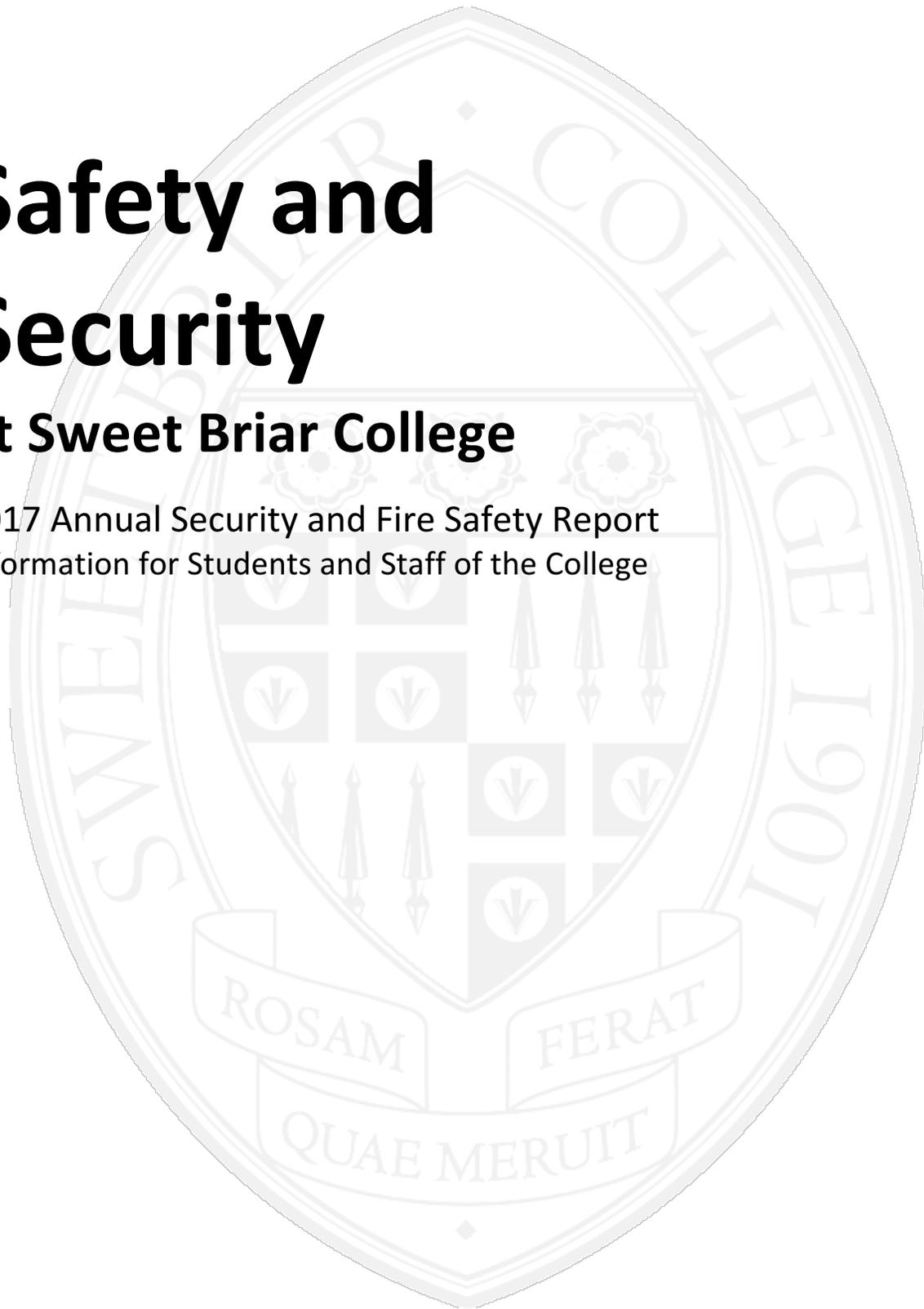


Safety and Security

at Sweet Briar College

2017 Annual Security and Fire Safety Report
Information for Students and Staff of the College



2017 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. Sweet Briar College provides campus crime statistics on its website, 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.



2017 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 Wailes Conference Center, 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. They do not have the power 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.

Office	Staff Member
Campus Safety	<ul style="list-style-type: none">• All Campus Safety personnel
Student Life	<ul style="list-style-type: none">• Dean of Student Life• All OSL Staff members• Resident Directors• Resident Advisors
Athletics	<ul style="list-style-type: none">• Coaches• Assistant Coaches
Dean of Faculty	<ul style="list-style-type: none">• Dean of the Faculty• Riding Center Faculty• JYS Director• JYF Director• Faculty Club Advisors
Human Resources	<ul style="list-style-type: none">• Director of Human Resources• Title IX Coordinator• HR Staff
Health Provider	<ul style="list-style-type: none">• All Support Staff• Licensed Medical Staff when acting as a student club or organization advisor
Chaplain's Office	<ul style="list-style-type: none">• All Support Staff• Chaplain when acting as a student club or organization advisor
SBC Administration	<ul style="list-style-type: none">• Vice President for Finance and Administration• Vice President for Communications and Enrollment Management

-
- Vice President for Alumnae and Development
-

See the statement addressing Counselors and confidentiality on the following 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 Crisis Response Team (CRT) 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 Safety office immediately by calling: **434-381-6111**.

Each academic year during Room Selection and through the Lifestyle Preference Form for new Students, students are provided an opportunity to record their emergency contact information in their College file.

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 current students during Room Selection and through the Lifestyle Preference Form for new students:

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 (OSL), the Director of Residence Life (DRL) will ensure that an official report is filed with Campus Safety.
2. The DRL will notify the Director of Campus Safety about a possible missing student (if Campus Safety is not the reporter). The DRL or designee will also notify the Dean of OSL and will keep them updated throughout the process.
3. The DRL or designee will go to the student's room to look for the student.
4. The DRL or designee 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 DRL or designee 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 DRL 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 each evening 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:

- Bystander Intervention Training

During orientation, all first year students participate in the Step-Up bystander intervention training programs to develop skills and awareness in bystander intervention and how to protect themselves. Student leaders participate in an advanced level Step-Up program that teaches them techniques on how to address or prevent potential sexual assault situations along with alcohol awareness issues.

- 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.

- Rape Aggression Defense R.A.D. Class

The Department of Campus Safety also offers Rape Aggression Defense System (RAD) training to all interested women. The RAD class is also offered in the fall and spring to interested Students who are interested in receiving credit through a P.E. course. Students will earn .5 credit hours in Physical Education after completing the course.

The R.A.D. system is a comprehensive program of self-defense tactics and techniques. This program includes instruction on awareness, prevention, risk reduction, avoidance, and then on to the basics of hands-on self-defense training.

- 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 above the phone boxes identifies the emergency phones. These phones may be found at the following locations:

- 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
- Guion Parking Lot, on the east end of the Train Station

Additional 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 and Randolph, and between Grammer and Reid
- At the foot of the stairs behind the Gym, by the tennis courts
- On the lower level of the Boathouse
- Dew - beside the entrance to the Chaplain's Office, off of the courtyard
- Laundromat, inside on the wall to the far left of the entrance
- Softball Field
- Inside Boathouse
- Art Barn
- Boathouse Road - Athletic Field – 1 at the end of field – 1 by roadside
- Green Village Unit # 4

- Cocoa with Campo

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 Liaison

Each residence hall at Sweet Briar College has an assigned Campus Safety Officer who is available to you to address safety issues. Officers can facilitate discussions or lead presentations on subjects including theft prevention, after-hours precautions, or safe behaviors at parties and social gatherings. Officers can also schedule a time to help your hall with bicycle registration, as well as provide information about College resources.

- 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 Den, the Boathouse, and other areas as approved by the Dean of Student Life, the Vice President for Finance and Administration, 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, the Dell, the Houston Bistro, the Den, or the Boathouse, the Dean of Student Life, the Vice President for Finance and Administration, 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 (call ext. 6134). If the situation warrants, a referral can be made for long-term care at an in or outpatient facility.
- The College 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 Ashley Dugger. She can be contacted at ext. 6478 or adugger@sbc.edu.

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 Director of Human Resources who works in conjunction with the Dean of the Faculty and Dean of Student Life. The current Director of Human Resources is Nicole Whitehead. She can be contacted at ext. 6510 or nwhitehead@sbc.edu.

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. 6510

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 cause 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 (see Complaint/Grievance Procedures on the following page).

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. 6510

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 College's 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 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* under **Judicial System**, Section II, pp. 37-38
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* under **Judicial System**, Section IV pp. 43-48.
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* under **Judicial System**, Section VI pp. 51-52.
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 434-689-1000.
- 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 counsellors 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 cash 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:

- Step Up – Sweet Briar Women do not stand by idly. Stepping up at Sweet Briar means you know your community, recognize when something is not right and take action to do something about it. Upperclass women share their perspectives and pro tips for positively contributing to an open, respectful and caring community.
- 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 during the academic year.
- The R.A.D. system is a comprehensive program of self-defense tactics and techniques. This program includes instruction on awareness, prevention, risk reduction, avoidance, and then on to the basics of hands-on self-defensive training. R.A.D. Systems balances the needs of women to acquire self-defense education in a relatively short period of time, with the lifelong commitment required for physical skill mastery. The R.A.D. program was provided in the months of October and January.

XVI. Policy and Procedures for Student and Employee Sexual Misconduct Complaints

I. Introduction

A. Overview and Purpose

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, including sexual violence and exploitation, domestic and dating violence, and nonconsensual sexual contact or intercourse, gender-based harassment, and stalking, interferes with students' right to receive an education 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 complaints by students of alleged Sexual Misconduct committed by Sweet Briar College students, faculty, staff or third parties, as well as any complaint of alleged Sexual Misconduct by a Sweet Briar student when the Complainant is not a Sweet Briar student. 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.

B. Title IX Coordinators

Sweet Briar College has a Title IX Coordinator. The Title IX Coordinator oversees the College's response to Title IX reports and complaints; identifies and addresses any patterns or systemic problems revealed by such reports and complaints; has knowledge of all complaints raising Title IX issues throughout the school; evaluates a student's request for confidentiality in the context of the school's responsibility to provide a safe and nondiscriminatory environment for all students; conducts Title IX investigations, including investigating facts relevant to a complaint and determining appropriate interim measures and support or the Complainant; provides training to students, faculty and staff on Title IX issues; and is available to meet with students as needed.

The Title IX Coordinator is Ashley Dugger, Email: adugger@sbcc.edu and Phone: 434-381-6478.

C. Medical Attention

It is important to seek immediate medical attention at a local hospital for several reasons: (1) to assess and treat any physical injuries; (2) to determine the risk of sexually transmitted diseases or pregnancy and to take appropriate measures; and (3) to gather evidence that may be used in a criminal prosecution if the Complainant chooses to press charges either immediately or at a later time. Physical evidence should be collected immediately, ideally within the first 24 hours, and usually not later than 72 hours after the incident. In order not to destroy any evidence needed if the Complainant should decide to seek prosecution, it is important that she/he DOES NOT:

- Bathe or shower
- Brush or comb your hair
- Douche
- Change clothes (if clothes are changed, take the clothes worn at the time of the assault to the hospital in a PAPER bag)
- Eat or drink anything or brush or rinse your teeth if there was oral contact
- Touch items at the incident or crime scene
- Put on or remove makeup

Take a change of clothes to the hospital because some items of clothing may be kept as evidence. At the emergency room the physician may collect hair samples, semen and other evidence. Law enforcement will be contacted to take possession of these samples until the Complainant makes a decision about prosecution. The hospital serving the Sweet Briar area is Lynchburg General Hospital- 1901 Tate Springs Road, Lynchburg. Amherst County Sheriff's Dept. at 434-689-1000 or 911 may be called.

II. Definitions

A. **"Coercion"** is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they do not want to engage in sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive. There is no requirement that a party resists the sexual advance or request, but resistance is an example of a clear demonstration of non-consent.

B. **"Complainant"** means a person who has made a report of a possible violation of this Policy to a Responsible Employee Title IX Coordinator, the Office of Student Life, or the Department of Campus Safety.

C. **"Dating Violence"** means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating

violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. It does not, however, include acts covered under the definition of Domestic Violence.

D. **“Domestic Violence”** means a felony or misdemeanor crime of violence committed—

- By a current or former spouse or intimate partner of the Complainant;
- By a person with whom the Complainant shares a child in common;
- By a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner;
- By a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or
- By any other person against an adult or youth who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

E. **“Effective Consent”** is clear, knowing and voluntary. Consent is active, not passive. Silence in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable, clear permission regarding willingness to engage in (and the conditions of) sexual activity. Consent to any one form of sexual activity cannot automatically imply consent to any other form of sexual activity. Previous relationships or prior consent cannot imply consent to future sexual acts. Consent cannot be gained by force and/or incapacitation (see definitions below). In order to give effective consent, one must be of legal age.

F. **“Force”** Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and Coercion that can overcome resistance or produce consent. For example: “Have sex with me or I will hit you;” “Okay, don’t hit me, I’ll do what you want.”

G. **“Gender-based Harassment”** means acts of aggression, intimidation, stalking, or hostility based on gender or gender-stereotyping constitutes gender-based harassment. Gender-based harassment can occur if students are harassed either for exhibiting what is perceived as a stereotypical characteristic of their sex, or for failing to conform to stereotypical notions of masculinity or femininity. To constitute harassment, the conduct must unreasonably interfere with an individual’s education or educational activities or create an intimidating, hostile, demeaning, or offensive academic or living environment.

H. **“Hostile Environment”** may arise when unwelcome conduct of a sexual or gender-based nature affects a student’s ability to participate in or benefit from an education program or activity, or creates an intimidating, threatening or abusive educational and/or living environment. A single, isolated incident of sexual or gender-based harassment may, based on the facts and circumstances create a hostile environment.

I. **“Incapacitation”**, or diminished capacity, means the physical and/or mental inability to make informed, rational judgments. States of Incapacitation include, without limitation, sleep, blackouts, and flashbacks. Where alcohol and other drugs are involved, one does not have to be intoxicated or drunk to be considered incapacitated. Incapacitation is determined by how the alcohol consumed impacts a person’s decision making capacity, awareness of consequences, and ability to make informed judgments. The question is whether the Respondent knew, or a sober, reasonable person in the position of the Respondent should have known, that the Complainant was incapacitated. Because incapacitation may be difficult to discern in some circumstances, students are strongly encouraged to err on the side of caution; when in doubt, assume that another person is incapacitated and therefore unable to give Effective Consent. Being intoxicated, drunk or under the influence of a drug is never a defense to a complaint of Sexual Misconduct under this policy.

J. **“Intimidation”** means any threat of violence or other threatening behavior directed toward another person or group that reasonably leads the target(s) to fear for their physical well-being or to engage in sexual conduct for self-protection.

K. **“Non-Consensual Sexual Contact”** means Sexual Contact that occurs without Effective Consent. “Sexual Contact” means the deliberate, direct or indirect touching of a person's intimate parts (including genitalia, groin, breast or buttocks, or clothing covering any of those areas), or using Force to cause a person to touch his or her own or another person's intimate parts.

L. **“Non-Consensual Sexual Intercourse”** means Sexual Intercourse that occurs without Effective Consent. “Sexual Intercourse” means penetration (anal, oral or vaginal) by a penis, tongue, finger, or an inanimate object.

M. **“Respondent”** is a person against whom a report of a possible violation of this Policy has been made.

N. **“Responsible Employee”** is an employee of the College who has the authority to take action to redress the alleged misconduct with appropriate College officials, or an individual whom a student could reasonably believe has this authority or responsibility to redress or report the alleged misconduct. The College has defined the following employees as Responsible Employees:

- All Employees of Sweet Briar College are designated as a Responsible Employee. This includes Resident Advisors.

O. **“Sexual Exploitation”** means taking sexual advantage of another person without Effective Consent and includes, without limitation, causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage over such person; causing the prostitution of another person; recording, photographing, or transmitting identifiable images of private sexual activity and/or intimate parts (including genitalia, groin, breast or buttocks) of another person; allowing third parties to observe private sexual acts; engaging in voyeurism; distributing intimate or sexual information about another person; and/or knowingly or recklessly exposing another person to a significant risk of sexually transmitted infection, including HIV.

P. **“Sexual Harassment”** means unwelcome conduct of a sexual nature which unreasonably interferes with a person's college employment, academic performance or participation in college programs or activities or creates a working, learning, program, or activity environment that a reasonable person would find intimidating, hostile or offensive. Sexual Harassment may include, for example, unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, including acts of sexual violence. In evaluating any complaint of sexual harassment the perceived offensiveness of a particular expression, standing alone, is not sufficient by itself to constitute sexual harassment. The conduct in question must be objectively intimidating, hostile or offensive and interferes with a person's right to equally participate in programs and activities of the College.

Q. **“Stalking”** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to either fear for the person's safety or the safety of others, or suffer substantial emotional distress. For the purpose of this definition—

- “Course of conduct” means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- “Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require or involve medical or other professional treatment or counseling.
- “Reasonable person” means a reasonable person under similar circumstances and with similar identities to the Complainant.

III. Reporting Sexual Misconduct

A. General

The College encourages students impacted by Sexual Misconduct to talk promptly to someone about what happened, so that students who have been assaulted can get the support they need, and the College can

respond appropriately. Different employees on campus have different abilities to maintain a student's confidentiality. Some are required to maintain near complete confidentiality. Most employees are required to report all the details of an incident (including the identities of both the Complainant and the Respondent) to the Title IX coordinator. A report to these employees (Responsible Employees) constitutes a report to the College – and generally obligates the College to investigate the incident and take appropriate steps to address the situation.

This policy is intended to make students aware of the various reporting and confidential disclosure options available to them – so they can make informed choices about where to turn should they be sexually assaulted.

B. Reporting to a Confidential Resource

Professional, licensed counselors, pastoral counselors and licensed health care professionals who provide mental-health counseling to members of the school community (and including those who act in that role under the supervision of a licensed counselor) are not required to report any information about an alleged incident to the Title IX coordinator without a student's permission.

Following is the contact information for these individuals:

- Horizon Behavioral Health, 120 Commerce St. Amherst, VA 24521, Phone: 434-946-2316.
- Centra Medical Center, 115 Ambriar Plaza, Amherst, VA 24521, Phone: 434-946-9565.

C. Reporting to Campus Safety

A member of the Sweet Briar College Campus Safety Department is always on patrol on campus, and is available to provide assistance to our students. A report of Sexual Misconduct may be made at any time, day or night, by contacting the Campus Safety officer on duty at (434) 381-6111. Campus Safety officers are considered Responsible Employees who will report the incident to the Title IX Coordinator.

D. Reporting to a Responsible Employee

All Responsible Employees must report all experienced or observed alleged incidents of Sexual Misconduct to a Title IX Coordinator, who is required to investigate and take reasonable action. As noted above, the College has defined the following employees as Responsible Employees:

- All Employees of Sweet Briar College are designated as a Responsible Employee. This includes Resident Advisors.

Before a Complainant reveals any information to a Responsible Employee, the employee should ensure that the Complainant understands the employee's reporting obligations – and, if the Complainant wants to maintain confidentiality, direct the Complainant to confidential resources. If the Complainant wants to tell the Responsible Employee what happened but also maintain confidentiality, the employee should tell the Complainant that the College will consider the request, but cannot guarantee that the College will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the Responsible Employee will also inform the Coordinator of the Complainant's request for confidentiality. Responsible Employees will not pressure a Complainant to request confidentiality, but will honor and support the Complainant's wishes, including for the College to fully investigate an incident. Still, Responsible Employees will not pressure a Complainant to make a full report if the Complainant is not ready to. To the extent possible, information reported to a Responsible Employee will be shared only with people responsible for handling the College's response to the report. A Responsible Employee should not share information with law enforcement without the Complainant's consent or unless the Complainant has also reported the incident to law enforcement.

A report of Sexual Misconduct may be made at any time, day or night, by contacting Campus Safety at 434-381-6111 or the Student life at 434-381-6134.

E. Other Campus Reporting

Public awareness events such as "Take Back the Night," the Clothesline Project, candlelight vigils, protests, "survivor speak outs" or other forums in which students disclose incidents of sexual violence, are not considered

notice to the College of sexual violence for purposes of triggering its obligation to investigate any particular incident(s). Such events may, however, inform the need for campus-wide education and prevention efforts, and the College will provide information about students' Title IX rights at these events.

F. 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 to report alleged Sexual Misconduct promptly to Campus Safety as well as the Amherst County Sheriff's Department. The Campus Safety Department can assist in contacting the 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 complaint 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 Complainant and the College community. Amherst County Sheriff's Department at 434-946-9300 or 911.

G. 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 Complainant requests the disclosure and signs a consent or waiver form.

The following is contact information for these off-campus resources:

- Sexual Assault Response Program (Lynchburg) 424-947-7422 or 888-947-7273
- Lynchburg General Hospital- 1901 Tate Springs Road, Lynchburg
- Crime Victim Assistance Info-Line 888-887-3418

H. Reporting to Office for Civil Rights

A student 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, Phone: 202-453-6020, Fax: 202-453-6021; TDD: 800-877-8339, Email: OCR.DC@ed.gov.

IV. Initial Process

A. Meeting with Complainant

As soon as possible after a complaint is made alleging Sexual Misconduct, a Title IX coordinator will schedule a meeting with the Complainant to (a) determine the name of the Respondent, and the date, location and nature of the alleged sexual misconduct, (b) identify forms of support or immediate interventions available to the Complainant (e.g., referrals to appropriate law enforcement agencies or the Office of the Commonwealth's Attorney; referrals for medical treatment; and referrals for counseling at the College's Counseling Center, Student Health Services, or off-campus resources described in this Policy), and (c) obtain the Complainant's consent to begin an investigation. The meeting may also involve a discussion of any accommodations that may be appropriate concerning the complainant's academic, College housing, and/or College employment arrangements.

B. Complainant Requests Confidentiality

If the Complainant does not wish to pursue a complaint and/or requests that his or her complaint remain confidential, the College nevertheless is required to investigate and take reasonable action in response to the Complainant's request to the extent it can do so within the restrictions imposed by the Complainant. The Title IX Coordinator will inform the Complainant that the College's ability to meaningfully investigate the incident and pursue disciplinary action against the Respondent(s) may be limited. The College has designated the Title IX Coordinator(s) as the person(s) to evaluate whether the Complainant's request for confidentiality can be honored. In order to make such an evaluation, the Title IX Coordinator may request Campus Safety to conduct a preliminary investigation into the alleged Sexual Misconduct. When weighing a Complainant's request for confidentiality or that no investigation or discipline be pursued, the Title IX Coordinator managing the case will consider a range of factors, to include the increased risk that the Respondent will commit additional acts of sexual or other violence, such as whether:

- There have been other sexual violence complaints about the same Respondent;
- The Respondent has a history of arrests or records from a prior school indicating a history of violence;
- The Respondent threatened further sexual violence or other violence against the Complainant or others;
- The sexual violence was committed by multiple Respondents;
- The sexual violence was perpetrated with a weapon;
- The Complainant is a minor;
- The College possesses other means to obtain relevant evidence of the sexual violence (i.e. security cameras or personnel, physical evidence, etc.); or,
- The Complainant's report reveals a pattern of perpetration (e.g., via illicit drugs or alcohol) at a given location or by a particular group.

The presence of one or more of these factors could lead the College to investigate, and if appropriate, pursue disciplinary action. If none of these factors is present, the College will likely respect the Complainant's request for confidentiality. Even if the College cannot take disciplinary action against the Respondent because the Complainant insists on confidentiality or that the complaint not be adjudicated, the College nonetheless is required to take prompt and effective action to limit the effects of the alleged Sexual Misconduct and to prevent its recurrence, such as increased monitoring, supervision or security at locations where the reported sexual violence occurred; increasing education and prevention efforts, including to targeted population groups; conducting climate surveys; and/or revisiting its policies and practices. If the College determines that it cannot maintain a Complainant's confidentiality, the College will (a) inform the Complainant prior to starting an investigation, (b) to the extent possible, only share information with people responsible for handling the College's response, and (c) if requested by the Complainant, inform the Respondent that the Complainant asked the College not to investigate or seek discipline. The College may not require a Complainant to participate in any investigation or disciplinary proceeding. If requested by the Complainant, the College will inform the Respondent that the Complainant asked the College not to investigate or seek discipline, but that the College made the decision to go forward.

C. Other Related Misconduct

In accordance with its policies, the College is empowered to hear allegations of, and to impose sanctions for, Sexual Misconduct and any other violations of the College's code of conduct directly related to the circumstances involved in the alleged Sexual Misconduct or any alleged violations of this Policy. It is not, however, the practice of the College to pursue disciplinary action against a Complainant or witness for her or his improper use of alcohol or drugs that occur during the events involved in the alleged Sexual Misconduct, provided that such student is acting in good faith as a Complainant or witness to the events. Students,

whether as parties to the proceedings or as witnesses, are expected to provide truthful testimony in accordance with the College's Honor Code.

D. Interim Measures

The Title IX Coordinator will notify the Complainant of his or her options to avoid contact with the Respondent and allow the Complainant to change academic and extracurricular activities or his or her living, transportation, dining, and working situation as appropriate. The College will also ensure that the Complainant is aware of his or her Title IX rights and any available resources, such as victim advocacy, housing assistance, academic support, counseling, disability services, health and mental health services, and legal assistance, and the right to report a crime to campus or local law enforcement. Even when a school has determined that it can respect a Complainant's request for confidentiality and therefore may not be able to respond fully to an allegation of Sexual Misconduct and initiate formal action against an alleged Respondent, the College will take immediate action to protect the Complainant while keeping the identity of the Complainant confidential. These actions may include: providing support services to the Complainant; changing living arrangements or course schedules, assignments, or tests; and providing increased monitoring, supervision, or security at locations or activities where the misconduct occurred. The College should provide the complainant with periodic updates on the status of the investigation. The specific interim measures implemented and the process for implementing those measures will vary depending on the facts of each case. The College will consider a number of factors in determining what interim measures to take, including, for example, the specific need expressed by the Complainant; the severity or pervasiveness of the allegations; any continuing effects on the Complainant; whether the Complainant and alleged Respondent share the same residence hall, dining hall, class, transportation, or job location; and whether judicial measures have been taken to protect the Complainant (e.g., civil protection orders). In general, when taking interim measures, the College will seek to minimize the burden on the Complainant.

E. Retaliation

It is a violation of College policy for anyone to retaliate against any person making a complaint of Sexual Misconduct or against any person cooperating in the investigation of (including testifying as a witness to) any allegation of Sexual Misconduct. For these purposes, "retaliation" includes Intimidation, threats or harassment against any Complainant or third party. Retaliation should be reported promptly to Campus Safety, a Title IX Coordinator, or to Student Life and may result in disciplinary action independent of the sanction or interim measures imposed in response to the underlying allegations of Sexual Misconduct.

V. Resolution

A. Investigation

The Title IX coordinator will, with assistance from Campus Safety, conduct an investigation. Ordinarily, this investigation will include interviews with and obtaining statements from both parties, interviews with witnesses, and a review of documentary evidence. The College is obligated to conduct this investigation regardless of the Complainant's requests, but it should be particularly careful while an active law enforcement investigation is ongoing. In such circumstances it should not ordinarily conduct independent interviews or gather evidence while off campus law enforcement is actively interviewing witnesses or gathering evidence on the matter that concerns the College. Typically, an investigation will be completed within thirty (30) days following receipt of the complaint. A written report of the investigation will be distributed, concurrently, to both of the parties.

B. Determination to Charge

Following the conclusion of the investigation, the Title IX Coordinator will determine, based on the information obtained from the investigation, whether there is sufficient information available to charge the Respondent with an alleged violation of the policy. The Title IX Coordinator will provide written notification of the determination of the administrative review to the Complainant and Respondent concurrently. Should the Title IX Coordinator determine that there is sufficient information to charge the Respondent, the Title IX Coordinator will refer the

case for a hearing. The determination to charge the Respondent does not mean that the Respondent will be found responsible for a violation of the Code. Instead, it means that the Title IX Coordinator has determined that based upon the available information obtained from the investigation, the case warrants further review in a hearing. The Respondent will only be found in violation if the hearing officer(s) determines, by a preponderance of the evidence, that the Respondent has committed a violation of the policy. Should the Title IX Coordinator determine that there is not sufficient information to charge the Respondent, the Title IX Coordinator will document the matter as closed. The Complainant may appeal the determination that there is not enough information to charge the Respondent by submitting a letter to the Dean of Student Life outlining all reasons for the appeal. The appeal must be submitted to the Dean of Student Life within five (5) calendar days of receipt of the outcome letter. The Dean of Student Life will evaluate the appeal and notify the Complainant and Respondent in writing whether it has been granted or denied. This determination by the Dean of Student Life will generally be made within five (5) calendar days of when the appeal has been received. That determination is final and may not be further appealed.

C. Advisors

After a formal charge of conduct that violates this policy, the Complainant and Respondent may seek the advice and assistance of an Advisor of their choice, at their own expense. The role of the Advisor is to advise the Complainant or Respondent of applicable procedures, and to advise the Complainant or Respondent on the specifics of a written appeal, if applicable. Advisors are also available to offer support and to provide information on additional resources. While Advisors may accompany the Complainant and Respondent at meetings, they may not present evidence, question witnesses, or otherwise participate. Either party may request a brief recess to consult with their Advisor, which will be granted at the discretion of the hearing officer(s).

D. Notice of Hearing

The Complainant and Respondent shall receive advanced written notification of the specific charges and the date, time, and location of the hearing and their rights as outlined in these procedures. The Complainant and Respondent may request a reasonable extension of time to prepare for the proceeding. Requests for an extension will not be granted for a period to exceed two business days except in unusual circumstances where the party can demonstrate the necessity for a longer delay. All requests for an extension of time should be made in writing at least 24 hours prior to the scheduled hearing, except in cases of documented serious illness or emergency. A Respondent who fails to appear at a scheduled hearing without good cause (e.g., serious illness), after proper notice of the hearing, may have the case be decided even in his or her absence, and forfeits all rights to an appeal. In such cases, decisions will be based solely on witness testimony and other information presented during the hearing.

E. Hearing Officer

The hearing will be conducted by one or more hearing officers, selected by the President. The College may use College employees, or may ask lawyers, retired judges or other individuals with relevant experience and training to serve as a hearing officer(s). All hearing officers will be trained on how the adjudicatory process works, and how to approach students about sensitive issues that may arise in the context of Sexual Misconduct. If more than one hearing officer conducts the hearing, the hearing officers shall select one of them to serve as chair of the hearing, and decisions of the hearing officers shall be made by majority vote.

F. Pre-Hearing Submissions

Both parties shall have the opportunity to provide information in advance of the hearing to be considered by the hearing officer(s). Any additional information must be submitted in writing at least two business days prior to the proceeding to hearing officer(s). The Complainant and Respondent each will have the opportunity to review any written submissions by the other. The hearing officer(s) may set reasonable parameters for these written submissions. Both parties may provide the names of witnesses from the College community who have relevant information pertaining to the incident. These individuals will be invited, at the discretion of the hearing officer(s), to participate in the proceeding, but are not required; character witnesses will not be heard. Ordinarily, witnesses

who are not members of the College community will not be invited to serve as a witness in the proceeding. The parties are responsible for the attendance of their witnesses at the hearing.

G. Resolution Prior to Hearing

The hearing officer(s) will review the investigation report and written submissions. The hearing officer(s) may determine that a hearing is not necessary when the hearing officer(s) concludes that the information in the investigation report and the written submissions (if any) is sufficient to make a determination. If the hearing officer(s) decides that a hearing is not necessary, the hearing officer(s) will proceed directly to make a determination, including an explanation of why a hearing is not necessary, as described below.

If, at any time prior to the hearing, the Respondent elects to acknowledge his or her actions and take responsibility for the alleged Sexual Misconduct, he or she may request that the hearing officer(s) propose a resolution to the charges and a sanction and, with the consent of the Complainant, resolve the complaint without a hearing.

H. Conduct of the Hearing

A hearing is closed to the public, including friends of the parties and College personnel without an official interest in the case. Only the hearing officer(s), the Complainant, Respondent and witnesses (when testifying), and necessary College personnel may be present in the hearing room during the proceeding. The hearing will not follow a courtroom model, and formal rules of process, procedure, and/or technical rules of evidence, such as applied in criminal or civil court, will not be observed. What might be considered hearsay or secondhand or other indirect evidence may be presented and given that weight to which it may be entitled, as determined by the hearing officer(s) as part of considering the totality of the information and the credibility of any witness. Deviations from prescribed procedures shall not necessarily invalidate a decision, unless significant prejudice to the Respondent, Complainant or the College results. The parties have the option not to appear and/or testify; however, the exercise of that option will not preclude the hearing officer(s) from proceeding and determining the complaint on the basis of the evidence presented. The hearing officer(s) will not consider the romantic or sexual history of either the Complainant or Respondent, except for testimony offered by one or the other about the Complainant's and Respondent's shared sexual history that the hearing officer(s) deems relevant. If such information is offered by the Complainant or Respondent, the other has the right to respond. The existence of a prior consensual dating or sexual relationship between the Complainant and Respondent by itself does not support an inference of Effective Consent to alleged act(s) of Sexual Misconduct.

If the hearing officer(s) determines that unresolved issues exist that would be clarified by the presentation of additional evidence, the hearing officer(s) may recess the hearing and reconvene it in a timely manner to receive such evidence. A recess may not be based on the failure of witnesses to appear. At the discretion of the hearing officer(s), an audio recording of the hearing may be made for the use of the hearing officer(s), for sanctioning, and for purposes of appeal.

I. Evidentiary Standard

The evidence of alleged Sexual Misconduct will be evaluated under a "preponderance of the evidence" standard, meaning that the evidence must show that it is "more likely than not" that the Respondent violated the policy. The Respondent will be found to be responsible for the alleged Sexual Misconduct if the hearing officer(s) concludes that such Sexual Misconduct more likely than not occurred based upon a review of all the evidence presented.

J. Sanction

If the hearing officer(s) concludes that the alleged Sexual Misconduct occurred, the hearing officer(s) may impose any sanction that he or she finds to be fair and proportionate to the violation. In determining an appropriate sanction, the hearing officer(s) may consider any record of past violations of the standards of conduct, as well as the nature and severity of such past violation(s). The hearing officer(s) will consider as part of deliberations whether the sanction will (a) bring an end to the violation in question, (b) reasonably prevent a recurrence of a

similar violation, and (c) remedy the effects of the violation on the Complainant and the Sweet Briar College community. Any sanction imposed will be described in the written decision of the hearing officer(s).

The hearing officer(s) may impose any one or more of the following sanctions on a Respondent determined to have violated the Policy:

- Reprimand/warning
- Restitution and/or fines
- Changing the Respondent's academic schedule
- Disciplinary probation
- Revocation of honors or awards
- Restricting access to College facilities or activities (including student activities and campus organizations)
- Community service
- Issuing a "no contact" order to the Respondent or requiring that such an order remain in place
- Moving the Respondent's residence
- Dismissal or restriction from College employment
- Removal from student housing
- Suspension (limited time or indefinite)
- Expulsion
- Revocation of degree

In addition to any other sanction (except where the sanction is expulsion or revocation of a degree), the College will require any Respondent determined to be responsible for a violation of the Policy to receive appropriate education and/or training related to the misconduct violation at issue. The College may also require counseling or other support services for the Respondent.

K. Decision

Following the hearing, the hearing officer(s) will issue a written decision letter, delivered concurrently to both the Respondent and the Complainant. The hearing officer(s) will generally render a decision within five (5) days after the conclusion of a hearing. The decision letter will set forth the name of the Respondent; the violation(s) of the policy for which the Respondent was found responsible, if any; any essential findings supporting the hearing officer(s)'s decision on the issue of responsibility; and the sanction imposed, if any. The Respondent shall not be notified of any individual remedies offered or provided to the Complainant.

L. Appeals

Either party may appeal the hearing officer(s)' decision to the Dean of Student Life by notifying the Dean of Student Life in writing within five (5) business days after receipt of the hearing officer(s)'s decision. The party appealing the decision shall submit a statement to the Dean of Student Life which shall include the reasons the party believes the decision of the hearing officer(s) should be reversed. The only three permitted grounds for appeal are:

1. A significant procedural error affecting the determination or sanction;
2. New information that was not available at the time of the investigation or hearing and would significantly alter the determination or sanction; and
3. Excessiveness or insufficiency of the sanction.

Disagreement with the finding or sanctions is not, by itself, grounds for appeals. If the Dean of Student Life concludes that a change in the hearing officer(s)'s determination is warranted, the Dean of Student Life may enter a revised determination, reconvene the hearing officer(s) to reconsider the determination, or return the matter for additional investigation. After consultation with the Title IX Coordinator, the Dean of Student Life may also change the sanction. If both the Complainant and Respondent appeal, the appeals will be considered concurrently. Within thirty (30) calendar days after receipt of the notice of appeal (or such longer time as the Dean of Student Life may for good cause determine), the Dean of Student Life will provide to both parties,

concurrently, and to the Title IX coordinator, a copy of the Dean of Student Life's written decision. The decision of the Dean of Student Life is final, and there is no further appeal following the Dean of Student Life's decision.

M. Effective Date of Sanction

Sanctions imposed by the hearing officer(s) are not effective until any timely appeal of the decision is resolved. However, if advisable to protect the welfare of the Complainant or the campus community, the hearing officer(s) may include in its determination letter that any probation, suspension, or expulsion be effective immediately and continue in effect until such time as the Dean of Students may otherwise determine. The hearing officer may notify other campus officials to implement a decision that includes sanctions to protect the welfare of the Complainant or the campus community. If the matter is appealed, the Dean of Student Life may suspend the determination pending exhaustion of appeal, or allow the student to attend classes or other activity on a supervised or monitored basis, or make such other modifications to the determination as may be advisable.

The "final results" of any proceeding are defined as: the name of the student, the findings of the proceeding board/official, any sanctions imposed by the institution, and the rationale for the findings and sanctions (if any).

Compliance with these provisions does not constitute a violation of section 444 of the General Education Provisions Act (20 U.S.C. 1232g), commonly known as the Family Educational Rights and Privacy Act of 1974 (FERPA).

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 Wailes Conference Center.

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 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, nor 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

FY2017 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		
	2015	2016	2017	2015	2016	2017	2015	2016	2017	2015	2016	2017
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		
d. Rape	3	2	1	3	2	1	0	0	0	0	0	0
e. Fondling	0	0	0	0	0	0	0	0	0	0	0	0
f. Sex offenses - Non-forcible	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	8	3	5	8	2	2	0	0	0	0	0	0
l. Motor vehicle theft	1	0	2	1	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	0	0	1	0	0	0	0	0	0	0	0
p. Domestic violence	0	0	0	0	0	0	0	0	0	0	0	0
q. Stalking	4	0	0	2	0	0	0	0	0	0	0	0

Arrest/Referrals - Select Offenses	On- Campus			On-Campus Residential			Non-Campus			Public Property		
	2015	2016	2017	2015	2016	2017	2015	2016	2017	2015	2016	2017
Liquor Law Violations - Arrest	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violations - Referral	6	11	14	4	11	12	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	2	2	0	2	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	0	0	0	0	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 2017.

Sweet Briar College 2017 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 Building	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	2
Dew Hall	Y	Y	Y	Y	Y	Y	2
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
Patterson House	Y	Y	Y	Y	Y	Y	2
Randolph Hall	Y	Y	Y	Y	Y	Y	2
Reid Hall	Y	Y	Y	Y	Y	Y	2

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 and Student Fire Marshals 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 Crisis 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, Civil Defense, 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. 2017 Fire Statistics

The table below documents the fire statistics for on-campus residential housing during 2017.

2017 Residence Hall Fire Statistics					
Residence Hall	Number of Fires	Cause of Fire	No. of Fire Related Injuries ¹	No. of Fire Related Fatalities	Value of Property Fire Damage ²
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	N/A	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	1	Cooking Incident on stove	0	0	\$200.
Reid Hall	0	N/A	0	0	0

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

2. Values are in dollar amounts