



ANNUAL SECURITY & FIRE SAFETY REPORT — 2016



This report is provided for UVA-Wise in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, commonly referred to as the Clery Act.

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INTRODUCTION

The University of Virginia's College at Wise (UVA-Wise) provides this Annual Security & Fire Safety Report (ASR) in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act and our commitment to assisting all members of the community in providing for their own safety and security. Further, the College observes University Policy SEC-035 on Clery Act Compliance (uvapolicy.virginia.edu/policy/SEC-035).

The ASR contains information about:

- campus security and personal safety including topics such as: crime prevention, public safety authority, crime reporting policies, fire safety, disciplinary procedures, and other matters of importance related to security on campus
- fire statistics in our residential facilities; and
- crime statistics for the three previous calendar years concerning reported crimes that occurred on campus; in certain off-campus buildings or property owned or controlled by the College; and on public property within, or immediately adjacent to and accessible from the campus.

The UVA-Wise Clery Compliance Committee is directly involved in developing and reviewing the Annual Security and Fire Safety Report.

The ASR is made available by October 1 each year at www.uvawise.edu/ASR and a hard copy is available upon request by calling 276-328-0190 or 276-376-3451. A notice of availability is distributed to current students and employees via College email list serves.

THE CAMPUS POLICE DEPARTMENT

MISSION

The mission of The University of Virginia's College at Wise Police Department is to serve and protect the campus community and to enhance the quality of life on campus. This is achieved in conjunction with the campus community through the enforcement of laws, crime prevention activities, education and community awareness, and maintenance of accreditation. The foundation of our Department is community service. All people within our jurisdiction are served with respect and fairness.

We, The University of Virginia's College at Wise Police Department, are committed to the prevention of crime, the investigation of problems and incidents, the preservation of security, and the enforcement of all laws and College rules. Services of the UVA-Wise Police Department are oriented to produce an environment that enables the College to implement its mission of education and public service.

AUTHORITY & JURISDICTION

The UVA-Wise Campus Police Department is recognized as a Virginia Department of Criminal Justice Services (DCJS) police agency. The Department maintains a 24-hour, seven-day-a-week service to the College community.

The Department consists of nine full-time sworn law enforcement officers who are responsible for the safety and security of all visitors, students, faculty, and staff, as well as a full range of public safety services including all crime reporting, investigations, medical and fire emergency response, and traffic control.

All officers are state-certified through DCJS, have full powers of arrest and have the authority to enforce all state and local laws. Each officer continually undergoes training to maintain state certification and professional skills.

The Department is responsible for the enforcement of all laws within the Commonwealth of Virginia, with special attention to the statutes regarding underage alcohol consumption and possession of controlled substances and sex offenses.

While UVa-Wise officers have jurisdiction in all of Wise County, primary patrol jurisdiction is limited to locations owned or controlled by the College. The Department also maintains an excellent working relationship and a mutual aid agreement with the Virginia State Police, Wise County's Sheriff's Office, and the Town of Wise Police Department. This includes, but is not limited to, the agencies assisting one another with criminal investigations, emergency response, and information sharing.

THE OFFICE OF COMPLIANCE & CONDUCT

UVa-Wise is committed to operating with integrity and honor in full compliance with all applicable federal and state laws and regulations, as well as College policies. In November 2014, UVa-Wise established the Office of Compliance & Conduct in support of this commitment.

The Office of Compliance and Conduct works closely with the Campus Police Department and other campus individuals and units as it serves to:

- promote campus compliance with applicable laws, regulations and policies
- keep the campus community informed of compliance information and resources
- support the coordination of campus compliance activities and ongoing training
- provide updates to the campus community regarding required guidelines and mandates
- promote a campus culture of ethical conduct and commitment to compliance
- oversee the student conduct system and Code of Conduct
- oversee the Threat Assessment Team to assess and to intervene regarding any individual whose behavior may potentially pose a threat to self, others, or the campus community

Information about the Office of Compliance & Conduct and compliance resources are available at www.uvawise.edu/compliance or by calling 276-376-3451.

CAMPUS FACILITIES – SAFETY, ACCESS & MAINTENANCE

UVa-Wise wants to maintain a safe and secure environment for its students, faculty, staff, and the general public who use its facilities. While the UVa-Wise Campus Police Department is assigned a variety

of security-related functions, individual units and departments also have responsibility for the security of facilities assigned for their use. Any building-specific regulations, established by units responsible for those buildings, must be consistent with the regulations established by Campus Police. Members of the faculty, staff, and student body should report all crimes, hazards, emergencies, or dangerous situations to the Campus Police Department.

During business hours, the College's academic and administrative buildings (excluding certain housing facilities) will be open to students, parents, employees, contractors, guests, and invitees. During non-business hours, access to all College facilities is restricted to authorized individuals. In the case of periods of extended closing, the College will admit only those with prior written approval to all facilities.

The exterior doors of campus residence halls with common/community entrances are locked 24 hours per day. Door access may be altered during specific times (i.e. move-in hours at the opening of the semester), designated class times, summer conferences, special events, and when maintenance work is being completed. It is a violation of Housing policy to prop open any exterior or interior door(s).

Conferences & Events hosts overnight residential camps each summer. The exterior doors of campus residence halls that have common/community entrances are altered during summer months to accommodate the needs/schedules of the group. Unless otherwise specified by the Conferences and Events user agreement, exterior doors will automatically lock from 12:00 am (midnight) to 7:00 am each day.

Campus facilities and landscaping are maintained in a manner to reduce hazardous and unsafe conditions. UVA-Wise Campus Police officers patrol campus facilities, including residential buildings, daily. These patrols allow officers to respond to and report any safety and security concerns such as nonworking lights, malfunctioning locks and other unsafe physical conditions to Facilities Management for repair. Anyone recognizing unsafe physical conditions or issues should report them to either Campus Police or Facilities Management.

SAFETY AWARENESS & CRIME PREVENTION PROGRAMMING

UVA-Wise offers many awareness and prevention programs designed to inform the campus community about safety and security policies and procedures. All members of the campus community are reminded to be responsible for their own safety and security, and that of others.

Campus Police, the Office of Compliance & Conduct, the Office of Housing & Residence Life, and the Center for Student Development provide numerous awareness and safety-focused educational programming opportunities for the campus community and in the residence halls throughout each semester. Information is disseminated through events/programs, flyers, displays, videos, press releases, as well as articles and advertisements in the College newspaper.

Programming topics include, but are not limited to, drug awareness and prevention, alcohol and drug awareness and prevention, crime prevention and safety, internet awareness and safety, personal safety, travel safety, sexual assault awareness and prevention. Examples include, but are not limited to:

Event	Audience	Frequency
Orientation informational packet flyer & Activities Fair information table	New students & families	Multiple sessions each summer & spring
Expedition (extended orientation) information sessions	New students	Each fall
Faculty Workshop information session	Current employees	Each fall
New Employee Orientation informational packet flyer & session	New employees	As needed throughout the year
Student Activities Fair information table	Current students & employees	Each fall
Safe Homecoming Week daily emails & programming event	Current students & employees	Each fall
Red Flag Campaign programming events	Current students & employees	Each fall
Residence Hall programming events	Current residential students	Typically monthly
Notes on IX informational emails	Current students & employees	Monthly
CommonHealth e-newsletters	Current employees	Monthly
Student Organization information sessions	Current students	Each fall & spring
Fire Safety informational emails	Current residential students	Each fall & spring
Sexual Assault Awareness Week programming events	Current students & employees	Each spring
Campus Police programming events	Current students & employees	Each fall, spring & summer

Additionally, UVa-Wise offers the Rape, Aggression, Defense (RAD) system, a program of realistic self-defense tactics and techniques for women. The RAD System is a comprehensive, women-only course that begins with awareness, prevention, risk reduction and risk avoidance, while progressing on to the basics of hands-on defense training; it is not a martial arts program. RAD is typically offered as a Women's Self Defense 7-week course each fall and spring semester. This 0.5 credit hour class will fulfill half of the General Education physical education requirement.

CAMPUS POLICE RESOURCES

Campus Police provides a number of resources and services for the campus community. Please contact the Department to participate or for additional information. These resources and services include:

Campus Patrols Campus Police officers provide patrols of campus grounds and facilities 24 hours per day, 365 days per year.

Campus Transport On-campus transportation is provided to those individuals who have legitimate concerns for their personal safety while on campus.

Crime Log Campus Police maintains a crime log which is available for public inspection during regular business hours at the Campus Police Department, located on the lower-level of Cantrell Hall. The most recent 60-day period of the crime log is available upon request at no cost; portions requested of the log older than 60 days will be available within two business days. This log contains information about all crimes reported to Campus Police, including the date the crime was reported; the date and time the crime occurred; the nature of the crime; the general location of the crime; and the disposition of the complaint, if known.

Emergency Call Boxes These blue light emergency call boxes are located in various on campus locations and may be activated by simply pushing a button. The phones may be used to request help, report suspicious activities, request a campus transport, or for any other emergency situation.

Operation ID Participants are given the opportunity to label personal property and valuables brought to campus with hand-held engravers. The Department maintains records of these items.

Personal Safety Tips Please also keep in mind these personal safety tips provided by Campus Police:

- Keep the door(s) to your residence and windows accessible from the outside locked at all times.
- Never sleep in an unlocked room or house.
- Don't put your name and address on key rings.
- Don't keep your residence and vehicle keys on the same ring.
- If you lose the keys to your residence, have the lock(s) changed. On-campus residents should notify Campus Police immediately.
- Don't study in poorly-lighted, secluded areas.
- Require callers to identify themselves before opening your door. Off-campus residents should require official identification from all repair or service personnel.
- Don't let strangers in to use your phone. Offer to make the call for them or direct them to Campus Police.
- If you receive obscene or harassing telephone calls or several calls with no one on the other end, immediately notify Campus Police.
- If you find that your room has been entered, **DON'T GO INSIDE**. Go to a neighbor and call Campus Police. If you are already inside, **DON'T TOUCH ANYTHING**. In doing so, you may disturb evidence that is important to police investigation.
- If you are awakened by an intruder inside your room, don't try to apprehend the person. He/she may be armed or may easily arm him/herself with something in the room. If this person poses an immediate threat, get out of the room; if not, common sense may dictate pretending you are still asleep.
- If you see a suspicious person or vehicle on campus immediately contact Campus Police. Try to get the license plate number.
- Those in private residences should consider installing "peep holes" and intruder chains on outside doors. Also, if returning after dark, leave a light on at the entrance to your residence.
- Students in campus housing are particularly advised against blocking open the entrance to residence halls. Defective locks on windows or doors should be reported to Campus Police or Facilities Management.
- Don't prop open locked doors to campus facilities. Report defective locks to Campus Police or Facilities Management.
- Avoid bringing large amounts of cash or other valuables to campus.
- Keep items of value out of sight.
- Never lend the key to your residence.
- Don't hide keys under mats, above doors, in mailboxes, or anywhere else they can be easily found.
- If you live in a residence hall, take your room key into the shower with you. Don't leave it in your robe or other clothing where someone going through your pockets can find it.
- When leaving your vehicle at a service station or parking garage, leave only the ignition key.
- Participate in OPERATION ID with Campus Police.

REPORTING PROCEDURES

REPORTING A CRIME OR EMERGENCY

All members of the UVa-Wise community and visitors, as well as victims of crime, are encouraged to accurately and promptly report all crimes, safety-related incidents, suspicious activities, or other emergencies occurring on campus to the Campus Police Department, including when the victim elects to, or is unable, to make such a report. All reports received by Campus Police are assessed for a timely warning notice and for inclusion in the annual disclosure of crime statistics.

The UVa-Wise Campus Police Department is located on the lower level of Cantrell Hall. They may be reached at:



Weekday business hours	276-328-0190 or 276-328-COPS (2677)
Evenings & weekends	276-328-3756
All emergencies	911

Additionally, blue light emergency call boxes are located in various on campus locations and may be activated by simply pushing a button. The phones may be used to request help, report suspicious activities, request a campus escort, or for any other emergency situation. The activated callbox automatically allows the caller to speak directly with a Campus Police officer, as well as notifies the officer of the location in the event the caller is unable to respond verbally. The caller should explain the situation or emergency to the officer and, if possible, remain at the call box until the officer arrives. Tampering with these units or making false emergency calls is strictly prohibited. Violators will be subject to disciplinary action.

CAMPUS SECURITY AUTHORITIES (CSAs)

While the College recommends that all crimes and incidents be reported to Campus Police, it is recognized that reports may go to other individuals instead. The Clery Act defines individuals at colleges and universities that may typically receive such reports as Campus Security Authorities (CSAs). CSAs are individuals and organizations in functions related to: campus law enforcement or security, responsibility for monitoring access to facilities or serving as event security, or significant responsibility for student and campus activities. CSAs may be full-time, part-time or volunteer, and may be employees or students in these roles. CSAs are trained annually by the Office of Compliance & Conduct. CSAs are trained to forward to Campus Police in a timely manner any reports of crimes or incidents they receive.

At UVa-Wise, CSAs include individuals in these areas:

- Office of Compliance & Conduct | 276-376-3451
- Campus Police Department | 276-328-0190
- Center for Student Development* | 276-376-1005
- Housing & Residence Life, including RAs | 276-328-0214
- Greek Life, Student Activities, Outdoor Rec, and Intramurals | 276-376-1000
- Slemp/Ely/Greear facility and check desk supervisors, lifeguards | 276-376-1000
- Prior Convocation Center | 276-376-4505
- Athletics, including coaches, student coaches, and student trainers* | 276-328-0206
- Club & organization advisors

- *Special note: Overnight student travel coordinators/directors, who do not fall in any of the other CSA-designations above, are designated as CSAs only for the trip.*

**Exceptions include seven individuals in these areas who are NOT designated as CSAs at UVa-Wise — Counseling Services LPC Sara Schill, Health Services RN and FNP, and our four licensed athletic trainers.*

As a result of the negotiated rulemaking process which followed the signing into law, the 1998 amendments to 20 U.S.C. Section 1092 (f), clarification was given to those considered to be campus security authorities. Campus pastoral counselors and professional counselors, when acting as such, are not considered to be CSAs 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. The rulemaking committee defines these exempted counselors as:

Pastoral Counselor 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 a pastoral counselor. *NOTE: During calendar year 2014, UVa-Wise did not employ any pastoral counselors.*

Professional Counselor An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution's community and who is functioning within the scope of his or her license or certification. *NOTE: During calendar year 2014, UVa-Wise employed three licensed professional counselors. Due to additional roles (i.e. dual roles) held by two of the LPCs, only one is exempted under this rule and is not considered a CSA (see list above).*

CONFIDENTIAL REPORTING

If you are the victim of a crime and do not want to pursue action within the College system or the criminal justice system, you may still want to consider making a confidential report. With your permission, a Campus Police officer can file a report on the details of the incident without revealing your identity.

The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to enhance the future safety of yourself and others. With such information, the College can keep an accurate record of the number of incidents involving students, employees and visitors; determine where there is a pattern of crime with regard to a particular location, method, or assailant; and alert the campus community to potential dangers. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution, and when they involve allegations of sexual misconduct or interpersonal violence (including rape) are made available to the College's Title IX Coordinator.

RESPONSE TO REPORTS

In response to a call, Campus Police will take the required action, either dispatching an officer or asking the victim to report to the Campus Police Department to file an incident report. All reported crimes will

be reviewed by Campus Police, and when appropriate assigned for follow-up investigation. Reports may become a matter of public record. Incident reports are also forwarded to the Compliance & Conduct Office for review and potential action, as appropriate.

Additional information obtained via an investigation will also be forwarded to the Compliance & Conduct Office, as appropriate. If assistance is required from other local agencies (i.e. local police, fire, etc.), Campus Police will contact the appropriate unit.

If sexual misconduct or interpersonal violence (including rape) should occur, staff on the scene, including Campus Police, will offer the victim a wide variety of resources and services, including a Notice of Complainant's Rights.

In accordance with the Higher Education Opportunity Act (HEOA), the College will, upon written request, disclose to the alleged victim of a crime of violence or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the College against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim if so requested.

NOTIFICATIONS AND ALERTS

TIMELY WARNINGS

All members of the campus community and visitors are encouraged to report all crimes, public-safety incidents or emergencies to Campus Police in a timely manner to aid in providing accurate and timely warning notices to the community, when appropriate, and to ensure inclusion in the annual disclosure of crime statistics.

In the event that a situation arises that constitutes a serious or on-going threat for Clery Act crimes in our Clery geography, a campus-wide timely warning will be issued that withholds the names of victims as confidential and that will aid in the prevention of similar occurrences. *NOTE: UVa-Wise may, in appropriate circumstances, include a suspect's personally identifiable information in a timely warning. FERPA regulations (34 CFR 99.36) outline disclosure of information in health and safety emergencies.*

The decision to issue a timely warning will be considered on a case-by-case basis depending on when and where the incident occurred, when it was reported, and the amount of information known by Campus Police. Timely Warnings are typically issued for the following Uniformed Crime Reporting Program (UCR)/ National Incident Based Reporting System (NIBRS) crime classifications: major incidents of arson, aggravated assault, criminal homicide, robbery, and sex offenses. For example, if an assault occurs between two students who have a disagreement, there may be no on-going threat to other UVa-Wise community members and a timely warning would not be distributed. In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a "timely" warning notice to the community.

Upon receipt of a Clery-reportable crime report, Campus Police contacts the Office of Compliance and Conduct for assessment and dissemination of a timely warning. Typically, the Clery Compliance Administrator or designee writes the warnings for dissemination by the Director of News & Media

Relations or designee. In instances of sexual or prohibited conduct, the Title IX Coordinator or designee writes the warnings for dissemination by the Director of News & Media Relations or designee.

There are some other crime classifications and instances that do not require dissemination of a timely warning notice under the Clery Act, but in the interest of promoting public safety, a community alert may be issued to keep the campus community informed and aware of safety-related incidents.

Notices and alerts may be distributed via email and website. Flyers and face-to-face communications may also be used in affected campus buildings.

EMERGENCY/IMMEDIATE NOTIFICATIONS

UVA-Wise will immediately distribute emergency notifications to the campus community upon confirmation of a significant emergency or dangerous situation on campus involving an immediate threat to the health or safety of students, employees or visitors. Emergencies on campus are typically confirmed by Campus Police in consultation with other administrative offices, local first responders, and/or the National Weather Service. Examples of emergencies that would warrant such a notification include but are not limited to: an active shooter on campus, hostage/barricade situation, a riot, bomb threat, a tornado, a fire/explosion, suspicious death, structural damage to a college-owned or controlled facility, biological threat (anthrax, etc.), significant flooding, a gas leak, or a significant hazardous materials release.

Campus Police makes the initial recommendation for activating immediate notification systems for any threats to the campus community, and for determining the appropriate segment of the campus community if the threat is limited to a particular building or segment of the population. The UVA-Wise Crisis Management Team and Campus Police will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the appropriate notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. The Director of News & Media Relations or designee is typically responsible for developing the content of the emergency messages and for initiating the systems to communicate those messages.

Alert systems include:

- Siren – voice and/or tonal broadcasts
- Email
- Emergency Alert System (Blackboard Connect)* – phone, text, email
- Website
- Face-to-face communication

**NOTE: The EAS system is currently only available to UVA-Wise employees and students who may register up to six (6) numbers for alert calls or texts at <https://home.uvawise.edu/emergency-alert-system>.*

Using some or all of the identified alert systems, all emergency notifications will include two parts — an initial notification which is always followed by an “all clear” notification when the threat or danger is over.

The local news media may be utilized to disseminate emergency information to members of the larger community, including neighbors, parents and other interested parties. The larger community can also access emergency information via the College's homepage and/or social media.

EMERGENCY RESPONSE & EVACUATION

The College has an Emergency Response Plan which outlines institutional response to serious incidents impacting the campus, including plans for evacuation, performance expectations and continuity of operations. Key administrators and other personnel have been identified as members of the Crisis Management Team and the Crisis Communication Team. UVa-Wise Campus Police officers and supervisors have received training in order to understand roles in the emergency response plan.

UVa-Wise emergency response information is available at www.uvawise.edu/uva-wise/administration-services/emergency-preparedness. The College conducts tests of its emergency response plan each year, such as table-top exercises and tests of its emergency notification systems. The residential communities also conduct numerous fire and evacuation drills for each residential facility each semester. These drills and tests are designed to assess and evaluate the emergency plans and capabilities of the institution. Each test is documented and includes a description of the exercise, the date and time of the exercise, and whether it was announced or unannounced.

In conjunction with a test (exercise and drill), on an annual basis, the College provides information about the institution's Emergency Response Plan as part of UVa-Wise Clery compliance efforts. It is also available on the Emergency Preparedness website.

SHELTER IN PLACE

Some emergencies may arise that do not allow individuals the opportunity to evacuate. Sheltering in place means staying inside in order to provide protection from external hazards, minimize the chance of injury and/or provide the time necessary to allow for a safe evacuation. When authorities issue directives to shelter in place, do not walk outdoors, take refuge indoors immediately.

A shelter in place order may be issued for several reasons, including but not limited to:

- Active shooter
- Severe weather
- Hazardous materials
- Civil unrest
- Hostage situation
- Or any situation where it is best for you to stay where you are to avoid any outside threat

When this occurs:

- Remain calm.
- Faculty and staff should recommend to students and others not to leave and to remain inside.
- If you are in a residence hall room, remain there.
- Select a small interior room with no or few windows as possible.
- Close and lock all windows, exterior doors, and any other openings that lead to the outside.

- Stay away from all windows and doors.
- If you are told there is danger of explosion, close the window shades, blinds, or curtains.
- Avoid overcrowding by selecting several rooms when necessary.

EVACUATION PROCEDURES

A list of Emergency Procedures for various situations is posted in campus buildings and is available on the Emergency Preparedness website at www.uvawise.edu/uva-wise/administration-services/emergency-preparedness/emergency-procedures.

At the sound of a fire alarm or if you are instructed to evacuate, proceed to the nearest exit and leave the building. If you are the first to recognize a fire situation, activate the alarm, evacuate to a safe location using the nearest exit, and notify Campus Police immediately at 911.

1. Remain calm.
2. Do **NOT** use elevators, use the stairs.
3. Assist the physically impaired. If he/she is unable to exit without using an elevator, secure a safe location near a stairwell, and immediately inform Campus Police or the responding Fire Department of the individual's location.
4. Proceed to a clear area at least 150 feet from the building. Keep all walkways clear for emergency vehicles.
5. Make sure all personnel are out of the building.
6. Do not re-enter the building until instructed to do so.

NOTIFICATION OF MISSING STUDENTS

UVa-Wise complies with Section 485(j) of the Higher Education Opportunity Act regarding missing residential student notification. On the Application for Campus Housing, the College provides every student living in campus housing the opportunity to identify an emergency contact, as well as confidential contact person(s) to be contacted whenever the College determines that a residential student is missing.

UVa-Wise will maintain the confidentiality of the registered missing contact persons. This information will only be accessible to authorized campus officials and law enforcement. It will not be disclosed outside of a missing person investigation.

Any person who believes a student living in campus housing may be missing should immediately contact the Office of Housing & Residence Life (Housing Office) or Campus Police. The first office to receive the report will notify the other office of the report. Both offices will attempt to determine whether the student is missing. The Housing Office will try to contact the student through all available means. Campus Police will investigate the validity of the report and manage the information according to its established investigative standards, may notify the appropriate campus personnel and seek their aid in the investigation, and contact any law enforcement agencies necessary to further the investigation.

If within 24 hours of the report, Campus Police is unable to locate the missing student and the student is not known to have returned to campus, Campus Police will notify the Housing Office, and the Director of

Residence Life (DRL) or designee will notify the individual(s) the student designated as confidential missing person contact(s) and document the date and time of notification. If the missing student is under age 18 and not an emancipated individual, the DRL or designee will notify the student's custodial parent or guardian and document the date and time of the notification.

Regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, Campus Police will notify the local law enforcement agency that has jurisdiction in the area that the student is missing within 24 hours.

Campus Police and the Housing Office will coordinate efforts to locate the missing student. The DRL will notify the Vice Chancellor of Enrollment Management and Student Life and provide updates on the investigation status.

When the student is located, the DRL or designee will contact the student to offer any appropriate support, as well as the confidential contact(s) and/or parents (minor students) to confirm the student has been located.

If the initial investigation is unsuccessful in locating the student, Campus Police will continue to investigate using established police procedures. The DRL will decide what further action, if any, should be taken by the Housing Office.

ALCOHOL & DRUGS POLICIES

UVa-Wise does not condone the illegal or otherwise irresponsible use of alcohol and other drugs. It is the responsibility of every member of the College community to know the risks associated with substance use and abuse. This responsibility obligates students and employees to know relevant College policies and federal, state and local laws and to conduct themselves in accordance with these laws and policies. To these ends, the College publishes the following information regarding College policies and sanctions; laws and penalties concerning substance use and abuse; health and behavioral risks of drug use; and resources for treatment and educational programming. UVa-Wise is committed to providing an environment free of alcohol and drug abuse in support of the Drug Free Schools and Communities Act.

In compliance with the Drug Free Schools & Communities Act, UVa-Wise publishes information regarding the College's educational programs related to drug and alcohol abuse prevention; sanctions for violations of federal, state and local laws and College policy; a description of associated health risks; and available treatment programs and resources for UVa-Wise students and employees. More information about these topics, as provided in the College's annual notification to students and employees, is available online at www.uvawise.edu/DFSCA.

ALCOHOL POLICY

The College hopes the Alcohol Policy will encourage students to make responsible decisions about the use of alcoholic beverages. The policy is intended to promote safe, legal and healthy decisions related to alcohol and social interaction. We recognize that our students are responsible adults and believe that students should behave in a manner that is not disruptive or endangering to themselves or others and is

in compliance with state and local laws regarding the possession, consumption, sale, and delivery of alcohol.

UVa-Wise does not encourage the use of alcoholic beverages and does not condone the illegal or otherwise irresponsible use of alcohol. In accordance with State and Federal law, the College prohibits the unlawful possession, sale, use or distribution of alcohol on College property or at College-sponsored functions. UVa-Wise Campus Police has primary responsibility for the enforcement of State underage drinking laws.

All members of the College community are expected to know and act in accordance with Virginia State laws concerning the purchase, possession, consumption, sales and storage of alcoholic beverages. In this connection, members of the College community are reminded of the following:

1. Any sale of an alcoholic beverage requires an ABC license.
2. Alcoholic beverages are not to be given or sold to persons who are under the legal drinking age, which is 21 years of age.
3. Alcoholic beverages are not to be given or sold to persons who are intoxicated.
4. State law prohibits drinking in unlicensed public places; possession of an alcoholic beverage by a person under the legal drinking age; falsely representing one's age for the purpose of procuring alcohol; and purchasing an alcoholic beverage for a person who is under the legal drinking age. Violations of state alcohol laws are criminal misdemeanors punishable by fines of up to \$2,500, imprisonment for up to 12 months, and suspension of driver's license.
5. All persons on College property consuming or possessing alcohol must carry a valid driver's license or state identification card, military identification card, or passport. In addition, students must carry their CAVS ID Card at all times.
6. Being under the influence of any amount of alcohol while underage is considered a violation of the alcohol policy.
7. Unsafe or irresponsible behavior is defined as actions that are harmful or potentially harmful to one's self or others involving the use of alcohol. Unsafe behavior includes, but is not limited to, consuming through beer bong, participating in or facilitating drinking games or progressive parties, taking shots of liquor, or consuming an excessive quantity in a short amount of time. Irresponsible behavior includes, but is not limited to, the use or attempted use of fraudulent identification in order to obtain alcohol or making alcohol available to underage drinkers.
8. It shall be a violation of the alcohol policy to engage in an action while under the influence of alcohol that is disruptive to the community. Such behavior includes, but is not limited to, vomiting in public, public urination, fighting, exhibiting disorderly conduct, damaging property, throwing bottles, blocking or lying across or otherwise preventing or interfering with access to or passage across an entryway or thoroughfare, or cursing or shouting at others.
9. In the residence halls, alcohol is only allowed in the rooms of legal age residents in facilities that have not been designated alcohol-free. It is the responsibility of those residents who are of age to ensure that underage drinking does not occur in their room or apartment.
10. The use of alcoholic beverages as a prize in a contest, drawing, lottery, etc., is prohibited.
11. The use of alcoholic beverages in games (e.g., quarters, drink-offs, "beer pong," etc.) is prohibited.
12. Only university-approved bartenders are permitted to distribute alcohol on campus, including alcohol from common-source containers.

13. Except at events in a licensed facility providing a cash bar, no spirituous liquor or fortified wines may be served to undergraduates.
14. Alcohol may not be brought in glass containers to BYOB events that require registration by submission of an Event Planning Form.
15. The College recognizes the value of group-sponsored social events. Groups are permitted to hold open or closed (by invitation only or through the use of guest lists) social events. Groups or individual group members may be held accountable for underage possession, unsafe or irresponsible behavior and/or violations of the risk management policy that occur during a group-sponsored event.
16. All club or organization events without alcohol require completion of the General Events Planning Form, and those events with alcohol require completion of the Alcohol Event Planning Form. The appropriate form must be submitted to the Office of Student Activities at least seven (7) days prior to the event. The event cannot move forward or be held until approval is granted. See the appropriate planning form for specifics.

Any member of the College community who violates state alcohol control laws is subject to prosecution. Whether or not criminal charges are brought, all students are subject to College discipline for any violation of state alcohol laws that occurs (i) on College-owned or leased property, or (ii) at College-sponsored or supervised functions, or (iii) under other circumstances involving a direct and substantial connection to the College. Any student found to have engaged in such conduct is subject to the entire range of sanctions, including suspension and expulsion.

UVa-Wise assumes no responsibility for any liability incurred at any event not sponsored by the College where alcohol is served and/or sold. Students and recognized student organizations are always expected to conduct themselves in accordance with the laws of the Commonwealth of Virginia and to assume full responsibility for their activities and events. *See Student Conduct Sanctions in the Student Code of Conduct.*

Areas of Emphasis

1. The Chancellor and his/her designee approve all public areas on the campus of The University of Virginia's College at Wise where alcoholic beverages may be provided.
2. College funds may not be used for the illegal purchase of alcoholic beverages.
3. Alcoholic beverages purchased with College funds may be used only in compliance with State law.
4. Alcoholic beverages should not be served at any function or event sponsored by the College or held on College-owned or leased property without the permission of the Chancellor or his/her designee. Requests for permission must be made in advance to the Chancellor or his/her designee.
5. Non-alcoholic beverages and food items should be present at the College-sponsored events where alcoholic beverages are served.
6. Alcoholic beverages should not be mentioned in the advertising or publicizing of a College-sponsored event.
7. Organizations serving alcohol at College-sponsored events should not permit the entry or exit of persons with beverage containers.
8. Organizations must check for proper age identification of individuals attending events when alcohol is served. Organizations must submit an Alcohol Event Planning Form for approval at

least seven (7) days before an event. The event cannot move forward or be held until approval is granted. See the appropriate planning form for specifics.

9. A student may not let another person use his/her student ID for the purpose of obtaining an alcoholic beverage.
10. Dining Services is the only organization eligible to obtain an ABC license for the purpose of selling alcoholic beverages on campus.
11. Any organization, as well as its leadership, sponsoring an event at the College will be responsible for following all State laws relative to the serving and/or selling of alcoholic beverages.
12. Members of the College community living on property owned or leased by the College, and their invited guests, who are lawfully permitted to purchase, possess and consume alcohol, may do so in the residence or on any immediately adjacent area devoted to residential use. They should not do so, however, in public places or in any area owned by the College which is devoted to common use. Public areas include, but are not limited to, hallways, lounges, patios or parking lots. The presence of underage family members, employees or guests does not preclude the serving of alcohol in College-owned or leased housing provided an appropriate of-age family member and/or host is willing to assume the legal responsibility for insuring compliance with state law.
13. The possession of kegs, pony kegs, beer bong, or any common source container is prohibited in College-owned residence facilities or at College organization events.
14. Possession of alcohol is prohibited in residence facilities where none of the permanent residents are of legal drinking age.
15. Intoxication is strictly prohibited.

DRUG POLICY

Unauthorized manufacture, sale, distribution and possession of "controlled substances" (illegal drugs), including marijuana, cocaine and LSD, are prohibited by both state and federal law and are punishable by severe penalties. The College does not tolerate or condone such conduct. Students who violate state or federal drug laws may be referred by College authorities for criminal prosecution and, if convicted, may be subject to the penalties described herein. UVA-Wise Campus Police has primary responsibility for the enforcement of State and Federal drug laws.

Whether or not a criminal charge is brought, a student is also subject to College discipline for illegally manufacturing, distributing, possessing or using any controlled substance (i) on College-owned or leased property or (ii) at College-sponsored or supervised functions or (iii) under other circumstances involving a direct and substantial connection to the College. Any student found to have engaged in such conduct is subject to an entire range of sanctions, including suspension or expulsion.

The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance by employees on College property, or while conducting business on behalf of the College off campus, is absolutely prohibited.

Violations of this prohibition by employees may result in the application of sanctions, including possible required participation in an approved drug abuse assistance or rehabilitation program, and disciplinary action up to and including termination of employment under applicable State and/or College regulations, University policies, statutes, employment contracts. The severity of disciplinary action for violations of this policy shall be determined on a case-by-case basis.

FEDERAL AND COMMONWEALTH OF VIRGINIA PENALTIES

Federal and Virginia law penalizes the unlawful manufacturing, distribution, use, and possession of controlled substances, including prescription drugs. Synthetic designer drugs such as “bath salts,” “plant food,” and “carpet cleaner,” contain mixtures of many different chemicals, including those that resemble cocaine, methamphetamine, and MDMA or “ecstasy.” Federal law makes the distribution of “analogue” substances marketed for human consumption illegal if those substances are chemically similar to a scheduled illegal drug and have the same pharmacological effect on a user.

The penalties vary based on many factors, including the type and amount of the drug involved, and whether there is intent to distribute. Federal law sets penalties for first offenses ranging from less than one year to life imprisonment and/or fines up to \$10 million. Penalties may include forfeiture of property, including vehicles used to possess, transport or conceal a controlled substance, and the denial of professional licenses or federal benefits, such as student loans. The punishment for the possession and/or distribution of a controlled substance analogue is up to twenty years in prison and a fine of up to \$1 million. Convictions under Virginia law may be misdemeanor or felony crimes with sanctions ranging from probation to life imprisonment and/or fines of up to \$1 million. Virginia law specifically prohibits the sale, gift, distribution, and possession of synthetic cannabinoids, which carry penalties as a Class 6 felony.

Federal law holds that any person who distributes, possesses with intent to distribute, or manufactures a controlled substance in, or within one thousand feet of an educational facility is subject to a doubling of the applicable maximum punishments and fines. A similar Virginia law carries sanctions of between one and five years imprisonment and up to a \$100,000 fine for similar violations.

DRUG-FREE WORKPLACE POLICY

The use of alcohol by employees while on The University of Virginia's College at Wise owned or controlled property, including meal periods and breaks, is absolutely prohibited except when authorized by the College for approved College functions. No employee will report to work while under the influence of alcohol or illegal drugs. Violations of these rules by an employee will be reason for evaluation/treatment for a substance use disorder or for disciplinary action up to and including removal. This policy applies to all employees (full-time, part-time, students. etc.)

HEALTH AND BEHAVIORAL RISKS

The negative physical and mental effects of the use of alcohol and other drugs are well-documented. Use of these drugs may cause: blackouts, poisoning and overdose; physical and psychological dependence; damage to vital organs such as the brain, heart and liver; inability to learn and remember information; and psychological problems including depression, psychosis and severe anxiety. Impaired judgment and coordination resulting from the use of drugs associated with acquaintance assault and rape: DUI/DWI arrests; hazing; falls, drowning and other injuries; contracting sexually-transmitted diseases including AIDS; and unwanted or unplanned sexual experiences and pregnancy.

The substance abuse of family members and friends may also be of concern to students and employees. Patterns of risk-taking behavior and dependency not only interfere in the lives of the abuser, but can also have a negative impact on the affected students' academic work, emotional well-being and adjustment to college life.

Assistance is available both on-campus and off-campus for students and employees who are dependent on, or who abuse alcohol or other drugs. Licensed Professional Counselors in the College's Center for Student Development are available for treatment considerations (students only) and referrals for outside resources (students and employees). UVa-Wise LPCs may be contacted at 276-376-1005 or by visiting the Center for Student Development located on the ground floor of Cantrell Hall. For a full list of on- and off-campus resources, visit www.uvawise.edu/DFSCA.

WEAPONS & FIREARMS POLICY

UVa-Wise provides rules and regulations concerning the possession of weapons on college-owned property and all facilities in an effort to provide a safe and secure learning and working environment for the students, faculty, staff and visitors in accordance with the *University of Virginia Policy: Regulation of Weapons, Fireworks and Explosives*, available at uvapolicy.virginia.edu/policy/sec-030.

Weapons are defined as, but not limited, to:

1. any gun, bow, crossbow or other weapon designed or intended to propel a missile or projectile of any kind, including any pistol, revolver, rifle, musket, long gun, or other weapon designed or intended to propel a missile of any kind by action of an explosion of any combustible material; or any object similar in appearance whether capable of being fired or not, in such manner as to reasonably induce fear in the mind of another.
2. any stun weapon, including any device that emits a momentary or pulsed output, which is electrical, audible, optical or electromagnetic in nature and which is designed to temporarily incapacitate a person;
3. any knife, including but not limited to any dirk, bowie knife, switchblade knife, ballistic knife, machete, or razor except a pocket knife having a folding metal blade of less than three inches;
4. any slingshot, spring stick, metal knucks, or blackjack;
5. any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nun chuck, nunchaku, shuriken, or fighting chain;
6. any disc, of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart;
7. any frame, receiver, muffler, silencer, missile, projectile or ammunition designed for use with a dangerous weapon, including any cartridge, pellet, ball, missile or projectile adapted for use in a firearm;
8. any explosive substance or explosive device, if such substance or device is intended to be used as a weapon that causes but not limited to bodily harm of another person; any person who constructs, uses, places, sends, or causes to be sent any hoax explosive device so as to intentionally cause another person to believe that such device is a bomb or explosive.
9. any tear gas, mustard gas, phosgene gas or other noxious or nauseating gases or mixtures of chemicals designed to, and capable of, producing vile or injurious or nauseating odors or gases, if such gas or chemical is intended to be used as a weapon to cause bodily injury to another person(s).

No student, faculty, staff, visitor or affiliate shall carry, possess, maintain, or conceal (concealed handgun carry permits included) on any property owned by The University of Virginia's College at Wise.

SANCTIONS A student who violates this policy will be subject to disciplinary sanctions under the student judicial code, up to and including expulsion. An employee who violates this policy will be subject to disciplinary sanctions under misconduct policies of the college, up to and including dismissal. An affiliate or visitor who violates this policy will be subject to removal from campus and being trespassed from all college-owned property and special events.

SEXUAL MISCONDUCT & INTERPERSONAL VIOLENCE

UVa-Wise (the “College”) is committed to maintaining an environment free from harassment and discrimination for everyone and does not discriminate on the basis of race, sex, national origin, religion, sexual orientation, gender identity or expression, or any other protected status. This includes having an environment free from sexual and gender-based harassment, sexual assault, intimate partner violence, stalking, sexual exploitation, complicity and retaliation (“Prohibited Conduct”). The College will take prompt and equitable action to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects. The Sexual Misconduct & Interpersonal Violence policy, available at www.uvawise.edu/compliance/sexualmisconduct, prohibits specific forms of behavior that may violate Title IX of the Education Amendments of 1972 (“Title IX”); relevant provisions of the Violence Against Women Reauthorization Act of 2013 (“VAWA”); Title VII of the Civil Rights Act of 1964 (“Title VII”); the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”); and the Virginia Human Rights Act.

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

DEFINITIONS

There are numerous terms used by UVA-Wise that are defined below.

Affirmative Consent is:

- Informed (knowing)
- Voluntary (freely given)
- Active (not passive), meaning that, through the demonstration of clear words or actions, a person has indicated permission to engage in mutually agreed-upon sexual activity

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

- a) **Physical violence** means that a person is exerting control over another person through the use of physical force. Examples of physical violence include hitting, punching, slapping, kicking, restraining, choking, and brandishing or using any weapon.

- b) **Threats** are words or actions that would compel a reasonable person to engage in unwanted sexual activity. Examples include threats to harm a person physically, to reveal private information to harm a person's reputation, or to cause a person academic or economic harm.
- c) **Intimidation** is an implied threat that menaces or causes reasonable fear in another person. A person's size, alone, does not constitute intimidation; however, a person's size may be used in a way that constitutes intimidation (e.g., blocking access to an exit).
- d) **Coercion** is the use of an unreasonable amount of pressure to gain sexual access. Coercion is more than an effort to persuade, entice, or attract another person to have sex. When a person makes clear a decision not to participate in a particular form of Sexual Contact or Sexual Intercourse, a decision to stop, or a decision not to go beyond a certain sexual interaction, continued pressure can be coercive. In evaluating whether coercion was used, the University will consider: (i) the frequency of the application of the pressure, (ii) the intensity of the pressure, (iii) the degree of isolation of the person being pressured, and (iv) the duration of the pressure.

Affirmative Consent cannot be gained by taking advantage of the incapacitation of another, where the person initiating sexual activity knew or reasonably should have known that the other was incapacitated. Incapacitation means that a person lacks the ability to make informed, rational judgments about whether or not to engage in sexual activity.

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

A person who is incapacitated is unable, temporarily or permanently, to give Affirmative Consent because of mental or physical helplessness, sleep, unconsciousness, or lack of awareness that sexual activity is taking place. A person may be incapacitated as a result of the consumption of alcohol or other drugs, or due to a temporary or permanent physical or mental health condition.

Virginia has no direct criminal statute defining consent. See "Statutory Rape" below for information on Virginia Code 18.2-63 - Carnal knowledge of child between thirteen and fifteen years of age.

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

Sexual Harassment is any unwelcome sexual advance, request for sexual favors, or other unwanted conduct of a sexual nature, whether verbal, non-verbal, graphic, physical, or otherwise, when the conditions outlined in (1) and/or (2), below, are present.

Gender-Based Harassment includes harassment based on gender, sexual orientation, gender identity, or gender expression, which may include acts of aggression, intimidation, or hostility, whether verbal or

non-verbal, graphic, physical, or otherwise, even if the acts do not involve conduct of a sexual nature, when the conditions outlined in (1) and/or (2), below, are present.

- (1) Submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of a person's employment, academic standing, or participation in any College programs and/or activities or is used as the basis for College decisions affecting the individual (often referred to as "*quid pro quo*" harassment); or
- (2) Such conduct creates a hostile environment. A "hostile environment" exists when the conduct is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefitting from the College's education or employment programs and/or activities. Conduct must be deemed severe, persistent, or pervasive from both a subjective and an objective perspective. In evaluating whether a hostile environment exists, the College will consider the totality of known circumstances, including, but not limited to:
 - The frequency, nature and severity of the conduct;
 - Whether the conduct was physically threatening;
 - The effect of the conduct on the Complainant's mental or emotional state;
 - Whether the conduct was directed at more than one person;
 - Whether the conduct arose in the context of other discriminatory conduct;
 - Whether the conduct unreasonably interfered with the Complainant's educational or work performance and/or College programs or activities; and
 - Whether the conduct implicates concerns related to academic freedom or protected speech.

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

Sexual Assault consists of (1) Sexual Contact and/or (2) Sexual Intercourse that occurs without (3) Affirmative Consent.

- (1) **Sexual Contact** is:
 - Any intentional sexual touching
 - However slight
 - With any object or body part (as described below)
 - Performed by a person upon another person

Sexual Contact includes (a) intentional touching of the breasts, buttocks, groin or genitals, whether clothed or unclothed, or intentionally touching another with any of these body parts; and (b) making another touch you or themselves with or on any of these body parts.

(2) **Sexual Intercourse** is:

- Any penetration
- However slight
- With any object or body part (as described below)
- Performed by a person upon another person

Sexual Intercourse includes (a) vaginal penetration by a penis, object, tongue, or finger; (b) anal penetration by a penis, object, tongue, or finger; and (c) any contact, no matter how slight, between the mouth of one person and the genitalia of another person.

Incest is defined as nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Virginia Code 18.2-366. Adultery and fornication by persons forbidden to marry; incest.

A. Any person who commits adultery or fornication with any person whom he or she is forbidden by law to marry shall be guilty of a Class 1 misdemeanor except as provided by subsection B.

B. Any person who commits adultery or fornication with his daughter or granddaughter, or with her son or grandson, or her father or his mother, shall be guilty of a Class 5 felony. However, if a parent or grandparent commits adultery or fornication with his or her child or grandchild, and such child or grandchild is at least thirteen years of age but less than eighteen years of age at the time of the offense, such parent or grandparent shall be guilty of a Class 3 felony

Statutory Rape is defined a nonforcible sexual intercourse with a person who is under the statutory age of consent. *Statutory rape is prosecuted under Virginia's rape, carnal knowledge, and juvenile delinquency laws. Penalties depend on the ages of the defendant and victim, and the conduct that occurred, as described below.*

Virginia Code 18.2-63. Carnal knowledge of child between thirteen and fifteen years of age.

A. If any person carnally knows, without the use of force, a child thirteen years of age or older but under fifteen years of age, such person shall be guilty of a Class 4 felony.

B. If any person carnally knows, without the use of force, a child thirteen years of age or older but under fifteen years of age who consents to sexual intercourse and the accused is a minor and such consenting child is three years or more the accused's junior, the accused shall be guilty of a Class 6 felony. If such consenting child is less than three years the accused's junior, the accused shall be guilty of a Class 4 misdemeanor.

In calculating whether such child is three years or more a junior of the accused minor, the actual dates of birth of the child and the accused, respectively, shall be used.

C. For the purposes of this section, (i) a child under the age of thirteen years shall not be considered a consenting child and (ii) "carnal knowledge" includes the acts of sexual intercourse, cunnilingus, fellatio, anilingus, anal intercourse, and animate and inanimate object sexual penetration.

Virginia Code 18.2-61 Rape

If any person has sexual intercourse with a complaining witness who is not his or her spouse or causes a complaining witness, whether or not his or her spouse, to engage in sexual intercourse with any other person and such act is accomplished (i) against the complaining witness's will, by force, threat, or intimidation of or against the complaining witness or another person, or (ii) through the use of the complaining witness's mental incapacity or physical helplessness, or (iii) with a child under age thirteen as the victim, he or she shall be guilty of rape.

Virginia Code 18.2-67.1. Forcible sodomy

An accused shall be guilty of forcible sodomy if he or she engages in cunnilingus, fellatio, anallingus, or anal intercourse with a complaining witness who is not his or her spouse, or causes a complaining witness, whether or not his or her spouse, to engage in such acts with any other person, and (i) the complaining witness is less than thirteen years of age, or (ii) the act is accomplished against the will of the complaining witness, by force, threat or intimidation of or against the complaining witness or another person, or through the use of the complaining witness's mental incapacity or physical helplessness.

Intimate Partner Violence includes any act of violence or threatened act of violence that occurs between individuals who are involved or have been involved in a sexual, dating, spousal, domestic, or other intimate relationship.¹ Intimate Partner Violence may include any form of Prohibited Conduct under this policy, including Sexual Assault, Stalking, and Physical Assault (as defined below).

Physical Assault is threatening or causing physical harm or engaging in other conduct that threatens or endangers the health or safety of any person. Intimate Partner Violence includes the use or threat of physical force or restraint carried out with the intent of causing pain or injury to another. Physical Assault will be addressed under this policy if it involves Sexual or Gender-Based Harassment, Intimate Partner Violence, or is part of a course of conduct under the Stalking definition.

Examples of behavior that may constitute Intimate Partner Violence include the following:

- Taking away a person's cell phone during an argument so the person cannot call a friend or the police for help.
- Threatening to commit self-harm if another does not do what is asked.
- Threatening to physically assault someone the individual is dating if the person does not do what is asked.
- Hitting, punching, pinching, slapping, or choking someone with whom the person is intimately involved.
- Violating a protective order.
- Harming a person's animals or children while in an intimate relationship.

Virginia Code 18.2-57.2. Assault and battery against a family or household member

Any person who commits an assault and battery against a family or household member

Virginia Code 18.2-67.4. Sexual battery

An accused shall be guilty of sexual battery if he or she sexually abuses, as defined in § 18.2-67.10, (i) the complaining witness against the will of the complaining witness, by force, threat,

intimidation or ruse, or through the use of the complaining witness's mental incapacity or physical helplessness.

Family or household member: Means (i) the person's spouse, whether or not he or she resides in the same home with the person, (ii) the person's former spouse, whether or not he or she resides in the same home with the person, (iii) the person's parents, stepparents, children, stepchildren, brothers, sisters, half-brothers, half-sisters, grandparents and grandchildren, regardless of whether such persons reside in the same home with the person, (iv) the person's mother-in-law, father-in-law, sons-in-law, daughters-in-law, brothers-in-law and sisters-in-law who reside in the same home with the person, (v) any individual who has a child in common with the person, whether or not the person and that individual have been married or have resided together at any time, or (vi) any individual who cohabits or who, within the previous 12 months, cohabited with the person, and any children of either of them then residing in the same home with the person.

Virginia has no criminal statute regarding dating violence.

¹ Intimate Partner Violence includes "dating violence" and "domestic violence," as defined by VAWA. Consistent with VAWA, the College will evaluate the existence of an intimate relationship based upon the Complainant's statement and taking into consideration the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

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

Course of conduct means two or more acts, including but not limited to acts in which a person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about another person, or interferes with another person's property. Substantial emotional distress means significant mental suffering or anguish.

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

Virginia Code 18.2-60.3. Stalking

Any person, except a law-enforcement officer, as defined in § 9.1-101, and acting in the performance of his official duties, and a registered private investigator, as defined in § 9.1-138, who is regulated in accordance with § 9.1-139 and acting in the course of his legitimate business, who on more than one occasion engages in conduct directed at another person with the intent to place, or when he knows or reasonably should know that the conduct places that other person in reasonable fear of death, criminal sexual assault, or bodily injury to that other person or to that other person's family or household member.

Preponderance of the evidence means that the complaint at hand will be resolved by a determination of which party's version of events is more likely to be true. Preponderance of the evidence is understood to require more than 50 percent certainty to determine guilt (51% or greater).

Retaliation means any adverse action taken against a person for making a good faith report of Prohibited Conduct or participating in any proceeding under this policy. Retaliation includes threatening, intimidating, harassing, coercing or any other conduct that would discourage a reasonable person from engaging in activity protected under this policy. Retaliation may be present even where there is a finding of “no responsibility” on the allegations of Prohibited Conduct. Retaliation does not include good faith actions lawfully pursued in response to a report of Prohibited Conduct.

Complicity is any act taken with the purpose of aiding, facilitating, promoting or encouraging the commission of an act of Prohibited Conduct by another person.

JURISDICTION & TIMEFRAMES

Because sexual misconduct that occurs off campus may impact a person’s work, academic, or extracurricular experience, the College assumes jurisdiction to adjudicate off campus reports of sexual misconduct. The College’s policy applies to enrolled students, College employees, contractors, vendors, visitors, guests or other third parties and it pertains to acts of Prohibited Conduct committed by or against students, employees and third parties when:

- the conduct occurs on College property or other property owned or controlled by the College;
- the conduct occurs in the context of a College employment or education program or activity, including, but not limited to, College-sponsored study abroad, research, on-line, or internship programs; or
- the conduct occurs outside the context of a College employment or education program or activity, but has continuing adverse effects on or creates a hostile environment for students, employees or third Parties while on College property or other property owned or controlled by the College or in any College employment or education program or activity.

NON-RETALIATION

It is unlawful under Title IX and a violation of College policy to retaliate against any individual who has brought a good-faith report of Prohibited Conduct or who has assisted in the investigation of a report of Prohibited Conduct. Retaliation, whether actual or threatened, destroys the sense of community and trust that is critical to a learning and work environment. The College considers acts or threats of retaliation in response to such disclosures or participation to constitute a serious violation of College policy, which may result in disciplinary action, up to and including dismissal, against the individual responsible for retaliation.

For purposes of this policy and procedures, retaliation means any adverse action taken against a person for making a good faith report of Prohibited Conduct or participating in any proceeding under this policy. Retaliation includes threatening, intimidating, harassing, coercing or any other conduct that would discourage a reasonable person from engaging in activity protected under this policy. Retaliation may be present even where there is a finding of “no responsibility” on the allegations of prohibited conduct. Retaliation does not include good faith actions lawfully pursued in response to a report of prohibited conduct.

Retaliation may include the following forms of behavior:

- employment actions such as termination, refusal to hire, or denial of promotion;

- other actions affecting a person's employment or academic or school-related activities such as threats, unjustified negative evaluations, unjustified negative references, or increased surveillance; and
- any other action such as an assault or unfounded civil or criminal charges that are likely to deter reasonable people from pursuing their rights.

NOTE: Adverse actions do not include petty slights and annoyances, such as stray negative comments in an otherwise positive or neutral evaluation, "snubbing" a colleague, not talking to a student, or negative comments that are justified by a student or employee's poor academic or work performance or history.

If you believe that you are being retaliated against because of making a report or assisting in an investigation in violation of this policy, you should promptly report your concerns to the Title IX Coordinator or Campus Police.

Any other allegation of retaliation **not related to this policy** should be reported immediately to Human Resources at 276-328-0240.

RISK REDUCTION

Experiencing Prohibited Conduct is never the victim's fault. Only abusers are responsible for the abuse they perpetrate. However, the following are some strategies to reduce risk of victimization. The [Rape, Abuse, & Incest National Network](#) (RAINN) encourages individuals to:

1. **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.
2. **Avoid isolated areas.** It is more difficult to get help if no one is around.
3. **Walk with purpose.** Even if you don't know where you are going, act like you do.
4. **Try not to load yourself down** with packages or bags as this can make you appear more vulnerable.
5. **Make sure your cell phone is with you** and charged and that you have money.
6. **Avoid putting music headphones in both ears** so that you can be more aware of your surroundings, especially if you are walking alone.
7. **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. Knowing where you are and who is around you may help you to find a way out of a bad situation.
8. **Trust your instincts.** If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
9. **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.
10. **Don't accept drinks from people you don't know or trust.** If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
11. **Watch out for your friends, and vice versa.** If a friend seems out of it, is too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.

12. **If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).** Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
13. If you need to get out of an uncomfortable or scary situation here are some things that you can try:
 - a. **Remember that being in this situation is not your fault.** You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
 - b. **Be true to yourself.** Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
 - c. **Have a code word with your friends or family** so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
 - d. **Lie.** If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
14. **Try to think of an escape route.** How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
15. **If you and/or the other person have been drinking,** you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

PREVENTION & EDUCATION

The College engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to reduce and eliminate Prohibited Conduct which:

- Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and
- Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students and employees that:

- a. Identifies domestic violence, dating violence, sexual assault and stalking, as those terms are defined for purposes of the Clery Act, as prohibited conduct;
- b. Defines using definitions provided both by the Department of Education as well as state law what behavior constitutes domestic violence, dating violence, sexual assault, and stalking;
- c. Defines what behavior and actions constitute consent to sexual activity in Virginia and/or using the definition of consent found in this policy;
- d. Provides a description of safe and positive options for 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, and taking action to intervene;

- e. Delivers information on risk reduction. Risk reduction means 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; and
- f. Provides an overview of information contained in the Annual Security & Fire Safety Report in compliance with the Clery Act.

FACULTY, STAFF AND STUDENT TRAINING In addition to the Title IX Coordinator's core responsibilities, additional services to the College community will include, working with campus resources to provide ongoing training to new/current students, faculty, and staff on Title IX issues and procedures.

The College also has established a Clery Compliance Committee that meets regularly and is responsible for developing, reviewing, and revising protocols, policies and procedures for addressing violence against women on campus and overall Clery Compliance. The team consists of the Associate Vice Chancellor for Compliance and Conduct, Clery Compliance and Student Conduct Administrator, the Title IX Coordinator, and representatives from the offices of Campus Police, Campus Housing, Financial Aid, Media Relations, Athletics, and College Services. The Clery Compliance & Student Conduct Administrator is responsible for overall annual training to Campus Security Authorities and will assist the Title IX Coordinator in training Responsible Employees.

AWARENESS & PREVENTION PROGRAMS FOR ALL INCOMING UVA-WISE STUDENTS IN 2015

NAME OF PROGRAM	DATE HELD	LOCATION HELD	WHICH PROHIBITED BEHAVIOR COVERED?
Expedition: Know Your IX & Clery (Compliance & Conduct)	August 17	Chapel	A, DoV, DaV, SA & S

A – Alcohol DoV - Domestic Violence DaV - Dating Violence SA - Sexual Assault S - Stalking

ONGOING AWARENESS & PREVENTION PROGRAMS FOR UVA-WISE STUDENTS IN 2015

NAME OF PROGRAM	DATE HELD	LOCATION HELD	WHICH PROHIBITED BEHAVIOR COVERED?
RA Title IX training (Title IX Coordinator Tabitha Smith)	January 12	Cantrell	A, DoV, DaV, SA & S
Take Back the Night Poster-Making & Information Table (Compliance & Conduct)	March 16	Jefferson Lounge	DoV, DaV, SA & S
Student Safety Talk (Compliance & Conduct)	March 17	Dogwood Room	DoV, DaV, SA & S
John D. Foubert, Ph.D. – All Campus (Compliance & Conduct)	March 19	Chapel	DoV, DaV, SA & S
John D. Foubert, Ph.D. – ROTC (Compliance & Conduct)	March 19	Chapel	DoV, DaV, SA & S

John D. Foubert, Ph.D. – Female athletes (Compliance & Conduct)	March 19	Chapel	DoV, DaV, SA & S
John D. Foubert, Ph.D. – Male athletes (Compliance & Conduct)	March 19	Chapel	DoV, DaV, SA & S
Take Back with Night (Compliance & Conduct)	March 19	Cantrell Hall	DoV, DaV, SA & S
Vagina Monologues (Compliance & Conduct)	April 8	Blackbox Theater	DoV, DaV, SA
BeWiser Alcohol Program (Compliance & Conduct, CSD & Family Crisis Support)	April 15	SSC Atrium	A,SA
Greek Forum ((Title IX Coordinator- Tabitha Smith, Greek Life, VC Rusty Necessary)	April 30	Compliance Conference Room	DoV, DaV, SA & S
CSA/Responsible Employee Student RA Governor’s School Training (Compliance & Conduct)	June 20	Center for Fine Arts Building	A, DoV, DaV, SA & S
CSA/Responsible Employee Student Worker Training (Compliance & Conduct)	August 4	Chapel	A, DoV, DaV, SA & S
CSA/Responsible RA Training (Compliance & Conduct)	August 5	Compliance Conference Room	A, DoV, DaV, SA & S
Title IX Student Talk- Marching Band (Title IX Coordinator- Tabitha Smith)	August 9	Blackbox Theater	A, DoV, DaV, SA & S
RA Behind Closed Doors Training (Compliance & Conduct)	August 11	Compliance Conference Room	S
RA Behind Closed Doors Training (Compliance & Conduct)	August 12	Compliance Conference Room	SA
Title IX Education- ROTC Cadets (Title IX Coordinator- Tabitha Smith)	August 14	Smiddy Hall	A, DoV, DaV, SA & S
Title IX Education- Football Team (Title IX Coordinator- Tabitha Smith)	August 14	Carl Smith Stadium	A, DoV, DaV, SA & S
Title IX Education- Phi Sigma Sigma (Title IX Coordinator- Tabitha Smith)	August 23	Rhododendron Room	A, DoV, DaV, SA & S
Title IX Education- Alpha Sigma Tau (Title IX Coordinator- Tabitha Smith)	August 23	Culbertson Classroom	A, DoV, DaV, SA & S
CSA/Responsible Employee Student Worker Training (Compliance & Conduct)	August 28	Cantrell Hall	A, DoV, DaV, SA & S
Title IX Education- Pi Lambda Phi (Title IX Coordinator- Tabitha Smith)	August 30	Honor Court Room	A, DoV, DaV, SA & S
Title IX Education- Kappa Sigma (Title IX Coordinator- Tabitha Smith)	August 31	Culbertson Classroom	A, DoV, DaV, SA & S
CSA/Responsible Student Worker Training (Compliance & Conduct)	August 31	Cantrell Hall	A, DoV, DaV, SA & S
Title IX Education- All Greek New Members (Title IX Coordinator- Tabitha Smith)	September 4	Cantrell Hall	A, DoV, DaV, SA & S
Title IX Education- Theta Phi Alpha (Title IX Coordinator- Tabitha Smith)	September 6	Dogwood Room	A, DoV, DaV, SA & S

Title IX Education- Pi Kappa Phi <i>(Title IX Coordinator- Tabitha Smith)</i>	September 9	Dogwood Room	A, DoV, DaV, SA & S
CSA/Responsible Student Worker Training Make-up <i>(Compliance & Conduct)</i>	September 15	Cantrell Hall	A, DoV, DaV, SA & S
CSA/Responsible Student Worker Training Make-up <i>(Compliance & Conduct)</i>	September 16	Cantrell Hall	A, DoV, DaV, SA & S
Title IX Education- Phi Mu Alpha <i>(Title IX Coordinator- Tabitha Smith)</i>	September 18	Center for Fine Arts	A, DoV, DaV, SA & S
Be Wiser Alcohol Program <i>(Compliance & Conduct, CSD & Family Crisis Support)</i>	October 7	SSC Atrium	A, SA
Domestic Violence <i>(Campus Police)</i>	October 14	Culbertson Classroom	DoV & DaV
Red Flag Campaign Flags/Posters <i>(Compliance & Conduct)</i>	October 19-23	Campus Wide incl. Residence Halls	DoV, DaV, SA & S
It's On Us PSA/Flyers <i>(Compliance & Conduct, Athletics)</i>	October 19-23	Campus Wide	DoV, DaV, SA & S
Red Flag Campaign Informational Table <i>(Compliance & Conduct)</i>	October 19	SSC Atrium	DoV, DaV, SA & S
The Hunting Ground Documentary & Discussion for Student-Athletes and Coaches <i>(Compliance & Conduct)</i>	October 19	Prior Convocation Center	A, DoV, DaV, SA & S
The Hunting Ground Documentary & Discussion for - All campus <i>(Compliance & Conduct)</i>	October 21	Cantrell Hall	A, DoV, DaV, SA & S
Consent, Cocoa and Cookies <i>(Compliance & Conduct)</i>	October 22	SSC Atrium	DoV, DaV, SA & S
CSA/Responsible Student Worker Training Make-up <i>(Compliance & Conduct)</i>	November 5	Cantrell Hall	A, DoV, DaV, SA & S
CSA/Responsible Student Worker Training Make-up <i>(Compliance & Conduct)</i>	November 6	Cantrell Hall	A, DoV, DaV, SA & S

A – Alcohol DoV - Domestic Violence DaV - Dating Violence SA - Sexual Assault S - Stalking

AWARENESS & PREVENTION PROGRAMS FOR NEW & ONGOING FACULTY & STAFF IN 2015

NAME OF PROGRAM	DATE HELD	LOCATION HELD	WHICH PROHIBITED BEHAVIOR COVERED?
Take Back the Night Poster-Making & Information Table <i>(Compliance & Conduct)</i>	March 16	Jefferson Lounge	DoV, DaV, SA & S
Student Safety Talk <i>(Compliance & Conduct)</i>	March 17	Dogwood Room	DoV, DaV, SA & S
John D. Foubert, Ph.D. – All Campus <i>(Compliance & Conduct)</i>	March 19	Chapel	DoV, DaV, SA & S

Take Back the Night (Compliance & Conduct)	March 19	Cantrell Hall	DoV, DaV, SA & S
CSA/Responsible Employee Training (Compliance & Conduct)	April 7	Compliance Conference Room	A, DoV, DaV, SA & S
Vagina Monologues (Compliance & Conduct)	April 8	Blackbox Theater	DoV, DaV, SA
CSA/Responsible Employee Training (Compliance & Conduct)	April 12	Compliance Conference Room	A, DoV, DaV, SA & S
CSA/Responsible Employee Training (Compliance & Conduct)	April 28	Compliance Conference Room	A, DoV, DaV, SA & S
CSA/Responsible Employee Athletic Training (Compliance & Conduct)	August 10	Rhododendron Room	A, DoV, DaV, SA & S
Campus Wide Staff Training (Compliance & Conduct))	August 12	Chapel	A, DoV, DaV, SA & S
New Faculty Orientation (Compliance & Conduct)	August 12	Rhododendron Room	DoV, DaV, SA & S
Campus Wide Staff Training (Compliance & Conduct))	August 13	Chapel	A, DoV, DaV, SA & S
CSA/Responsible Faculty Training (Compliance & Conduct)	August 13	Rhododendron Room	A, DoV, DaV, SA & S
CSA/Responsible Employee Athletic Make-up Training (Compliance & Conduct)	August 14	Compliance Conference Room	A, DoV, DaV, SA & S
CSA/Responsible Employee Training- CTE (Compliance & Conduct)	August 15	The Center for Teaching Excellence	A, DoV, DaV, SA & S
CSA/Responsible Employee Training- CTE (Compliance & Conduct)	August 22	The Center for Teaching Excellence	A, DoV, DaV, SA & S
CSA/Responsible Training Make-up (Compliance & Conduct)	September 3	Rhododendron Room	A, DoV, DaV, SA & S
CSA/Responsible Training Make-up (Compliance & Conduct)	September 4	Cantrell Hall	A, DoV, DaV, SA & S
CSA/Responsible Training- Campus Police (Compliance & Conduct)	September 8	Cantrell Hall	A, DoV, DaV, SA & S
Red Flag Campaign Flags/Posters (Compliance & Conduct)	October 19-23	Campus Wide	DoV, DaV, SA & S
It's On Us PSA/Flyers (Compliance & Conduct)	October 19-23	Campus Wide	DoV, DaV, SA & S
Red Flag Campaign Informational Table (Compliance & Conduct)	October 19	SSC Atrium	DoV, DaV, SA & S
The Hunting Ground Documentary & Discussion for Student-Athletes and Coaches (Compliance & Conduct)	October 19	Prior Convocation Center	A, DoV, DaV, SA & S
The Hunting Ground Documentary & Discussion for All Campus (Compliance & Conduct)	October 21	Cantrell Hall	DoV, DaV, SA & S
New Staff Orientation resource materials (Human Resources)	ongoing	N/A	DoV, DaV, SA & S

A – Alcohol DoV - Domestic Violence DaV - Dating Violence SA - Sexual Assault S - Stalking

BEING AN ACTIVE BYSTANDER Bystanders play a critical role in the prevention of sexual and relationship violence. Bystanders are “individuals who observe violence or witness the conditions that perpetuate violence. These individuals are not directly involved but have the choice to intervene, speak up, or do something about it.”² The College promotes a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. Individuals may not always know what to do even if they want to help. Below is a list³ of some ways to be an active bystander. If you or someone else is in immediate danger, dial 911, if a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

1. Watch out for your friends and fellow students/employees. If you see someone who looks like he or she could be in trouble or need help, ask if he or she is ok.
2. Confront people who seclude, hit on, attempt to make out with, or have sex with people who are incapacitated.
3. Speak up when someone discusses plans to take sexual advantage of another person.
4. Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
5. Refer people to on or off campus resources listed in this policy for support in health, counseling, or with legal assistance.

² Burn, S.M. A situational model of sexual assault prevention through bystander intervention. *Sex Roles*, 60, 779-792.

³ Bystander intervention strategies adapted from Stanford University's Office of Sexual Assault & Relationship Abuse. 2013

RESOURCE DIRECTORY

The College provides any complainant (student or employee who reports an incident involving sexual misconduct and/or interpersonal violence either on or off-campus) with a copy of the Notice of Complainant's Rights. The following information and resources are listed in this notice along with procedures, options and available assistance from the policy.

On-Campus

- Title IX Coordinator | Cantrell Hall | 276-870-5065
- Campus Police | Cantrell Hall | 276-328-COPS (2677) or 911
- Counseling | Cantrell Hall | 276-376-1005
- Disability Services | Zehmer Hall | 276-328-0265
- Office of Financial Aid | Crockett Hall | 276-328-0139
- Health Services | Cantrell Hall | 276-376-1005
- Housing | Cantrell Hall | 276-376-4517
- Multicultural Affairs | Cantrell Hall | 276-376-1005

Off-Campus

- Norton Community Hospital | 100 15th Street NW, Norton VA 24273 | 276-679-9600
- Mountain View Regional Medical Center | 310 3rd Street NE, Norton VA 24273 | 276-679-9100
- Lonesome Pine Hospital | 1990 Holton Avenue, Big Stone Gap VA 24219 | 276-523-3111
- Town of Wise Police Department | 501 W Main Street, Wise VA 24293 | 276-328-9369
- Wise County Sheriff's Department | Wise County Justice Center 5605 Patriot Drive, Wise, VA 24293 | 276- 328-9647 or 276- 328-3566

- Family Crisis Support Services | 701 Kentucky Avenue SE, Norton VA 24273 | 276-679-7240 or 1-877-348-3416 (Sexual Assault 24-hour Crisis Hotline)
- Family Violence and Sexual Assault Hotline | 1-800-838-8238
- Virginia State Police | 1207 Norton Road, Wise, Virginia 24293 | 276-328-0198
- Victim Witness Program | 206 E Main Street #245, Wise VA 24293 | 276-328-4421
- Wise County Magistrate | 5617 Patriot Drive, Wise, Va. 24293 | 276-328-8947
- Wise County Behavioral Health Services | 3169 2nd Avenue East, Big Stone Gap VA 24219 | 276-523-8300
- Legal Aid Society | 16932 W Hills Drive, Castlewood VA 24224 | 276-762-9354
- U.S. Department of State – Bureau of Consular Affairs | Nonimmigrant Visa inquiries: 202-485-7600 or Immigrant Visa inquiries: 603-334-0700

State and National

- The Virginia Sexual & Domestic Violence Action Alliance - www.vsdvalliance.org
- Rape, Abuse and Incest National Network - www.rainn.org
- Department of Justice - www.justice.gov/ovw/sexual-assault

Department of Education Office for Civil Rights

U.S. Department of Education Office for Civil Rights
 Lyndon Baines Johnson Department of Education Building
 400 Maryland Avenue, SW
 Washington, DC 20202-1100
 Telephone: 800-421-3481 | FAX: 202-453-6012 | TDD: 800-877-8339 | Email: OCR@ed.gov

Sex Offender Registration

The Federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteers services or is a student.

In Virginia, convicted sex offenders must register with the Virginia State Police. This information can be assessed at <http://sex-offender.vsp.virginia.gov/sor>.

PRIVACY & CONFIDENTIALITY

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

Privacy and confidentiality have distinct meanings under this policy.

Privacy: Privacy means that information related to a report of Prohibited Conduct will be shared with a limited circle of College employees who “need to know” in order to assist in the assessment, investigation, and resolution of the report. All Employees who are involved in the College’s response to reports of Prohibited Conduct receive specific training and guidance about sharing and safeguarding private information in accordance with state and federal law.

Further, the College will maintain as private, any accommodations or protective measures provided to the complainant to the extent that maintaining such confidentiality would not impair the College’s ability to provide the accommodations or protective measures.

The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act (“FERPA”). All documentation related to a student’s report, investigation, and resolution are protected by FERPA and will not be released, except as required by law. Non-identifying information about a report may be shared with the Campus Police Chief or designee to comply with the Clery Act. A complainant’s name will never be published in connection with the College’s obligations under the Clery Act. In addition, the College does not publish identifiable information regarding victims in the College’s Daily Crime Log or online. In addition, any person including a victim of Prohibited Conduct, may request that her or his directory information on file be removed from public sources. Complainants may request that directory information on file be removed from public sources by contacting the Title IX Coordinator at tabitha.smith@uvawise.edu or 276-870-5065.

The privacy of an individual’s medical and related records generally is protected by the Health Insurance Portability and Accountability Act (“HIPAA”), excepting health records protected by FERPA and by Virginia’s Health Records Privacy Act, Va. Code § 32.1-127.1:03. Access to an employee’s personnel records may be restricted in accordance with the Virginia Freedom of Information Act, and, where applicable, Department of Human Resources Management (“DHRM”) Policy 6.05 Personnel Records Disclosure and DHRM Policy 6.10 Records Management.

Confidentiality: Confidentiality exists in the context of laws that protect certain relationships, including with medical and clinical care providers (and those who provide administrative services related to the provision of medical and clinical care), mental health providers, counselors, and ordained clergy, all of whom may engage in confidential communications under Virginia law. The College has designated individuals who have the ability to have privileged communications as “Confidential Employees.” When information is shared by an individual with a Confidential Employee or a community professional with the same legal protections, the Confidential Employee (and/or such community professional) cannot reveal the information to any third party except when an applicable law or a court order requires or permits disclosure of such information. For example, information may be disclosed when: (i) the individual gives written consent for its disclosure; (ii) there is a concern that the individual will likely cause serious physical harm to self or others; or (iii) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18.

The following classifications of individuals are Confidential Employees under College policy:

Licensed Professional Counselors with the Commonwealth of Virginia whose official College responsibilities include providing mental health counseling to members of the campus

community are not required by Title IX to report any information regarding an incident of Prohibited Conduct to the Title IX Coordinator or other College officials.

Registered Nurses/Family Nurse Practitioners who are registered with the Commonwealth of Virginia and whose official College responsibilities include providing health services to members of the campus community are not required by Title IX to report any information regarding an incident of Prohibited Conduct to the Title IX Coordinator or other College officials.

Athletic Trainers with NATABOC certification and who are licensed by the Commonwealth of Virginia and whose official College responsibilities include the evaluation and treatment of student athletes; determining the appropriate application of emergency procedures; and providing first aid as needed are not required by Title IX to report any information regarding an incident of sexual violence to the Title IX Coordinator or other College official.

In order to identify patterns or systemic issues related to Prohibited Conduct, the College will collect non-identifying aggregate data on an annual basis about incidents of Prohibited Conduct from the College's LPCs, athletic trainers and health care providers, as well as the local advocacy center; personally identifiable information will remain confidential.

Employee Reporting Responsibilities: Title IX uses the concept of notice, and imposes obligations for a "prompt and effective remedy" on colleges and universities when notice of a sex/gender discrimination or harassment is given to a "responsible employee." A school has notice if a reasonable employee knew, or in the exercise of reasonable care should have known, about the harassment. Every faculty, staff, and volunteer on campus who works with students or minors, and every person identified as a Campus Security Authority (CSA) under the Clery Act must immediately report to the Title IX Coordinator any Prohibited Conduct reported to them or observed by them, including the name of the complainant and respondent, if known, and all known details as a "Responsible Employee". The only College members that are exempt from reporting Prohibited Conduct are licensed counselors, registered nurses/family nurse practitioners and athletic trainers employed in such capacities (Confidential Employees). The College requires everyone in the campus community, including Confidential Employees, to report the suspected abuse of children (those under the age of 18).

Public awareness events such as "Take Back the Night," the Clothesline Project, candlelight vigils, protests, "survivor speak outs," or other forums in which students, staff, or faculty members disclose incidents of Prohibited Conduct, are not considered a report of Prohibited Conduct or notice to the College of Prohibited Conduct for purposes of triggering the College's 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 Title IX and Clery rights at these events. Similarly, information disclosed during a student's participation as a subject in an Institutional Review Board-approved human subjects research protocol ("IRB Research") not considered a report of Prohibited Conduct or notice to the College of Prohibited Conduct for purposes of triggering the College's obligation to investigate any particular incident(s). Institutional Review Boards may, in appropriate cases, require researchers to provide such information to all Student subjects of IRB Research.

Request for Anonymity by a Complainant: Where the complainant requests that their identity not be shared with the respondent or that the College not pursue an investigation, the College must balance this request with the College's responsibility to provide a safe and non-discriminatory environment for

all College community members. The College, through the Title IX Coordinator, will take all reasonable steps to investigate and respond to the complaint consistent with the request not to share identifying information or pursue an investigation, but its ability to do so may be limited by the request. Under these circumstances, the complainant's request will be balanced against the following factors:

- The seriousness of the conduct;
- The respective ages and roles of the complainant and respondent;
- Whether there have been other reports of Prohibited Conduct under this policy involving the respondent;
- Whether the circumstances suggest there is a risk of the respondent committing additional acts of Prohibited Conduct;
- Whether the respondent has a history of arrests or records indicating a history of violence;
- Whether the report indicates the respondent threatened further sexual violence or other violence against the complainant and other individuals involved;
- Whether the reported conduct was committed by multiple individuals;
- Whether the circumstances suggest there is an risk of future acts of Prohibited Conduct under similar circumstances;
- Whether the reported conduct was perpetrated with a weapon;
- Whether the College possesses other means to obtain relevant evidence (e.g., security cameras or personnel, physical evidence); and,
- The respondent's right to receive information if such information is maintained in an "education record" under FERPA.

The College will take all reasonable steps to investigate and respond to the report consistent with the request not to share identifying information or pursue an investigation, but its ability to do so may be limited based on the nature of the request by the Complainant. Where the College is unable to take action consistent with the request of the Complainant, the Title IX Coordinator will inform the complainant about the chosen course of action, which may include the College seeking disciplinary action against a respondent. Alternatively, the course of action may also include steps to eliminate the effects of the Prohibited Conduct and prevent its recurrence that do not involve formal disciplinary action against a respondent or revealing the identity of the complainant.

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

RECORDKEEPING

The College will retain all records related to reports of sexual misconduct under this policy in a locked storage area in the Office of Compliance and Conduct for a period of seven (7) years, regardless of case outcome. The College will destroy all case records after the applicable retention period.

REPORTING

Any person who experiences Prohibited Conduct or who is aware of a member of the College community who has been subject to Prohibited Conduct is strongly encouraged to contact the Title IX Coordinator and the Campus Police Chief or designee:

Tabitha Smith, Title IX Coordinator & Director of Compliance Programming

Office of Compliance and Conduct

1 College Avenue, Wise VA 24293

Office: 276-328-0131 | Cell: 276-870-5065 | Email: tabitha.smith@uvawise.edu

Ronnie Shortt, Chief of Police and Director of Public Safety

UVa-Wise Campus Police Department

1 College Avenue, Wise VA 24293

Office: 276-328-0190 | Afterhours non emergencies: 276-328-3756 | Emergencies: 911

In addition, an individual does not have to be a member of the College community to file a report under this policy. The College will also take action to respond to allegations of Prohibited Conduct *when the College knows or reasonably should know* based on any available information that Prohibited Conduct has occurred.

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

Although the College strongly encourages all members of its community to report violations of this policy to law enforcement, it is the complainant's choice whether to make such a report and victims have the right to decline involvement with the police. The College's Chief of Police and Director of Public Safety or designee will assist any victim with notifying local police if they so desire. The Virginia State Police also may be reached directly by calling the Virginia State Police number, which is referenced in the "Off Campus" resources section of this policy.

NOTE: The Title IX Coordinator is a "Responsible Employee" under Title IX and also a "Campus Security Authority" under the Clery Act. Statistical information not including the victim's identifying information will be provided to the College official responsible for compiling the College's crime statistics for the annual security report, even if the victim chooses not to report the incident to campus public safety.

If the complainant would like to contact campus police and/or local authorities either of the following processes may be used:

A complainant may choose NOT to have law enforcement contacted and no report filed BUT still may have a PERK kit collected. (Note: The complainant later may file a report and may pursue criminal charges.) Kits from victims who elect not to report are known as "anonymous physical

evidence recovery kits" and will be stored at the Division of Consolidated Laboratory Services (the Division) for two years, although the Division, the victim, or the law enforcement agency may elect for the kits to be retained for a longer period of time. If the victim later elects to report the sexual assault, the victim's kit will be released to law enforcement.

A complainant may file a report and ask that the investigation and charges be pursued immediately. While the prosecuting attorney is still the decision-maker in whether the perpetrator is charged criminally, the complainant can cooperate and provide as much timely cooperation and information as may be possible.

IMPORTANT: Victims under the age of 18 that file a report with Campus Police will be deemed a child in need and the appropriate authorities will make a decision of whether to pursue charges. Please see *Virginia Code § 16.1-278.4 Physical evidence recovery kit examination; minors* which provides that if a parent or guardian of a minor refuses to consent to a physical evidence recovery kit examination of the minor, the minor may consent.

To the extent of the complainant's cooperation and consent, College offices, including The Office of Compliance and Conduct, The Center for Student Development and Campus Police will work cooperatively to ensure that the complainant's health, physical safety, work and academic status are protected, including taking interim measures before the final outcome of an investigation.

The College will provide resources to any person who has been a victim of Prohibited Conduct, and will apply appropriate disciplinary procedures to those who violate this policy. The procedures set forth below afford a prompt and equitable response to reports of Prohibited Conduct, maintain privacy and fairness consistent with applicable legal requirements, and impose appropriate sanctions on violators of this policy.

The College provides due process to both parties involved; however, the College must ensure that steps are taken to accord due process rights to the respondent do not restrict or unnecessarily delay the Title IX protections of the complainant. Due to this, the College does not accept cases of cross-reporting. The College will complete an adequate, reliable and impartial investigation of reports that are made in good faith and will provide both parties their equitable rights during this process.

Anonymous reports also are accepted and should be directed to the Title IX Coordinator. The College will respond promptly and equitably to anonymous reports, but the response may be limited if the report does not include identifying information and/or a description of the facts and circumstances. Anonymous reports that provide enough information to constitute a criminal offense will be reported to the Campus Police Chief or designee for purposes of inclusion in the College's Annual Security Report and The Office of Compliance and Conduct determine whether the College should send a Timely Warning.

PRESERVATION OF EVIDENCE & MEDICAL ATTENTION After an incident of Prohibited Conduct, the victim should consider seeking medical attention as soon as possible. Victims who agree to have forensic evidence collection conducted as part of their care can locate hospitals with such emergency rooms in the Resources section of this policy or by calling Campus Police, available 24 hours a day, at 276-328-COPS or 911. Norton Community Hospital, Mountain View Regional Medical Center, or Wellmont

Lonesome Pine Hospital have the ability to complete a Physical Evidence Recovery Kit (PERK Kit) preserve evidence in case the complainant decides to file a police report. Also the Center for Student Development may be able to provide the completion of a PERK on campus by the Campus Registered Nurse, who is a Sexual Assault Nurse Examiner, if available. (Campus Police and The Center for Student Development also have PERK kits on site to send to local hospital with victim).

In Virginia, a victim may request the collection of evidence even if the victim chooses not to make a report to law enforcement. If the victim discloses that she or he was assaulted on campus, Campus Police will be contacted by the hospital and will retrieve and retain the PERK Kit in the Campus Police evidence area until any criminal case is concluded and a destruction order is issued by a circuit court. A victim does not have to make a criminal complaint or decide whether to file criminal charges to have a PERK kit collected; however, the complainant must use his/her legal name.

It is important that a victim of sexual assault not bathe, douche, smoke, change clothes or clean the bed/linen/area where the victim was assaulted if the offense occurred within the past 96 hours, so that evidence may be preserved. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers still can treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease. Victims of Prohibited Conduct also are encouraged to preserve evidence including saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any that may be useful to College investigators or Campus or local police.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a report regarding an incident, he or she nevertheless should consider speaking with the Director of Public Safety/Chief of Police or local law enforcement to preserve evidence in the event that she or he changes her/his mind at a later time.

THREAT ASSESSMENT Following the initial assessment of a report regarding “sexual violence”, which means physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent, the Title IX Coordinator will promptly forward such a report to the College’s Sexual Violence Evaluation Team all information then known about the incident of sexual violence⁴. Such information includes, if known, the names and/or any other information that personally identifies the Complainant, the Respondent, any witnesses, and/or any other third parties with knowledge of the reported incident.

A. SEXUAL VIOLENCE EVALUATION TEAM (SVET)

The Sexual Violence Evaluation Team will evaluate every report of Sexual Violence. SVET will convene (in person, by telephone, or by videoconference) within 72 hours after receiving information from the Title IX Coordinator, as described above, and will convene again, as necessary, to review new information as it becomes available. SVET is a sub-committee of the College’s Threat Assessment Team which shall include: (1) the Title IX Coordinator, (2) a representative of the Campus Police Department (the “Law Enforcement Representative”), and (3) The Director of Housing (the “Student Life Representative”).

The College’s Sexual Violence Evaluation Team operates pursuant to Va. Code §23-9.2:15 and has access, under Virginia law, to certain otherwise confidential information, including law enforcement records, criminal history record information, as provided in Va. Code §19.2-389

and §19.2-389.1; health records, as provided in Va. Code §32.1-127.1:03; College disciplinary, academic and/or personnel records; and any other information or evidence known to the College or to law enforcement. SVET may seek additional information about the reported incident through any other legally permissible means.

B. HEALTH AND SAFETY THREAT ASSESSMENT

- 1. Risk Factors.** SVET will determine whether the reported information and any other available information provides a rational basis for concluding that there is a threat to the health or safety of the Complainant or to any other member of the College community. The team will make this determination based upon a review of the totality of the known circumstances, and will be guided by a consideration of the following factors (the “Risk Factors”):
 - Whether the Respondent has prior arrests, is the subject of prior reports and/or complaints related to any form of Prohibited Conduct, or has any history of violent behavior;
 - Whether the Respondent has a history of failing to comply with any College No-Contact Directive, other College protective measures, and/or any judicial protective order;
 - Whether the Respondent has threatened to commit violence or any form of Prohibited Conduct;
 - Whether the Prohibited Conduct involved multiple Respondents;
 - Whether the Prohibited Conduct involved physical violence. “Physical violence” means exerting control over another person through the use of physical force. Examples of physical violence include hitting, punching, slapping, kicking, restraining, choking and brandishing or using any weapon;
 - Whether the report reveals a pattern of Sexual Violence (e.g., by the Respondent, by a particular group or organization, around a particular recurring event or activity, or at a particular location);
 - Whether the Prohibited Conduct was facilitated through the use of “date-rape” or similar drugs or intoxicants;
 - Whether the Prohibited Conduct occurred while the Complainant was unconscious, physically helpless or unaware that the Prohibited Conduct was occurring;
 - Whether the Complainant is (or was at the time of the Prohibited Conduct) a minor (under 18); and/or
 - Whether any other aggravating circumstances or signs of predatory behavior are present.
- 2. Disclosure(s) of Information to Law Enforcement.** Pursuant to Virginia law, SVET is *required* to disclose information about alleged Prohibited Conduct to law enforcement in the following circumstances:
 - a) If SVET (or, in the absence of consensus within the team, the Law Enforcement Representatives) concludes that there is a significant and articulable threat to the health or safety of the Complainant or to any other member of the College community and that disclosure of available information (including the names and any other information that personally identifies the Complainant, the Respondent, any witnesses, and/or any other third parties with knowledge of the reported incident) is necessary to protect the health or safety of the Complainant or other individuals, the Law Enforcement Representative

will immediately disclose the information to the law enforcement agency that would be responsible for investigating the alleged act of Sexual Violence.⁵ SVET will make this determination based upon a review of the totality of the known circumstances and consideration of the list of Risk Factors. The Title IX Coordinator will promptly notify the Complainant whenever such disclosure has been made.

- b) If the alleged act of Prohibited Conduct constitutes a felony violation of the Code of Virginia, the Law Enforcement Representative will so inform the other members of the SVET and will, within 24 hours, (i) consult with the appropriate Commonwealth's Attorney or other prosecutor who would be responsible for prosecuting the alleged act of Prohibited Conduct (the "Prosecuting Authority"), and (ii) disclose to the Prosecuting Authority the information then known to SVET. This disclosure is required by Virginia law where the alleged act of Prohibited Conduct would violate Article 7 (§18.2-61 et seq.) of Chapter 4 of title 18.2 of the Code of Virginia. Such disclosure will exclude the names and any other information that personally identifies the Complainant, the Respondent, any witnesses, and/or any other third parties with knowledge of the reported incident (the "Identifying Information"), unless the Identifying Information was disclosed to law enforcement under the health and safety exception described in paragraph (a), above, in which case the Identifying Information also will be disclosed to the Prosecuting Authority. If the Law Enforcement Representative declines to so consult with the Prosecuting Authority, any member of the SVET who individually concludes that the alleged act of Prohibited Conduct would constitute such a felony violation may consult with the Prosecuting Authority and make the required disclosure(s) in the manner and within the timeframe set forth above.

SVET will reconvene as necessary to continue to evaluate whether any new or additional information received triggers any further obligation(s) under the Clery Act or with respect to any child protective service agency, and will direct the Title IX Coordinator to take such further actions, as necessary.

⁴"Sexual violence" means physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent.

⁵ Where the law enforcement agency that would be responsible for investigating the alleged act of Prohibited Conduct is located outside of the United States, this disclosure is not required by Virginia law.

PROTECTION ORDERS & NO CONTACT ORDERS

What are Protective Orders? Protective Orders are judicial orders issued by a judge or magistrate to protect the health and safety of a person who reports being the victim of any act involving violence, force or threat that results in bodily injury or places that person in fear of death, sexual assault or other bodily injury.

In Virginia, there are three kinds of Protective Orders that can protect you and others in your family or home:

1. Emergency Protective Order (expires at the end of the third day following issuance or the next day court is in session, whichever is later). These may be obtained by a complainant or by the police when they respond to a call where violence has occurred or may imminently occur.
2. Preliminary Protective Order (lasts 15 days or until a full hearing).
3. Protective Order (may last up to 2 years).

How will I know when the Emergency Protective Order ends? You should look on the Protective Order for the date and time it expires. If you need protection for a longer period of time, you must ask the court for a Preliminary Protective Order.

Where do I go to request a Preliminary Protective Order? If the person from whom you want protection is a family or household member or a juvenile, or if you are a juvenile, you should go to the juvenile and domestic relations district court. Otherwise, you should go to the general district court in the jurisdiction in which you reside.

How do I get a Preliminary Protective Order? An Emergency Protection Order may be available through a law enforcement officer or the victim may request one from the Wise County Magistrate's Office located at the Wise County Justice Center, 5617 Patriot Drive, Wise, Va. 24293 (Phone: 276-328-8947). The College cannot apply for a legal order of protection, no contact order, or restraining order for a complainant or on their behalf. The victim is required to apply directly for these orders and may be assisted by Campus Police or local law enforcement.

The victim must fill out court forms. If this matter will be in the juvenile and domestic relations district court, you file the forms with the Court Services Unit. If it will be in the general district court, you file the forms in the general district court clerk's office. You then may go into a courtroom where a judge may ask you questions to decide whether to issue a Preliminary Protective Order.

For assistance filling out protective order petition forms online, you can go to www.courts.state.va.us and select "Online Services" then "Assistance with Protective Orders (I-CAN!)".

How much does it cost to file for a Protective Order? There is no cost.

What should I bring with me for a Protective Order? You should bring the name, address and identifying information of the person from whom you are seeking protection and a full description of the event(s) that led you to seek a protective order. The address should be the place where the person can be found and not a P.O. Box. You also should bring your copy of the Emergency Protective Order and information about the warrant or petition alleging an act of violence, force or threat, if either was issued.

How can the Campus Police assist me with a Protective Order? The Campus Police Chief or designee is available to assist individuals seeking a protective order and will coordinate safety plans in collaboration with Student Life or Human Resources, when appropriate. The College complies with Virginia's law in recognizing orders of protection and encourages any person who obtains an order of protection from Virginia or any other state to provide a copy to Campus Police and the Title IX Coordinator. A complainant may then meet with Campus Police to develop a Safety Action Plan, which is a plan for Campus Police and the victim to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to: escorts, special parking arrangements, changing classroom location, etc.

What is a No Contact from the College? No Contacts from the College can serve as an interim measure from the College's Title IX Coordinator or designee. This prohibition of contact is between a respondent and a complainant including, but not limited to, in person and/or via third party, phone, text, or any form of social media.

Regardless of whether a complainant elects to pursue a criminal report, the College will assist a complainant and will provide each complainant with a written explanation of his/her rights. If a No Contact is placed the Title IX Coordinator will also assess any other interim measures with both parties that may include, but is not limited to: escorts, special parking arrangements, changing classroom location, etc.

INTERIM MEASURES

The College may take interim measures at any point during an investigation by contacting the Title IX Coordinator. These measures may be both remedial (designed to address a Complainant's safety and well-being and continued access to educational opportunities) or protective (involving action against a Respondent). Interim measures are designed to eliminate the Prohibited Conduct, prevent its recurrence and remedy its effects. These measures may include, but are not limited to, no contact orders, changes in housing assignment for the respondent and/or complainant, academic accommodations, changes in supervisor or work location, removal from campus housing or grounds, social restrictions, changes in parking locations, increased security, and/or emotional and other support. An Interim Suspension, i.e. suspension from classes, work and other privileges or activities, or from the College, may also be instituted until resolution of a case.

Remedial measures are available regardless of whether a complainant pursues a complaint or investigation under this policy. The College will maintain the privacy of any remedial and protective measures provided under this policy to the extent practicable and will promptly address any violation of the protective measures. The Title IX Coordinator has the discretion to impose and/or modify any interim measure based on all available information, and is available to meet with a complainant or respondent to address any concerns about the provision of interim measures.

INVESTIGATION & RESOLUTION

The Associate Vice Chancellor for Compliance and Conduct, Title IX Coordinator, Deputy Title IX Coordinator, and Title IX Investigators are trained annually on the issues related to domestic violence, dating violence, sexual assault, and stalking and instructed on how to conduct effective trauma-informed investigations and administer a conduct process that protects the safety of victims and promotes accountability. In proceedings under this policy, the standard of proof used to determine whether a violation of this policy has occurred is a preponderance of evidence, which means it is more likely than not the Prohibited Conduct occurred.

The College reserves the right to bring reports forward against a student or employee and to act as the complainant for purposes of this policy.

PROCESS/PROCEDURES

- Upon receiving a report (either verbally or in writing), the Title IX Coordinator will conduct an initial assessment of the available information, the complainant's immediate and ongoing safety and well-being; the incident or conduct at issue; give the Notice of Complainant's Rights, any risk of harm to the parties, any other individuals, or the broader campus community; the existence of severe, persistent or pervasive conduct, including evidence of a pattern, use of a weapon or other predatory conduct; and the necessity for any interim measures or accommodations.

- As outlined above, the Title IX Coordinator will also consider the interest of the complainant and the complainant's expressed preference for manner of resolution, which may include Informal Resolution or the initiation of an investigation to determine if disciplinary action is warranted.
- If the report and/or intake appear upon initial assessment to be a possible violation of this policy, the Title IX Coordinator will assign the case for investigation. (Private information may also be disclosed to appropriate personnel if deemed necessary by the Title IX Coordinator including, but not limited to, the Provost, a Department Chair, ROTC, Athletics, Registrar, etc.). The Title IX Coordinator may also share the information with the Sexual Violence Evaluation Team as described above in the "Threat Assessment" section.
- The College, through a trained investigator who does not have a bias or conflict of interest for or against either party, will conduct an adequate, reliable and impartial investigation into the facts of the case and will interview the complainant, respondent, witnesses or others who may have relevant information, and collect any other evidence deemed relevant to the case including electronic or other records of communications between the parties or witnesses (via voice-mail, text message, email and social media sites), photographs (including those stored on computers and smartphones), and medical records (subject to the consent of the applicable party).
- Absent consent of the applicable party, medical and counseling records are privileged and confidential documents that students will never be required to disclose during the course of the resolution of a report under this policy. However, a party may choose to share medical and counseling records as part of the investigation.
- The sexual history of a Complainant or Respondent will never be used to prove character or reputation. Moreover, evidence related to the prior sexual history of either of the parties is generally not relevant to the determination of a policy violation and will be considered only in limited circumstances. For example, if the existence of consent is at issue, the sexual history between the parties may be relevant to help understand the manner and nature of communications between the parties and the context of the relationship, which may have bearing on whether consent was sought and given during the incident in question. However, even in the context of a relationship, consent to one sexual act does not, by itself, constitute consent to another sexual act, and consent on one occasion does not, by itself, constitute consent on a subsequent occasion. In addition, prior sexual history may be relevant to explain the presence of a physical injury or to help resolve another question raised by the report. The investigator will determine the relevance of this information and both parties will be informed if evidence of prior sexual history is deemed relevant.
- Prior or subsequent conduct of the respondent may be considered in determining pattern, knowledge, intent, motive, or absence of mistake. For example, evidence of a pattern of Prohibited Conduct by the respondent, either before or after the incident in question, regardless of whether there has been a prior finding of a policy violation, may be deemed relevant to the determination of responsibility for the Prohibited Conduct under investigation. The determination of relevance of pattern evidence will be based on an assessment of whether the previous or subsequent conduct was substantially similar to the conduct under investigation or indicates a pattern of similar Prohibited Conduct.
- The College will provide the complainant and respondent timely and equal access to information that will be used during any informal and formal process.
- The College will provide the complainant and respondent an equal opportunity to participate in any process, present evidence and/or witnesses.

- At the conclusion of the investigation, the investigator will deliver the report to the Title IX Coordinator, including a recommendation as to whether, using the preponderance of the evidence standard, Prohibited Conduct occurred
- The Title IX Coordinator will review the investigator's report and, if necessary, direct the investigator to conduct further investigation
- At the conclusion of the investigation, the Title IX Coordinator will provide, in writing, to both parties that the conclusion of the investigation is complete and the fact-finding information related to the case. In preparing the letter, the Title IX Coordinator will review all facts gathered to determine what information is relevant to include in the fact-finding section. In general, the Title IX Coordinator may choose to not include information that is irrelevant, more prejudicial than probative, immaterial, statements of personal opinion, statements as to general reputation for any character trait, including honesty and any information that may interfere with the given confidentiality of the complainant.
- The complainant and respondent may offer any additional comment or evidence to the Title IX Coordinator at this time.
- Upon receipt of any additional information by the complainant and respondent, or no comments, the Title IX Coordinator will proceed to make a determination. The final investigative report will include all investigative materials that will be used by the Title IX Coordinator to determine responsibility by a preponderance of the evidence.
- The Title IX Coordinator will review the final investigative report and determine, by preponderance of the evidence, whether a policy violation occurred.
- The Title IX Coordinator then will present the Associate Vice Chancellor for Compliance and Conduct with a determination of whether the respondent is responsible or not responsible for Prohibited Conduct under this policy.
- The Associate Vice Chancellor for Compliance and Conduct will review the case and determine any sanctions for students, faculty, and staff in consultation with the appropriate Vice Chancellor. *If the report is against an employee, the Associate Vice Chancellor for Compliance and Conduct will consult with either the Provost (if a faculty member is the Respondent) or the Vice Chancellor for Finance and Administration (if a staff member is the Respondent) before determining any sanctions. If the report is against a student, the Associate Vice Chancellor for Compliance and Conduct will consult with the Vice Chancellor for Enrollment Management and Student Life or designee before determining any sanctions. (see Sanctions)*
- The Title IX Coordinator, together with the Vice Chancellor for Enrollment Management and Student Life, will communicate decisions regarding responsibility and any sanction(s) to students. The Title IX Coordinator, together with the appropriate Vice Chancellor, will communicate decisions regarding responsibility and any sanction(s) to faculty and staff members.
- The outcome of the investigation, the rationale for the findings, and any sanction(s) imposed shall be simultaneously conveyed to the complainant and respondent in writing by email, U.S. Mail or face-to-face by the Title IX Coordinator. (Private information may also be disclosed to appropriate personnel if deemed necessary by the Title IX Coordinator including, but not limited to, the Provost, a Department Chair, ROTC, Athletics, Registrar, etc.).
- The complainant and the respondent have the right to appeal determinations regarding responsibility to the Chancellor.

TRANSCRIPT NOTATION/HOLD Pursuant to Virginia law, the Associate Vice Chancellor for Compliance and Conduct will request the College Registrar to place a hold and/or a prominent notation on the academic transcript of any Student who has been (1) suspended, (2) expelled (i.e., permanently dismissed), or (3) who has withdrawn from the College while under investigation, for Prohibited Conduct pursuant to the Policy. Such notation will reflect, as appropriate, the following language: “[Suspended, Expelled, or Withdrew While Under Investigation] for a Violation of the College’s Sexual Misconduct and Interpersonal Violence Policy.”

The Associate Vice Chancellor for Compliance and Conduct will direct the College Registrar to remove any such notation where (a) a Student is subsequently found not to have committed an act of Prohibited Conduct pursuant to the Policy, and/or (b) a Student who has been suspended for Prohibited Conduct pursuant to the Policy, has (i) completed the term of such suspension and any conditions thereof, and (ii) has been determined by the College to be in good standing pursuant to all applicable College academic and non-academic standards.

The College will notify each student that any such suspension, permanent dismissal, or withdrawal will be documented on the student's academic transcript.

ADVISORS The complainant and the respondent each have the opportunity to be advised by an advisor of their choice, at their expense, at any stage of the process and to be accompanied by that advisor at any meeting or hearing in which the complainant or the respondent is required to be present. An advisor may only consult and advise his or her advisee, but not speak for the advisee at any meeting nor may the advisor direct questions to any administrator, party, or witness in the process. Should the advisor become disruptive during any meeting, the Coordinator or Investigator may ask them to leave. *No advisor (or party) will be given the opportunity to cross-examine or to directly question a complainant/respondent.*

The advisor, on behalf of the complainant or respondent, may submit written questions to the Title IX Coordinator for consideration in the investigation. Upon review, those questions deemed appropriate will be forwarded to the Title IX Investigator for inclusion in the information-gathering process.

TIMELINE Typically, the investigation, resolution, and any appeal under this policy will not exceed 60 days. This timeframe may be extended for good cause, which may exist if additional time is necessary to ensure the integrity and completeness of the investigation, to comply with a request by external law enforcement for temporary delay to gather evidence for a criminal investigation, to accommodate the availability of witnesses, to account for complexities of a case, including the number of witnesses and volume of information provided by the parties, or for other legitimate reasons. The investigator will notify the parties in writing of any extension of this timeframe and the reason for such extension. The complainant and respondent will be notified, in writing, throughout the process by the Title IX Coordinator in regards to; the start of an investigation, any delay in the investigation, the conclusion of the investigation, and determination of the outcome resolution and any related appeals. *(Note: the College will take all reasonable steps to respect the request for confidentiality which may impact what will be disclosed throughout the process).*

COORDINATION WITH LAW ENFORCEMENT The investigator will contact any law enforcement agency that is conducting its own investigation to inform that agency that a College investigation is also in

progress; to ascertain the status of the criminal investigation; and to determine the extent to which any evidence collected by law enforcement may be available to the College in its investigation. At the request of law enforcement, the investigator may delay the College investigation temporarily while an external law enforcement agency is gathering evidence. The investigator will promptly resume the College investigation when notified that law enforcement has completed the evidence-gathering stage of its criminal investigation.

APPEAL Both the complainant and the respondent have a right to appeal the finding of responsibility. The appeal is decided by an impartial decision-maker with appropriate training or experience. Appealing the finding of responsibility must be based on an alleged procedural error, (i.e., not merely that the party does not agree that the finding or sanction is appropriate) or the discovery of new evidence that was not reasonably available at the time of the investigation.

Both parties will have **five (5) business days from notification** to appeal in writing to the Chancellor at the following address:

Donna Price Henry, Chancellor
1 College Avenue, Wise VA 24293
Office: 276-328-0122 | E-mail: dhenry@uvawise.edu

The decision of the Chancellor on any appeal will be final. Both individuals will be informed simultaneously in writing of the outcome of any appeal and any change(s) to the results that occur prior to the time that such results become final and when such results become final.

INFORMAL RESOLUTION Informal Resolution is a voluntary and alternative approach designed to address Prohibited Conduct without taking disciplinary action against a respondent. Where the Title IX Coordinator concludes that Informal Resolution may be appropriate, the College will take immediate and corrective action through the imposition of individual and community remedies designed to maximize the complainant's access to the educational, extracurricular and employment activities at the College and to eliminate a hostile environment. Examples of potential remedies are provided in the section on Interim Measures. Other remedies may include targeted or broad-based educational programming or training. Depending on the form of Informal Resolution used, it may be possible for a complainant to maintain anonymity.

Participation in Informal Resolution is voluntary, and a complainant can request to end Informal Resolution and pursue an investigation at any time. Pursuing Informal Resolution does not preclude an investigation if the Informal Resolution fails to achieve a resolution acceptable to the parties and the University. The College may pursue an investigation at any time and retains the discretion to determine the type of Informal Resolution that may be appropriate in a specific case.

The Title IX Coordinator will maintain records of all reports and conduct referred for Informal Resolution. There are no appeals available for Informal Resolution.

SANCTIONS

Any of the following sanction(s), or combinations of sanction(s), may be imposed for any Prohibited Conduct violation. Failure to abide by the imposed sanction(s) will result in additional sanctions. This

includes failure to comply with the reasonable directions of a College official including, but not limited to, the Title IX Coordinator and Campus Police officers, acting in performance of their duties. Disciplinary action other than those outlined below may be taken as the situation warrants.

SANCTION(S) FOR PROHIBITED CONDUCT (EXCLUDING SEXUAL ASSAULT):

1. **Oral Reprimand:** An oral statement that he or she is violating or has violated institutional rules.
2. **Written Reprimand:** Notice in writing that continuation or repetition of inappropriate conduct will be cause for more severe disciplinary action.
3. **No Contact:** Prohibition of contact between a respondent and complainant including, but not limited to, in person and/or via third party, phone, text, or any form of social media.
4. **Forced Change of Campus Residence/Office Area:** Requires the movement of a student or employee from one residence hall or office area to another.
5. **Removal from Campus Housing:** Requires the student or employee to vacate campus housing by a designated time.
6. **Trespass Notice:** The student or employee is prohibited from visiting or returning to a part or all of any designated area of campus and functions/activities. If the individual returns, he/she is subject to arrest.
7. **Evaluation by Health or Mental Health Professional:** A requirement that the respondent student or employee be evaluated by a health or mental health professional and comply with any treatment recommendations prior to returning to the College (if a period of suspension is imposed) or as a condition of continued enrollment/employment at the College (if a period of suspension is not imposed);
8. **Fines:** An appropriate fine may be levied for policy violations or damages incurred.
9. **Education:** Gender-based educational training to be completed with the College's Title IX Coordinator.
10. **Community Restitution:** The assignment of imposed service hours and/or participation in educational programs or projects.
11. **Loss of Privileges:** Restricting use of or loss of campus privileges including, but not limited to, parking, athletic events, fitness/wellness programs and facilities, etc.
12. **Disciplinary Probation:** Indicates a student or employee is not in "good standing" with the College for a period not exceeding one academic year. *Note: This may result in exclusion from participation in privileged or extracurricular College activities.*
13. **Suspension:** Suspension from classes, including on-line, work and other privileges or activities, or from the College for a designated period of time.
14. **Expulsion/Termination of Employment:** Termination of student status (expulsion) or employee status (termination of employment) with the College.

MINIMUM SANCTION(S) FOR SEXUAL ASSAULT OR SEXUAL INTERCOURSE WITHOUT CONSENT:

1. **Suspension:** Suspension from classes, including on-online, work and other privileges or activities, or from the College for a designated period of time.
2. **Expulsion/Termination of Employment:** Termination of student status (expulsion) or employee status (termination of employment) with the College.

Note: Athletes who are suspended or expelled also need to contact the UVa-Wise Assistant Director of Athletics for Internal Operations for Compliance and Student Athlete Service at 276-376-3436 for NCAA eligibility advisement.

CLERY ACT REPORTING OVERVIEW

UVa-Wise is committed to assisting all members of the community in providing for their own safety and security. As required by the federal Clery Act, the UVa-Wise Annual Security & Fire Safety Report contains information regarding campus security, personal safety and fire policies and procedures, and other matters of importance related to security on campus, including fire statistics in UVa-Wise residential facilities, as well as crime statistics for the previous three calendar years concerning reported crimes that occurred on campus; in certain off-campus buildings or property owned or controlled by the College; and on public property within, or immediately adjacent to and accessible from the campus.

The UVa-Wise Annual Security & Fire Safety Report is available at www.uvawise.edu/ASR. A copy is available upon request by contacting the Campus Police Department (276-328-0190) or the Office of Compliance & Conduct (276-376-3451).

The College prepares the Annual Security & Fire Safety Report with statistics reported to Campus Police, local law enforcement, and Clery-designated Campus Security Authorities (CSAs). For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year in which they are reported.

Campus Police submits the annual crime statistics published in this report to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

GEOGRAPHY

The Clery Act defines each institution's specific geography for the purposes of reporting its crime statistics. It includes the following properties in the following 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; and any building or property that is within or reasonably contiguous that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes.

NOTE: Statistics for campus residential facilities are recorded in BOTH the on-campus category and the on-campus residential category.

Public – All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

Noncampus – Any building or property owned or controlled by a student organization that is officially-recognized by the institution; or 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.

CRIMES

The Clery Act requires that institutions disclose three general categories of crime statistics – criminal offenses, hate crimes, and arrests and referrals for disciplinary action – using the FBI’s Uniform Crime Reporting Handbook (UCR) and for sex offenses, the FBI’s National Incident-Based Reporting System (NIBRS). Institutions are required to disclose **reported** offenses for these categories, **not the findings** of a court, coroner or jury, or the decision of a prosecutor. The specific Clery Act-defined reportable crimes include:

Aggravated Assault – An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed.

Arson – The willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another kind.

Burglary – The unlawful entry of a structure to commit a felony or a theft. For reporting purposes, this definition includes: unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

Dating Violence – Violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such relationship shall be based on the reporting party’s statement and with consideration of the following factors: (i) length of the relationship, (ii) the type of relationship, and (iii) the frequency of interaction between the persons involved in the relationship.

Domestic Violence – A felony or misdemeanor crime of violence committed by: a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Drug Law Violations – The violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadones); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

Hate Crimes – A hate or bias related crime is not a separate, distinct crime, but is the commission of a criminal offense which was motivated by the offender's bias. Bias is a preformed negative opinion or attitude toward a group of persons based on their race, gender, gender identity, religion, disability, sexual orientation, ethnicity, national origin, or disability.

Liquor Law Violations – The violations of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned. (*Drunkenness and driving under the influence are not included in this definition.*)

Motor Vehicle Theft – The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by person not having lawful access even though the vehicles are later abandoned, including joyriding.)

Murder & Non-Negligent Manslaughter – The willful (non-negligent) killing of one human being by another.

Manslaughter by Negligence – The killing of another person through gross negligence. *This category was formerly Negligent Manslaughter.*

Robbery – The taking or attempting 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 by putting the victim in fear.

Sex Offense – Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

Rape – The 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.

Statutory rape – Nonforcible sexual intercourse with a person who is under the statutory age of consent.

Stalking – Engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (A) fear for the person's safety or the safety of others; or (B) to suffer substantial emotional distress.

Weapons Law Violations – The violations of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; all attempts to commit any of the aforementioned.

Unfounded Criminal Incidents "Unfounded" means that law enforcement have fully investigated and, based on the results of this full investigation and evidence, a formal determination has been made that a crime report is false or baseless. An offense or incident cannot be "unfounded" just because stolen property was recovered, refusal of a victim to prosecute, or an arrest was not made.

ANNUAL DISCLOSURE OF CRIME STATISTICS

The UVa-Wise Campus Police Department monitors all campus activities and reports all crimes to the FBI's Uniform Crime Reporting System. The College does not monitor or record statistics for crimes involving UVa-Wise students that occur in other jurisdictions and that are investigated by other police agencies. All such offenses are recorded by that jurisdiction as part of their Uniform Crime Report. Reports are provided on a calendar year (January-December) basis.

UVa-Wise does not use local police agencies to monitor and record criminal activity by students at noncampus locations of student organizations which are officially recognized by UVa-Wise, including those with noncampus housing facilities. The local agencies respond to crimes at those locations if the property is within their jurisdiction. Statistics are requested annually from these local police agencies for Clery-reportable crimes in Clery-defined geography for inclusion in the College's annual disclosure of crime statistics.

NOTE: The Department of Education released a new Handbook for Campus Safety & Security Reporting in June 2016. These crime statistics were processed prior to this release, using former Handbook guidance.

CRIME STATISTICS — WISE

Offense (Reported By Hierarchy)	Year	On-campus	Noncampus	Public Property	Total	Residential Facilities*	Unfounded Crimes
Murder/Non Negligent Manslaughter	2015	0	0	0	0	0	0
	2014	0	0	0	0	0	0
	2013	0	0	0	0	0	0
Manslaughter by Negligence (formerly Negligent Manslaughter)	2015	0	0	0	0	0	0
	2014	0	0	0	0	0	0
	2013	0	0	0	0	0	0
Rape	2015	0	0	0	0	0	0
	2014	2	0	0	2	2	0
	2013	1	0	0	1	1	0
Fondling	2015	1	1	0	2	0	0
	2014	0	0	0	0	0	0
	2013	0	0	0	0	0	0
Incest	2015	0	0	0	0	0	0
	2014	0	0	0	0	0	0
	2013	0	0	0	0	0	0
Statutory Rape	2015	0	0	0	0	0	0
	2014	0	0	0	0	0	0
	2013	0	0	0	0	0	0
Robbery	2015	0	0	0	0	0	0
	2014	0	0	0	0	0	0
	2013	0	0	0	0	0	0
Aggravated Assault	2015	0	0	0	0	0	0
	2014	0	0	0	0	0	0
	2013	0	0	0	0	0	0

Burglary	2015	7	0	0	7	6	0
	2014	2	0	0	2	1	0
	2013	4	0	0	4	4	0
Motor Vehicle Theft	2015	0	0	0	0	0	0
	2014	0	0	0	0	0	0
	2013	0	0	0	0	0	0
Liquor Law Arrests	2015	6	0	0	6	1	0
	2014	3	1	0	4	2	0
	2013	6	0	0	6	1	0
Drug Law Arrests	2015	0	0	0	0	0	0
	2014	1	0	0	1	0	0
	2013	0	0	0	0	0	0
Weapons Law Arrests	2015	0	0	0	0	0	0
	2014	0	0	0	0	0	0
	2013	0	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2015	13	0	0	13	13	0
	2014	19	0	0	19	19	0
	2013	11	0	0	11	8	0
Drug Law Violations Referred for Disciplinary Action	2015	5	0	0	5	2	0
	2014	12	0	0	12	12	0
	2013	5	0	0	5	5	0
Weapons Law Violations Referred for Disciplinary Action	2015	0	0	0	0	0	0
	2014	0	0	0	0	0	0
	2013	0	1	0	1	0	0

Note: Residential Facility crime statistics are a subset of the on-campus category, i.e. they are counted in **BOTH categories.*

Offense (Crimes Not Reported By Hierarchy)	Year	On- campus	Noncampus	Public Property	Total	Residential Facilities*	Unfounded Crimes
Arson	2015	0	0	0	0	0	0
	2014	1	0	0	1	1	0
	2013	0	0	0	0	0	0
Domestic Violence	2015	1	0	0	1	0	0
	2014	0	0	0	0	0	0
	2013	0	0	0	0	0	0
Dating Violence	2015	1	0	0	1	1	0
	2014	1	0	0	1	1	0
	2013	0	0	0	0	0	0
Stalking	2015	3	0	0	3	1	0
	2014	0	0	0	0	0	0
	2013	0	0	0	0	0	0
Hate Crimes	<p>In 2015, there were no hate crimes reported.</p> <p>In 2014, there were no hate crimes reported.</p> <p>In 2013, there was one (1) reported crime of vandalism with a bias of sexual orientation that occurred in a residential facility; and there was one (1) reported crime of vandalism with a bias toward race that occurred in a residential facility.</p>						

Note: Residential Facility crime statistics are a subset of the on-campus category, i.e. they are counted in **BOTH categories.*

CRIME STATISTICS – FORMER ABINGDON CAMPUS

Through 2015, The University of Virginia's College at Wise maintained an academic program at the Southwest Virginia Higher Education Center (SVHEC) in Abingdon, Virginia, which is located on the campus of Virginia Highlands Community College (VHCC). Until then, compliance with the Clery Act required that UVA-Wise recognize this location as a separate campus from the Wise (or main) campus for reporting purposes.

The academic program at the SVHEC in Abingdon ended at the close of the fall 2015 semester; therefore, this location is no longer recognized as a separate campus. Since Abingdon was recognized as a separate campus for calendar years 2013-2015, crime statistics for that location are listed separately here.

NOTE: There were no residential facilities at the Abingdon location, therefore there will be no residential statistics reported here nor fire statistics reported in the Annual Fire Safety Report section.

Offense (Reported By Hierarchy)	Year	On-campus	Noncampus	Public Property	Total	Unfounded Crimes
Murder/Non Negligent Manslaughter	2015	0	0	0	0	0
	2014	0	0	0	0	0
	2013	0	0	0	0	0
Manslaughter by Negligence (formerly Negligent Manslaughter)	2015	0	0	0	0	0
	2014	0	0	0	0	0
	2013	0	0	0	0	0
Rape	2015	0	0	0	0	0
	2014	0	0	0	0	0
	2013	0	0	0	0	0
Fondling	2015	0	0	0	0	0
	2014	0	0	0	0	0
	2013	0	0	0	0	0
Incest	2015	0	0	0	0	0
	2014	0	0	0	0	0
	2013	0	0	0	0	0
Statutory Rape	2015	0	0	0	0	0
	2014	0	0	0	0	0
	2013	0	0	0	0	0
Robbery	2015	0	0	0	0	0
	2014	0	0	0	0	0
	2013	0	0	0	0	0
Aggravated Assault	2015	0	0	0	0	0
	2014	0	0	0	0	0
	2013	0	0	0	0	0
Burglary	2015	0	0	0	0	0
	2014	0	0	0	0	0
	2013	0	0	0	0	0
Motor Vehicle Theft	2015	0	0	0	0	0
	2014	0	0	0	0	0
	2013	0	0	0	0	0

Liquor Law Arrests	2015	0	0	0	0	0
	2014	0	0	0	0	0
	2013	0	0	0	0	0
Drug Law Arrests	2015	0	0	0	0	0
	2014	0	0	0	0	0
	2013	0	0	0	0	0
Weapons Law Arrests	2015	0	0	0	0	0
	2014	0	0	0	0	0
	2013	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2015	0	0	0	0	0
	2014	0	0	0	0	0
	2013	0	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	2015	0	0	0	0	0
	2014	0	0	0	0	0
	2013	0	0	0	0	0
Weapons Law Violations Referred for Disciplinary Action	2015	0	0	0	0	0
	2014	0	0	0	0	0
	2013	0	0	0	0	0

Offense (Crimes Not Reported By Hierarchy)	Year	On-campus	Noncampus	Public Property	Total	Unfounded Crimes
Arson	2015	0	0	0	0	0
	2014	0	0	0	0	0
	2013	0	0	0	0	0
Domestic Violence	2015	0	0	0	0	0
	2014	0	0	0	0	0
	2013	0	0	0	0	0
Dating Violence	2015	0	0	0	0	0
	2014	0	0	0	0	0
	2013	0	0	0	0	0
Stalking	2015	0	0	0	0	0
	2014	0	0	0	0	0
	2013	0	0	0	0	0
Hate Crimes	In 2015, 2014, and 2013, there were no reported hate crimes.					

ANNUAL FIRE SAFETY REPORT

In compliance with the Higher Education Opportunity Act, UVa-Wise provides this Fire Safety Report which outlines fire safety practices and standards for campus student residential facilities.

UVa-Wise continues to evaluate residential fire safety equipment and systems. Future improvements and upgrades will be made as needed as part of the ongoing assessment process and as funding is available.

This report is made available as part of the Annual Security & Fire Safety Report. It may be accessed at www.uvawise.edu/ASR or a copy may be requested by calling 276-328-0190 or 276-376-3451.

FIRE LOG

A fire is defined as any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner. Campus Police maintains a fire log which is available to the public during regular business hours at the Campus Police Department, located on the lower-level of Cantrell Hall. This log contains information about fires that occur in campus residential facilities including the nature, date, time, and general location of the fire.

FIRE REPORTING & EVACUATION PROCEDURES

If a fire occurs in or near any UVa-Wise facility, individuals should leave the facility and Campus Police should be notified immediately by calling 911. The caller should provide as much information about the incident as possible, including location, date, time and cause of the fire. Appropriate response personnel and procedures will be initiated. In the event that a member of the campus community finds evidence that a fire has occurred/has already been extinguished and is unsure whether Campus Police has already responded, please contact Campus Police immediately to investigate.

Fire evacuation procedures are posted on each floor of each campus residential facility. Additionally, a Housing & Residence Life *Back Door Form* is posted on the inside of the door of each residential room/bedroom door. It highlights policies and procedures, outlines emergency procedures (including campus notifications, fire, severe weather, and lockdown/shelter in place protocols), and provides a health & safety checklist, campus telephone directory, and a smoke detector/fire extinguisher check sheet (where applicable). The fire evacuation information instructs individuals to:

- Before you open your door, check the door for heat or smoke. If you can't EXIT through the door look for other means of exit or hang a towel/sheet out the window to let rescuers know where you are.
- If you can leave the room, put on hard-soled shoes and a jacket and take a towel to put over your face to prevent smoke inhalation. Close your window. Close your door behind you. EXIT the building as quickly as possible and pull the fire alarm if it is not already sounding.
- Stay clear of the building until given the go ahead to return by Campus Police or Fire personnel. Failure to evacuate will result in disciplinary action and could endanger your life and the lives of others.

- If the fire alarm sounds, EXIT the building (unless the campus is in a lockdown; in a lockdown, you will be notified when to leave the building). Never assume it is a drill or a false alarm! Check your smoke detector every seven days (and fire extinguisher, if applicable).
- Learn at least two EXIT routes now, before you need them.

FIRE SAFETY EDUCATION

Fire safety education programs for all student and professional staff living in campus residential facilities are held at the beginning of each semester. Unannounced fire and evacuation drills are conducted each semester to inform individuals on proper evacuation procedures. These programs and drills are designed to familiarize everyone with fire safety systems and procedures to be followed in the event of a fire.

The student RA staff completed fire extinguisher training during their annual fall staff training program.

FIRE SAFETY POLICIES & PROCEDURES

UVa-Wise provides information regarding College emergency notifications, policies and programs, as well as personal safety considerations. UVa-Wise policies are published in the Student Handbook, Classified & University Staff Employee Handbook, Faculty Handbook, and College Catalog.

Housing & Residence Life outlines policies and procedures for a safe residential community in the *Housing Agreement* (available online at www.uvawise.edu/student-life/housing-dining/office-housing-residence-life/applications). These include, but are not limited to:

APPLIANCES The following items **are** allowed in each residence hall room. Please note specifications for some items. Should you have questions about items not listed, please consult the Prohibited Items section or contact HRL.

- | | | | | | |
|---|------------|------------------|--------------------|--------------|------------|
| · Coffee Pot | · Iron | · Ceramic Heater | · Lamp | · Floor Fan | · Radio |
| · Vacuum Cleaner | · Stereo | · Electric Razor | · Clock | · Television | · Crockpot |
| · Hair Dryer | · Toasters | · Refrigerator* | · Small Microwave* | | |
| · Popcorn Popper without open coils · Power Strip with Reset Button | | | | | |

*Refrigerators may not exceed four (4) cubic feet, and microwaves may not exceed 800 watts. All microwaves and refrigerators must be plugged into power strips with both surge protection and reset buttons.

DECORATIONS Only 10% of the walls and doors of a residence hall room, suite or apartment may be covered with pictures, photos, posters, and/or other material. All wall decorations must be at least 24 inches from the ceiling; no decorations may be placed on or hung from the ceiling.

Any type of fabric or material, including curtains, over the blinds and/or windows is not permitted. All exterior door and window decorations, other than message boards, that are visible from outside must be approved by the DRL.

- *Holiday decorations* All decorative materials should be flameproof, fireproof, flame retardant or rendered as such by treatment solutions. Only artificial trees are permitted.

- Prohibited materials unlikely to be rendered flameproof by ordinary treatment include natural leaves, tree branches, cornstalks, hay, cotton batting, and similar objects. Decorative holiday lights are not allowed. **Any candles, gas/oil-fired lanterns, or other items with an open flame are not allowed.** All holiday decorations must be removed prior to leaving for break periods.

Violations of this policy may result in a Health & Safety violation.

ENTRY OF ROOM The College reserves the right to enter a student's room for the purpose of room inspections, maintenance and repairs, renovations, medical emergencies, policy enforcement, or any other purpose consistent with the mission of the College.

FIRE ALARMS Fire alarms and extinguishers are located on each floor in the halls/suites and in each of the apartments. There are many dangers and risks to students, fire fighters and HRL staff associated with false fire alarms, intentionally set fires, and vandalizing or tampering with fire equipment. Any of these actions or tampering with smoke detectors, including removal of batteries, will result in student conduct action.

Students living in rooms with battery-operated smoke detectors (McCrary Hall) must perform a weekly test. Every Tuesday has been designated as “Test Tuesday” to manually test these detectors. If students find that the detector is not working, they should notify their RA or CC immediately. Failure to test the alarm each Tuesday and/or make notification if alarm is not working will result in a Health & Safety Violation.

FIRE DRILLS Fire drills will be conducted by HRL at least four times per academic year. Failure to leave immediately for any alarm will result in student conduct action. Fire drills are held to familiarize residents with evacuation procedures for their hall.

HEALTH & SAFETY INSPECTIONS All residential facilities will be inspected on a regular basis and prior to the end of each semester and break. At least 48 hours advance notice will be given to students regarding when and where the inspections will take place. The areas that will be given special attention are the bathrooms, kitchens and other common living areas. While in the room HRL staff will identify maintenance, cleanliness, policy violations, and safety concerns. Students are expected to maintain a general level of cleanliness and, if violations are found, are expected to comply. Health and safety inspections are performed to help prevent pests and to enhance safety precautions.

The UVa-Wise Housekeeping Staff is responsible for disinfecting and minor cleaning in public areas in the residence halls. Students are responsible for cleanliness, condition, and proper care of all space(s) within their individual rooms, apartments, or suites.

Refrigerated foods should be kept in a refrigerator and non-refrigerated foods should be kept in closed containers. Food odors and/or food scraps attract pests and insects. Violations in regard to room sanitation may result in a Health & Safety Violation.

HRL reserves the right to conduct a Health and Safety Inspection at other times if deemed necessary.

PROHIBITED ITEMS The College reserves the right to prohibit certain possessions in campus housing facilities. The following items are prohibited. Other items may be prohibited at the discretion of the DRL.

- Candles/incense*
- Wireless routers
- Heaters with open coils
- Bed risers/blocks
- Hot plates
- 'Octopus' plugs or any plug containing multiple outlets
- Extension cords (only power strips with reset buttons are acceptable)
- Kegs of beer, empty alcohol bottles/cans or other alcohol paraphernalia
- Window air conditioners and other fans/units that install into windows
- Illegal drugs/narcotics including any drug-related apparatus (bongs, water pipes, roach clips, etc.)
- Weaponry, including hunting bows/rifles*
- Fireworks/Combustibles*
- Pets other than fish
- Gas/charcoal/George Foreman grills
- Holiday lights
- Sandwich/quesadilla/similar grills
- Nerf/Water guns
- Exterior radio aerials
- Halogen/lava/black lamps
- Toaster ovens
- Bikes not permitted inside
- nuwave™ Appliances

**See also DECORATIONS above that any candles, gas/oil-fired lanterns, or other items with an open flame are not allowed.*

** FIREARMS & WEAPONS The possession, storage, or use of any kind of weapons including but not limited to: Any (i) firearm including any pistol, revolver, rifle, shotgun, air-pistol, paintball gun, or other instrument designed or intended to propel a bullet, cartridge, or other missile of any kind including a bow or cross-bow; (ii) dirk, bowie knife, switchblade knife, ballistic knife, butterfly knife, sword, machete or other bladed weapon with a blade longer than four inches in length; (iii) razor slingshot, spring stick, metal or lexan knucks, or blackjack; (iv) flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as nun chahka, nun chuck, nunchaku, shuriken, or fighting chain; or (v) disc, of whatever configuration, having at least two points or pointed blades that is designed to be thrown or propelled and that may be known as throwing star or oriental dart.*

** FIREWORKS & COMBUSTIBLES The possession, storage or use of fireworks and/or combustibles including but not limited to any kind of ammunition, firecrackers or fireworks, gasoline, or any other explosives or combustible materials are not permitted.*

NOTE: Effective January 2016, the use of self-balancing electric wheeled boards and the storage and/or charging of these devices on any property owned or leased by UVA, the Medical Center and the College at Wise is prohibited. Commonly known as "hoverboards," these devices are also sometimes referred to as Swagways, IO Hawks and Skywalkers. See uvapolicy.virginia.edu/policy/SEC-036 for more information.

SMOKING/TOBACCO USE Smoking and the use of **ALL tobacco products are prohibited in all residence halls.** Containers and/or tobacco product waste (i.e. cigarette butts, dip cups, etc.) may not be brought into the halls. The use of hookah devices as well as vapor/e-cigarette devices is also prohibited inside the residence halls.

Additionally, smoking is prohibited in all campus buildings, within 25 feet of building entrances, and within the seating areas/stands of all college outdoor athletic facilities.

FIRE STATISTICS

Location	Year	# of Fires	Cause	Injuries	Deaths	Property Damage
Asbury Hall 5811 Asbury-Thompson Drive	2015	0	0	0	0	0
	2014	0	N/A	0	0	\$0
	2013	0	N/A	0	0	\$0
Commonwealth Hall 5823 Clinch Valley Drive	2015	0	0	0	0	0
	2014	1	Arson - Intentional	0	0	\$0
	2013	0	N/A	0	0	\$0
Culbertson Hall 5811 Clinch Valley Drive	2015	0	0	0	0	0
	2014	0	N/A	0	0	\$0
	2013	0	N/A	0	0	\$0
Henson Hall 5800 Asbury-Thompson Drive	2015	0	0	0	0	0
	2014	0	N/A	0	0	\$0
	2013	0	N/A	0	0	\$0
Martha Randolph Hall 5810 Asbury-Thompson Drive	2015	0	0	0	0	0
	2014	0	N/A	0	0	\$0
	2013	0	N/A	0	0	\$0
McCrary Hall 5722 Clinch Valley Drive	2015	0	0	0	0	0
	2014	0	N/A	0	0	\$0
	2013	0	N/A	0	0	\$0
Thompson Hall 5813 Asbury-Thompson Drive	2015	0	0	0	0	0
	2014	0	N/A	0	0	\$0
	2013	0	N/A	0	0	\$0
Townhouses* 803 University Street	2015	N/A	N/A	N/A	N/A	N/A
	2014	N/A	N/A	N/A	N/A	N/A
	2013	0	N/A	0	0	\$0

**The Townhouses are no longer in use, and have not been occupied since the Spring 2013 Semester.*

FIRE SAFETY SYSTEMS

Location	Type of System	Fire drills held in 2015*
Asbury Hall 5811 Asbury-Thompson Drive	Hard Wired Central System & Sprinkler System	3
Commonwealth Hall 5823 Clinch Valley Drive	Hard Wired Central System & Sprinkler System	3
Culbertson Hall 5811 Clinch Valley Drive	Hard Wired Central System & Sprinkler System	3
Henson Hall 5800 Asbury-Thompson Drive	Hard Wired Central System & Sprinkler System	3
Martha Randolph Hall 5810 Asbury-Thompson Drive	Hard Wired Central System & Sprinkler System	3
McCrary Hall 5722 Clinch Valley Drive	Battery-operated smoke detectors in each room with the remainder of the building on pull stations to hard wired system	3
Thompson Hall 5813 Asbury-Thompson Drive	Hard Wired Central System & Sprinkler System	3

**Inclement weather resulted in cancellation of the fourth series of fire drills.*

