

PATRICK HENRY COMMUNITY COLLEGE

Sexual Harassment, Sexual Violence, Domestic Violence, Dating Violence, and Stalking

Summary of Reporting & Investigative Procedures

The procedure outlined here is a summary of the reporting and investigative procedure set forth the college policy. For details on the complete process, please refer to the Policy on Sexual Harassment.

1. Reporting Incidents.

Members of the campus community who believe they have been subjected to any of these actions should immediately report the incident to the College Title IX Coordinator or to campus or local police. All emergencies or any incident where someone is in imminent danger should be reported immediately to campus police/security or local police by dialing 911 or 276-732-2406.

Whether or not a report is made to law enforcement, any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by reporting such conduct to a Responsible Employee to ensure that the Title IX Coordinator receives the verbal or written report. The Title IX Coordinator is solely responsible for overseeing the prompt, fair, and impartial investigation and resolution of reports and formal complaints filed with the College.

Patrick Henry Community College Title IX Campus Resources

Title IX Coordinator:	John I. (Jack) Hanbury West 158 276-656-0205 jhanbury@patrickhenry.edu
Deputy Title IX Coordinator	Belinda Stockton West 148 276-656-0214 bstockton@patrickhenry.edu
Chief of Police	Gary Dove West 105 276-656-5494 gdove@patrickhenry.edu

2. Handling of Reports and Investigations.

The Title IX Coordinator will assist members of the campus community in reporting incidents to law enforcement authorities upon request. When allowable under Virginia law, the Title IX Coordinator will request the consent of the complainant (or alleged victim if different from the complainant) to report incidents of alleged sexual violence that occur on campus property to law enforcement.

Under Virginia law, the College may determine that the disclosure of information to local law enforcement regarding the alleged incident of sexual violence, including personally identifiable information, is necessary to protect the health or safety of the complainant or other individuals. The College also is required to notify the local Commonwealth's Attorney (or other prosecutor responsible for prosecuting the alleged act of sexual violence) when the alleged incident of sexual violence constitutes a felony.

3. Title IX Coordinator's Initial Determination.

Upon receiving actual knowledge of sexual harassment in an education program or activity of the College against a person in the United States, the College must respond promptly in a manner that is not deliberately indifferent. The College will treat complainants and respondents equitably by offering supportive measures and by completing either a formal or informal resolution process before imposing any disciplinary sanctions or other corrective actions that are not supportive measures against a respondent. The Title IX Coordinator shall promptly provide a written notification of rights and options to complainants and respondents upon receipt of a report of sexual harassment.

the Title IX Coordinator must close the report under this Policy if the conduct alleged in the report would not constitute sexual harassment as defined by this Policy, even if proved, or is outside the jurisdiction of the College, i.e., the conduct did not occur on campus or involve an education program or activity of the College, or the complainant decides against filing a formal complaint and the College honors the request. The Title IX Coordinator will notify the parties simultaneously in writing with the rationale for the decision to close the report.

4. Referral to Title IX Review Committee.

Upon receiving a report of an alleged act of sexual violence against a student or one that allegedly occurred on property owned or controlled by the College or on public property within the campus, or immediately adjacent to and accessible from the campus, the Title IX Coordinator shall convene the College's Title IX Review Committee within 72 hours to review the information reported and any information obtained through law-enforcement records, criminal history record information, health records, conduct or personnel records, and any other facts and circumstances, including personally identifiable information, related to the alleged incident known to the review committee. If it is determined by the law enforcement representative of the review committee that the disclosure of the information, including the personally identifiable information, is necessary to protect the health or safety of the alleged victim or other individuals, the College immediately will disclose such information to the law enforcement agency that would be responsible for

investigating the alleged incident. The Title IX Coordinator will notify the alleged victim in writing that such disclosure is being made.

If the report of an alleged act sexual violence would constitute a felony sexual assault, within 24 hours of the first Title IX Review Committee meeting, the law enforcement representative of the review committee shall notify the local Commonwealth's Attorney and disclose the information received by the review committee, including personally identifiable information, if such information was disclosed above. The law enforcement representative usually will make this disclosure; however, any member of the review committee may decide independently that such disclosure is required under state law and within 24 hours of the first Title IX Review Committee meeting shall disclose the information to the local Commonwealth's Attorney, including personally identifiable information, if such information was disclosed pursuant to Paragraph I(4). If the Title IX Coordinator is aware of such disclosure, the Title IX Coordinator will notify the alleged victim in writing that such disclosure is being made.

5. Formal Resolution Process.

- a) Formal Complaint Form. To initiate the formal resolution process, complainants must complete the Formal Complaint Form or other written and signed document that requests an investigation, [found in Appendix A or other location], and submit it to the Title IX Coordinator. The Title IX Coordinator may sign a formal complaint, after due consideration of the complainant's wishes.
- b) Notice of Allegations to the Parties and Initial Meetings. After receiving a formal complaint and as soon as practicable, the Title IX Coordinator will contact the parties to notify them of the allegations and to schedule an initial meeting.
- c) Title IX Coordinator's Initial Determination. The Title IX Coordinator shall investigate the allegations in all formal complaints. The Title IX Coordinator must dismiss the formal complaint if the conduct alleged in the formal complaint would not constitute sexual harassment as defined in this Policy even if proved, or is outside the jurisdiction of the College.
- d) Appointment of Investigator. After an initial determination to continue the formal resolution process or after failed informal resolution process, the Title IX Coordinator will appoint an investigator within five (5) workdays of completing the initial meetings.
- e) Investigative Report. The investigator will complete and furnish to the parties an investigative report that fairly summarizes relevant evidence, including but not limited to, all interviews conducted, photographs, descriptions of relevant evidence, the rationale for credibility determinations, summaries of relevant records, and a detailed report of the events in question.
- f) Live Hearing. The Title IX Coordinator will appoint a Hearing Officer within ten (10) workdays after sending the investigative report to the parties and their advisors, if any. Within five (5) workdays after the appointment, the Hearing Officer will contact the parties

to schedule a live hearing.

- g) Written Determination. Within ten (10) workdays after the live hearing, or with good cause shown as soon as possible, the Hearing Officer will submit a written determination to the Title IX Coordinator. The Hearing Officer must make a finding of responsibility or non-responsibility for each allegation, and describe the rationale for the finding based on an objective evaluation of the evidence presented at the live hearing.
- h) Actions Following the Written Determination. The Title IX Coordinator must provide the written determination to the parties simultaneously, with a copy to Human Resources, Conduct Officer, and/or other College officials, as appropriate. The appropriate college official, after consultation with the Title IX Coordinator, will determine the sanction(s) imposed and remedies provided, if any. The Title IX Coordinator shall confer as necessary with employees, community resources, or other support services that will provide such remedies. The parties shall receive the final decision on the imposition of sanction(s), if any, and the provision of remedies, if any, simultaneously within ten (10) workdays of receipt of the written determination by the appropriate college official(s).

6. Appeals.

- a) Within five (5) workdays of receipt of the final decision, either party may appeal the Hearing Officer's written determination regarding responsibility and the final decision related to sanctions and remedies. The complainant also may appeal the College's dismissal of a formal complaint or any of its allegations therein within five (5) workdays of such dismissal. The appeal must be in writing and submitted to the Title IX Coordinator, who will appoint an Appeal Officer within five (5) workdays of receipt of the appeal.
- b) If the Appeal Officer decides to grant the appeal, he or she will notify the parties that they have five (5) workdays to submit a written statement in support of, or against, the outcome of the written determination, final decision, or dismissal of the formal complaint.
- c) The Appeal Officer shall issue a written determination of the result of the appeal and the rationale for such result within ten (10) workdays of receipt of written statements, if any. The Appeal Officer shall provide the written determination to the parties simultaneously.

7. Informal Resolution Process.

The informal resolution process is available under the following conditions:

- a) The complainant has filed a formal complaint of hostile environment sexual harassment involving parties with the same status (e.g., student-student or employee-employee);
- b) The Title IX Coordinator has completed the steps described in Sections V1 through V4 of the policy; and,
- c) The parties voluntarily request in writing to resolve the formal complaint through the

informal resolution process.