX.

Sexual Assault

Sexual assault, under Virginia state law, includes rape, forcible sodomy, inanimate or animate object sexual penetration, marital sexual assault, aggravated sexual battery, and sexual battery. Sexual assault, under federal law, includes rape, fondling, incest, and statutory rape. Sexual assault also includes nonconsensual sexual contact and non-consensual sexual intercourse. **Non-consensual sexual contact** occurs when a party does not consent to, under Virginia state law, sexual intercourse or physical contact in an act of apparent sexual stimulation or gratification with her/his clothed or unclothed genitals, pubic area, buttocks or, if such be female, breast. **Non-consensual sexual intercourse** occurs when a party does not consent to the act, and under Virginia state law, such act is accomplished (i) against the complaining witness's will, by force, threat, or intimidation of or against the complaining witness or another person; or (ii) through the use of the complaining witness's mental incapacity or physical helplessness; or (iii) with a child under age 13 as the survivor.

Sexual Exploitation

Sexual exploitation is one party’s illegal use of an incapacitated person for sexual purposes for her/his or another’s profit or advantage.

Sexual Violence

Sexual violence refers to physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent. This includes rape, sexual assault, sexual battery, sexual abuse, and sexual coercion.

Stalking

Conduct, on more than one occasion, directed at someone that places, or has the intent to place, a person in reasonable fear of death, criminal sexual assault, or bodily injury to that person or her or his family or household member, or to suffer substantial emotional distress.

Support Person

A support person is a single individual chosen by a complainant or respondent to attend/participate in any Title IX meeting and/or investigation. Support Persons can be a friend, lawyer, attorney, parent, student, faculty, staff, or a family member. The role of the Support Person is to help individuals emotionally during the process of Title IX investigation and meetings. This person cannot speak for you, but can write to you calmly, observe, and take notes.

Title IX Coordinator

The Title IX coordinator is an individual responsible for compliance with Title IX. The Title IX coordinator receives and submits formal complaints regarding sexual harassment. The Title IX coordinator has responsibility for the policies, training, resources, and campus climate surveys related to sexual misconduct.

Witness

A witness is a person with first-hand knowledge of the incident. Each party is provided with equal opportunity to present evidence and witnesses. During a hearing, the advisor may question the witness(es).

RESOURCES

ON-CAMPUS resources (confidential)

These services are confidential and are not required to report university-related sexual harassment complaints to the Title IX coordinator unless there are special circumstances. The exceptions to this confidentiality are situations in which there are concerns about the student's or others' safety, or the survivor is a minor. In such situations, incident information pertinent to the student's, others', or the minor's safety will be disclosed to university administrators responsible for helping keep the student, campus community, or minor safe; all other information will remain confidential.

Health and Counseling Services

540-362-6444, hcs@hollins.edu, lower level of Turner

Academic year schedule: Monday - Thursday 8:00 a.m. – 4:30 p.m., Fri. 8:00 a.m. – 2:00 p.m.

Health and counseling can provide treatment for injuries, prescriptions, and products for birth control, information about prevention of sexually transmitted diseases, and other health and counseling services.

University Chaplain

Kaiya Jennings

Jenningskm@hollins.edu

540-362-6665

Office is inside the Chapel

OTHER ON-CAMPUS resources

If one of these departments is contacted, the complaint may have limited confidentiality, and will likely be investigated.

Associate Vice President for Student Success

Michael Gettings
540-362-6414
mgettings@hollins.edu
Main First Floor

Hollins University Security Department

540-362-6419 for non-emergencies, 540-362-6911 for emergencies
<https://security.press.hollins.edu/>
Botetourt Hall

Hollins University Title IX Coordinator & Vice President for Student Success, Well-Being, & Belonging

Nakeshia Williams
540-362-6587
Williamsnn1@hollins.edu
Upper floor of Moody, Mary Rowland Lounge

Dean of Students

Megan Canfield
540-362- 6986
Canfieldm@hollins.edu
Moody Center, Second Floor, #2

Director of Human Resources

Alicia Godzwa
540-362-6660
Agodzwa@hollins.edu
Botetourt Hall

OFF-CAMPUS resources (confidential)

These services are confidential and are not required to report university-related sexual harassment complaints to the Title IX coordinator unless there are special circumstances.

HEALTH SERVICES

These hospitals can provide treatment for injuries, preventative treatment for sexually transmitted diseases, and other health services. Survivors have the option of seeking medical treatment in order to preserve evidence should they decide to report the incident to the appropriate law enforcement agency for possible prosecution of the offender(s) and/or to obtain a protective order. The providers below can provide rape kits and have sexual assault nurse examiners (SANEs) on staff.

Carilion Roanoke Memorial Hospital

540-981-7000
www.carilionclinic.org/hospitals/carilion-roanoke-memorial-hospital

Lewis Gale Medical Center (hospital)

540-776-4000

www.lewisgale.com/locations/lewisgale-medical-center

COUNSELING / MENTAL HEALTH SERVICES

Blue Ridge Behavioral Healthcare

540-343-3007 (general number) or 540-981-9351 (crisis services) www.brhh.org

Family Service of Roanoke Valley

540-563-5316 www.fsrv.org

(This is also the Employee Assistance Program provider. Employees can contact HR for details.)

CONNECT (Carilion Clinic Psychiatry and Behavioral Medicine Dept.)

540-981-8181 or 800-284-8898 www.carilionclinic.org/connect

RESPOND (Lewis Gale Center for Behavioral Health)

540-776-1100 or 800-541-9992

www.lewisgale.com/service/respond-assessment-and-referral-system

SURVIVOR ADVOCACY – immediate and ongoing

Sexual Assault Response and Awareness (SARA) - Roanoke

540-981-9352 www.sararoanoke.org

Staff and volunteers may be able to accompany survivors to hospitals and health providers.

Virginia Sexual and Domestic Violence Action Alliance

Phone: 800-838-8238, Family Violence and Sexual Assault Hotline

Phone: 866-356-6998, LGBTQ Partner Abuse and Sexual Assault Helpline

Text: 804-793-9999, web site: www.vsdvalliance.org, live online chat: www.vadata.org//chat

OFF-CAMPUS resources (not confidential)

SECURITY, LAW ENFORCEMENT, and LEGAL ASSISTANCE

Roanoke County Police Department

540-562-3265 for non-emergencies, 911 for emergencies

www.roanokecountyva.gov/index.aspx?nid=83

Crime Victim/Witness Assistance - Roanoke County and Virginia 540-387-6181

for Roanoke County, 888-887-3418 for Virginia <http://vscc.virginia.gov/crime-victim-witness-rights-card-english.pdf>

Commonwealth Attorney and Public Defender - Roanoke County (for criminal matters)

540-387-6174

www.roanokecountyva.gov/2555/Commonwealths-Attorney

Blue Ridge Legal Services (for civil matters)
540-344-2080 www.brls.org

OTHER RESOURCES

Student Assistance Program

800-633-3353

www.mygroup.com, click “My Portal Login,” click “Work-Life”

Username: “hu1842”

Password: “guest”

Visa and Immigration Assistance through the International Programs Office (for students)
abroad@hollins.edu

Visa and Immigration Assistance through USCIS (for students and employees)

800-375-5283,

www.uscis.gov/about-us/contact-us

POLICY INFORMATION

This policy is effective August 3, 2022. Under any circumstances, this policy may be revised or amended at any time, as Hollins University may deem appropriate. Nothing in this policy is intended to create an expectation beyond the intent of the policy described herein. Any and all policies, procedures, or other terms and conditions established by the university for students and employees shall remain in place.