

# SOUTHERN VIRGINIA UNIVERSITY

## ANNUAL SECURITY REPORT

### Clery Act

The Campus Security Act requires colleges and universities to:

- Publish an annual report every year by October 1 that contains three years of campus crime statistics and certain campus security policy statements
- Disclose crime statistics for the campus, public areas immediately adjacent to or running through the campus, and certain non-campus facilities and remote classrooms. The statistics must be gathered from security, local law enforcement, and other University officials who have “significant responsibility for student and campus activities.”
- Provide “timely warning” notices of those crimes that have occurred and pose an ongoing “threat to students and employees.”
- Disclose in a public crime log “any crime that occurred on campus or within the patrol jurisdiction of the campus security department and is reported to the security department.”
- Devise an emergency response, notification, and testing policy.
- Complete and report fire data to the federal government and publish an annual fire safety report.
- Enact policies and procedures to handle reports of missing students.

Southern Virginia University’s Synergy Campus Security is responsible for compiling this report. We work with many other departments and agencies, such as the Office of Student Life, the Office of Human Resources, Local Police Departments, and neighboring universities as needed to compile the information. Most of the information comes from the public Daily Crime Log held in security. The Annual Crime Report is submitted by the Dean of Students, Michael Gibbons.

We encourage members of the Southern Virginia University’s community to use this report as a guide for safe practices on and off campus. Each member of the Southern

Virginia University's community receives an email describing the report and is provided a hyper link to access the report.

Synergy Campus Security is responsible for security on campus. They help ensure that civil laws and university rules are maintained on campus and provide public safety officers to keep university properties safe. They also enforce campus parking rules, lock and unlock campus buildings, clear employees and students to drive university vehicles, and issue keys. Security also has the authority to stop dangerous situations and even clear buildings when needed. The primary role of Campus Security is to help keep all students, faculty, and staff safe. Campus Security will work closely with local law enforcement to support public order on campus.

## **Daily Crime Log**

Campus Security maintains a Daily Crime Log that records all crimes that occur on campus. All incidents are posted in the Daily Crime Log when incident reports are completed. To safeguard privacy of individuals, the log does not contain any identifying information. This log can be viewed by anyone upon request and is posted publicly in the Office of Campus Security.

## **Crime Prevention and Security Awareness Programs**

The Synergy Security Department at Southern Virginia University takes a proactive approach to preventing crimes. The goal of crime prevention and security awareness programs is to eliminate or minimize criminal opportunities whenever possible and to encourage students, faculty and staff to be responsible for their own safety and the safety of others. Students, faculty and staff are educated on their duty to report all crimes on campus to Security. Quick reporting assists security in notifying local law enforcement in a timely fashion which directly impacts crime mapping and prevention.

## **Rape Aggression Defense ("R.A.D") Program**

The national standard in self-defense Instructor Certification, R.A.D. is internationally recognized for programming quality and organizational commitment to excellence. R.A.D.

Systems balances the needs of women to acquire self-defense education in a relatively short period of time, with the life-long commitment required for physical skill mastery. The program provides short term training opportunities in a progressive building block format, and combines each with R.A.D.'s trademark Lifetime Return and Practice Policy. R.A.D. training was offered to all interested female members of the campus community during the reporting years of this document.

## **Security and Access of Campus Facilities**

Southern Virginia University is private property. All persons who enter onto SVU property should be able to demonstrate a legitimate and approved purpose to be present on campus. When practical, university students and employees should accompany their guests or visitors while on campus. Persons not having a legitimate or approved purpose to be on campus or whose behavior is deemed inappropriate may be asked to leave by Campus Security personnel. Persons refusing to leave may be considered to be trespassing. During business hours, the university will be open to students, parents, employees, contractors, guests, alumni, and invitees. During non-business hours access to university facilities is by key, if issued, or by admittance via Campus Security. During the time a building is secured, Campus Security will only admit personnel with a university identification card, and any student who has prior written approval. Starting in the fall semester of 2016 access cards replaced some of the key and lock systems to allow entry into the residence halls that they are assigned to. Only male guests are permitted in male dorm rooms and only female guests are permitted in female dorm rooms without approval by an Area Coordinator or Resident Assistant.

## **Definitions of Clery Crimes**

### **Crime Definitions**

- Criminal Homicide  
-Murder & Non-Negligent Manslaughter - The willful (Non-Negligent) killing of one human being by another. (Count one offense per victim)

Any death caused by injuries received in a fight, argument, quarrel, assault or commission of a crime.

-Negligent Manslaughter - The killing of another human being through gross negligence. (Count one offense per victim) Any death caused by the gross negligence of another. In other words, it's something that a reasonable and prudent person would not do.

- Sex Offenses

-Rape - Is 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. This offense includes the rape of both males and females. (Count one offense per victim)

-Fondling - Is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity. (Count one offense per victim)

-Incest - Is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. (Count one offense per victim)

-Statutory Rape - Is sexual intercourse with a person who is under the statutory age of consent by Virginia law.

- Robbery - Is 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. (Count one per incident not per victim or offenders)

*Essential Elements*

- Committed in the presence of a victim.
- Victim is directly confronted by the perpetrator.
- Victim is threatened with force or put in fear.
- Involves a theft or larceny.

- Aggravated Assault- is 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. (Count one offense per victim)

Include as Aggravated Assault

- Assaults or attempts to kill or murder.
- Poisoning (include date rape drugs)
- Assault with dangerous or deadly weapon.
- Maiming
- Mayhem
- Assault with explosives
- Assault with disease (knowledge of disease and attempts to spread by spitting, biting, etc.)

Burglary - is the unlawful entry of a structure to commit a felony or theft within.

Three Conditions

- There must be evidence of unlawful entry.
- The unlawful entry must occur within a structure.
- The structure was unlawfully entered to commit a felony or theft within.
- Motor Vehicle Theft - Motor vehicle theft is the theft of or attempted theft of a motor vehicle. (Count one for each stolen vehicle)
- Arson - Any willful or malicious burning or attempt to burn, with or without attempt to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc. (Count one offense for each district incident)
- Hate Crimes - is a criminal offense that manifest evidence that the victim was intentionally selected because of the perpetrators bias against the victim. Hate crimes are any crimes that are motivated by bias.

## **VAWA Offenses**

- -Domestic Violence - is defined as 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.
- By any other person against an adult or youth victim who is protected from that persons acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- -Dating Violence - is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- -Stalking - is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
  - Fear for the person’s safety or the safety of others.
  - Suffer substantial emotional distress.

## **Arrest and Disciplinary referrals**

- -Weapons - are defined as the violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.
- -Drugs - are defined as the violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance.

- -Alcohol - is defined as the violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages. (Not including driving under the influence and drunkenness.

## **Timely Warnings**

Timely warnings are issued for Clery specific crimes which are determined to likely to have continuing impact on the campus community. Southern Virginia University uses email to issue the timely warnings to the campus community. The Office of Security, The Office of the Dean of Students, Communications, Human resources, and the Chief of Staff can be part of the collaborative effort in disseminating these warnings when necessary.

Upon receiving a report of a Clery crime, a five-pronged test is applied to determine whether a Timely Warning should be issued.

- Is it a Clery Act crime within Clery Geography?
- Is there a chance of further victimization to the Campus Community?
- Is the offender still at large?
- Is there a way to prepare yourself or protect yourself from becoming a victim?
- Is it a violent crime close to campus that could affect the students?

In the event that three of the five questions are answered in the affirmative, a timely warning will be disseminated. A delay in the timely warning may happen if investigating authorities request such if they feel it will interfere with or hinder an investigation. If that transpires, a letter will be required from the investigating agency making the request.

## **Campus Security Authority (CSA'S)**

A Campus Security Authority is an individual who is an official of the institution that has significant responsibility for student and campus activities, examples may include but are not limited to:

- Campus Safety Officers
- Residence Life Staff
- Student Conduct and Judicial Proceedings Staff

- Director of Athletics and Team Coaches
- Faculty Advisor to Student Group
- Academic Advisor
- Health Center Staff
- Dean of Students
- Human Resources Staff
- Title IX Coordinator, Deputy Title IX Coordinators

Under the Clery Act, a crime is reported when a victim, witness, other third party or even the offender, brings a crime to the attention of a CSA. It does not matter whether or not the individual(s) involved in the crime or reporting the crime are associated with the institution. If a CSA receives information about a crime, he or she is trained in their responsibility to document it as a crime and provide the report to Security. CSAs are not responsible for investigating crimes or making sure they happened, they are only responsible for reporting the information to security in a timely manner (24 hours).

There are two classifications of individuals who, although they have significant responsibilities for students and campus activities, are not considered CSAs under the Clery Act. They are pastoral counselors and professional counselors. Although pastoral counselors and professional counselors do not have to report crimes that are brought to their attention while serving in an official capacity, they are encouraged to inform their clients/of the procedures to report crimes on a voluntary and confidential basis for inclusion in the annual crime statistics. Pastoral Counselors must be employed as Pastoral Counselors by the University to fit in this category and should inform the students prior to reporting.

## **How a CSA Responds When a Crime is reported**

These are the main points CSAs are trained to:

1. When a crime is reported, if you feel the reporter/victim is in any danger, call 911 or contact Campus Security immediately.
2. If it is not an emergency, the CSA should ask the individual reporting the crime if they would like to report the incident to Security. If they do, then the CSA should coordinate reporting and contact



Security via phone at 540-261-4911 or in person at the Main Hall Security office on the ground floor of Main Hall. All University employees (including student employees), as well as non-employees with teaching or supervisory authority, are obligated to promptly report sexual misconduct of which they become aware to the University Director of Security or Title IX Coordinator promptly.

3. The CSA should explain that they are a federally mandated crime reporter and are required to submit a crime report for statistical purposes and that the crime report can be submitted without identifying the crime reporting party and/or victim if the reporting party would like to remain anonymous.

4. If the CSA has firsthand knowledge/confirmation that the reporting party already filed a report with Campus Security, then the CSA is not obligated to complete and submit a CSA Crime Report Form. However, if the reporting party says they will file a report with Security, but the CSA has no firsthand knowledge/confirmation that a report was filed, then the CSA must complete and submit a CSA Crime Report Form. It is very important that CSAs report crime on a timely basis to Campus Security as a reported crime may warrant a University issued timely warning to the University community. CSAs should not investigate a crime reported to them or attempt to determine whether in fact a crime took place. CSAs should simply report the crime in a timely manner to Campus Security.

## **Reporting Crimes and Other Emergencies**

All students, employees, and guests should promptly report criminal incidents, accidents, and other emergencies to the departments listed below. Individuals may also report incidents to a university trained CSA (Campus Security Authority). All felony violations will be reported to the local law enforcement agency for assistance.

- Police Department – For life threatening and immediate emergencies - 911
- Campus Security Department – 540-261-4911
- Student Life Department – 540-261-8481
- Human Resources Department - 540-261-8411

Clery Act Crime Statistics for 2015, 2016, 2017

SYNERGY CAMPUS SECURITY CRIME LOG	2017					
	ON-CAMPUS			OFF- CAMPUS	UNFOUNDED	TOTAL
OFFENSE	RESIDENCE HALL	ON CAMPUS PROPERTY	PUBLIC PROPERTY	NON CAMPUS PROPERTY		
CRIMINAL HOMICIDE	0	0	0	0	0	0
MANSLAUGHTER BY NEG.	0	0	0	0	0	0
ROBBERY	0	0	0	0	0	0
AGGRAVATED ASSAULT	0	0	0	0	0	0
ASSAULT	2	2	0	0	0	2
BURGLARY	4	4	0	0	0	4
MOTOR VEHICLE THEFT	0	0	0	0	0	0
SEXUAL ASSAULT	2	2	0	0	0	2
STATUTORY RAPE	0	0	0	0	0	0
INCEST	0	0	0	0	0	0
FONDLING	0	0	0	0	0	0
ARSON	0	0	0	0	0	0
<b>VAWA OFFENSES</b>						
DOMESTIC VIOLENCE	0	0	0	0	0	0
DATING VIOLENCE	0	1	0	0	0	1
STALKING	0	1	0	0	0	1
<b>ARREST</b>						

WEAPONS	0	0	0	0	0	0
DRUGS	0	0	0	0	0	0
LIQUOR LAW	0	0	0	0	0	0
JUDICIAL REFERRALS						
WEAPONS	0	0	0	0	0	0
DRUGS	0	0	0	0	0	0
LIQUOR LAW	0	0	0	0	0	0
HATE CRIMES						
CRIMINAL HOMICIDE	0	0	0	0	0	0
ROBBERY	0	0	0	0	0	0
AGGRAVATED ASSAULT	0	0	0	0	0	0
ASSAULT	0	0	0	0	0	0
BURGLARY	0	0	0	0	0	0
SEXUAL ASSAULT	0	0	0	0	0	0
STATUTORY RAPE	0	0	0	0	0	0
FONDLING	0	0	0	0	0	0
ARSON	0	0	0	0	0	0

SYNERGY CAMPUS SECURITY CRIME LOG	2016					
	ON-CAMPUS			OFF-CAMPUS	UNFOUNDED	TOTAL
OFFENSE	RESIDENCE HALL	ON CAMPUS PROPERTY	PUBLIC PROPERTY	NON CAMPUS PROPERTY		
CRIMINAL HOMICIDE	0	0	0	0	0	0

MANSLAUGHTER BY NEG.	0	0	0	0	0	0	
ROBBERY	0	0	0	0	0	0	
AGGRAVATED ASSAULT	0	0	0	0	0	0	
ASSAULT	0	0	0	0	0	0	
BURGLARY	2	2	0	0	0	0	2
MOTOR VEHICLE THEFT	0	0	0	0	0	0	
SEXUAL ASSAULT	0	0	0	0	0	0	
STATUTORY RAPE	0	0	0	0	0	0	
INCEST	0	0	0	0	0	0	
FONDLING	0	1	0	0	0	0	1
ARSON	0	0	0	0	0	0	
<b>VAWA OFFENSES</b>							
DOMESTIC VIOLENCE	0	0	0	0	0	0	
DATING VIOLENCE	1	0	0	0	0	0	1
STALKING	1	0	0	0	0	0	1
<b>ARREST</b>							
WEAPONS	0	0	0	0	0	0	
DRUGS	0	0	0	0	0	0	
LIQUOR LAW	0	0	0	0	0	0	
<b>JUDICIAL REFERRALS</b>							
WEAPONS	0	0	0	0	0	0	
DRUGS	0	0	0	0	0	0	
LIQUOR LAW	0	0	0	0	0	0	
<b>HATE CRIMES</b>							

CRIMINAL HOMICIDE	0	0	0	0	0
ROBBERY	0	0	0	0	0
AGGRAVATED ASSAULT	0	0	0	0	0
ASSAULT	0	0	0	0	0
BURGLARY	0	0	0	0	0
SEXUAL ASSAULT	0	0	0	0	0
STATUTORY RAPE	0	0	0	0	0
FONDLING	0	0	0	0	0
ARSON	0	0	0	0	0

SYNERGY CAMPUS SECURITY CRIME LOG	2015					
	ON-CAMPUS			OFF- CAMPUS	UNFOUNDED	TOTAL
OFFENSE	RESIDENCE HALL	ON CAMPUS PROPERTY	PUBLIC PROPERTY	NON CAMPUS PROPERTY		
CRIMINAL HOMICIDE	0	0	0	0	0	
MANSLAUGHTER BY NEG.	0	0	0	0	0	
ROBBERY	0	0	0	0	0	
AGGRAVATED ASSAULT	0	0	0	0	0	
ASSAULT	0	0	0	0	0	
BURGLARY	2	4	0	0	0	
MOTOR VEHICLE THEFT	0	0	0	0	0	
SEXUAL ASSAULT	0	0	0	0	0	

STATUTORY RAPE	0	0	0	0	0	0
INCEST	0	0	0	0	0	0
FONDLING	0	0	0	0	0	0
ARSON	0	0	0	0	0	0
<b>VAWA OFFENSES</b>						
DOMESTIC VIOLENCE	0	0	0	0	0	0
DATING VIOLENCE	0	0	0	0	0	0
STALKING	0	0	0	0	0	0
<b>ARREST</b>						
WEAPONS	0	0	0	0	0	0
DRUGS	0	0	0	0	0	0
LIQUOR LAW	0	0	0	0	0	0
<b>JUDICIAL REFERRALS</b>						
WEAPONS	0	0	0	0	0	0
DRUGS	0	0	0	0	0	0
LIQUOR LAW	0	0	0	0	0	0
<b>HATE CRIMES</b>						
CRIMINAL HOMICIDE	0	0	0	0	0	0
ROBBERY	0	0	0	0	0	0
AGGRAVATED ASSAULT	0	0	0	0	0	0
ASSAULT	0	0	0	0	0	0
BURGLARY	0	0	0	0	0	0
SEXUAL ASSAULT	0	0	0	0	0	0
STATUTORY RAPE	0	0	0	0	0	0
FONDLING	0	0	0	0	0	0
ARSON	0	0	0	0	0	0

## Missing Students

Any student who lives on campus who is reported missing and unable to be contacted shall be considered missing until he/she is identified in person. Missing students will be reported to the Dean of Students and the Director of Security. Security will immediately begin an investigation on determining if the student is missing. A comprehensive report will be completed by Campus Security and turned over to the police if the student is determined missing after 24 hours.

The first steps a security officer will take when a student is reported missing are as follows:

- Check the student's room.
- Contact the student's roommate.
- Call, text and email the student.
- Check the missing student's class schedule and determine whether they are present if applicable.
- Locate the student's vehicle if registered on campus.
- Check with the student's coach if they are on an athletic team.
- Contact Director of Security and Dean of Students.
- Use friends, RAs, ACs, coaches, and professors to determine other likely locations including work or extra-curricular activities
- Find the student in the photo directory or Facebook and have updated picture for distribution.

## **Buena Vista Police Department**

A security officer will make a report and contact the police as soon as the 24hour rule is applicable. Security will issue a report with a picture of the student to BVPD that details the findings and locations that have been searched. When a student has been missing for 24hours and all the above have been completed, the university will contact the next of kin of the missing student

# Clery Geography Map & Notes



## On-Campus

All property, including on campus housing facilities, owned or controlled by an institution within the same reasonably contiguous geographical area used by the institution in direct support of, or in a manner related to, institutional educational purposes, including residence halls; and any building or property within the same reasonably contiguous geographic area of the institution that is owned by the institution but controlled by another person, and is used by students and supports institutional purposes.



## **On-Campus Student Housing**

Property owned or controlled by the institution used to provide housing for the institution's students.

## **Non-Campus**

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 being used in direct support of, or in relation to, the institutions educational purposes, is frequented by students and is not within the same reasonably contiguous geographic area of the institution.

## **Public Property**

All public property, including thoroughfares, streets, sidewalks and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus. The Clery Act does not require disclosure of crime statistics for public property that surrounds non-campus buildings or property.

Southern Virginia University does not currently have any non-campus property associated with the school or Greek housing so no crime data will be compiled under this title.

## **Sex Offender Registry Information**

In accordance to the Campus Sex Crimes Prevention Act of 2000, which amends the Jacob Wetterling Crimes against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act and the Family Educational Rights and Privacy Act of 1974, The Southern Virginia University Campus Security is providing a link to the Virginia State Police Sex Offender Registry. This act requires institutions of higher education to issue a statement advising the campus community where law enforcement information provided by the State concerning registered sex offenders may be obtained. In the Commonwealth of Virginia,

convicted sex offenders must register with the Sex Offender and Crimes Against Minors Registry maintained by the Department of State Police.

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

The Virginia State Police is responsible for maintaining this registry which can be located at [sex-offender.vsp.virginia.gov/sor/](http://sex-offender.vsp.virginia.gov/sor/)

## Drug and Alcohol Policy

### **Drug and Alcohol Free School and Community Act**

Southern Virginia University complies with the requirements of the Drug Free Schools and Communities Act. The university shall review this policy on a regular basis to determine its effectiveness and to ensure that the standards of conduct and disciplinary sanctions have been consistently enforced.

If any reasonable suspicion of drug use is observed or odors causing reasonable suspicion to a common person are present, Campus Security has the right given by Southern Virginia University to search with a campus faculty or staff member present and, depending on the findings contact the local Law Enforcement for assistance.

Students that are caught by security or staff will be turned over to the local law enforcement or a Judicial Referral (Honor Council) that will lead to disciplinary actions by Southern Virginia University.

### **Standard of Conduct**

The unlawful possession, use, distribution, sale or manufacture of controlled substances is prohibited on any premises owned or controlled by Southern Virginia University. Under

no circumstance will the university tolerate the use of illicit drugs or alcohol on campus or at university-sponsored activities.

## **Disciplinary Sanctions**

Students who violate the prohibition against the illegal use of controlled substances and alcohol will be subject to disciplinary action up to and including dismissal.

## **Programs for Students Requiring Assistance**

Any Southern Virginia University student who has a drug or alcohol problem may call upon the university for assistance. Anyone needing help should contact the Director of the Wellness Center, Dr. Chad Kelland. Southern Virginia University can provide a confidential referral to a drug or alcohol treatment program.

ROCKBRIDGE AREA COMMUNITY SERVICES (R.A.C.S.)

Executive Director

Dennis Cropper Ph.D.

Eagles Nest Clubhouse

101 East 29<sup>th</sup> Street

Buena Vista, VA 24416

(540)-261-2870

### **Director of Wellness Center**

Dr. Chad Kelland – 540-261-8470 Office 238 Main Hall

Kenson Hiatt - 540-261-8483 Office 236A Main Hall

### **Pastoral Counselor**

Southern Virginia University does not have a school recognized Pastoral Counselor. Students should know if a Pastoral Counselor from church works on campus he is still required to report as a Campus Security Authority (CSA) if the report is received while the

Pastoral Counselor is acting in the capacity of a University employee when the report is received.

## **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.

# **Title IX**

## **Statement of Non-Discrimination**

In compliance with Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and all other applicable non-discrimination laws, Southern Virginia University does not discriminate on the basis of race, color, religion, national or ethnic origin, sex, age, disability, or veteran's status in its educational programs and activities, admissions, and with regard to employment. Inquiries may be directed to:

[Deidra Dryden](#)

Title IX Campus Coordinator

1 University Hill Dr.

Buena Vista Virginia 24416

540-261-8516

[deidra.dryden@svu.edu](mailto:deidra.dryden@svu.edu)

Mrs. Dryden is designated by the University to coordinate compliance efforts and carry out its responsibilities under Title IX, Section 504, and other applicable non-discrimination laws.

## **Title IX Coordinator**

To better serve the Southern Virginia University community, the University has designated Deidra Dryden as the campus Title IX coordinator. To make suggestions

regarding this effort, or to provide information related to any Title IX concerns, such as complaints regarding sexual harassment, sexual assault, or equal opportunity, please contact her at:

[Deidra Dryden](#)

Title IX Campus Coordinator

1 University Hill Dr.

Buena Vista Virginia 24416

540-261-8516

[deidra.dryden@svu.edu](mailto:deidra.dryden@svu.edu)

## **Reporting Title IX Concerns**

Southern Virginia encourages students impacted by sexual misconduct or other Title IX concerns to talk promptly to someone about what happened so that students who have been harmed can get the support they need and the University can respond appropriately. Different employees on campus have different abilities to maintain a student's confidentiality. Most are required to report all the details of an incident to the Title IX coordinator. A report to these employees constitutes a report to the University and generally obligates the University to investigate the incident and take appropriate steps to address the situation.

## **Reporting to a Confidential Resource**

Professional, licensed counselors, pastoral counselors and licensed health care professionals who provide mental-health counseling to members of the Southern Virginia community are not required to report any information about an alleged incident to the Title IX coordinator without a student's permission.

In addition to your pastoral counselor or ecclesiastical leader acting in the capacity of an ecclesiastical leader, individuals on campus that can maintain your confidentiality are:

**Dr. Chad Kelland**

Wellness Center Director

1 University Hill Dr.

238 Main Hall office

540-261-8470

1-540-266-3819 fax

[michael.gibbons@svu.edu](mailto:michael.gibbons@svu.edu)

**Stephanie Hardy**

Directory of Library Services

1 University Hill Dr.

Von Canon Library

540-261-4090

1-540-266-3898 fax

[stephanie.hardy@svu.edu](mailto:stephanie.hardy@svu.edu)

## **Southern Virginia University Sexual Misconduct Policy**

### **General Policy Statement**

Southern Virginia University is committed to promoting and maintaining an environment that is safe and respectful. The university is committed to protecting students, faculty, staff and visitors from any form of sex discrimination, sexual harassment, misconduct or violence. The University aspires to eliminate sexual misconduct through clear policies, campus wide education, protecting the rights of those that report sexual misconduct, and imposing serious consequences on those that have engaged in sexual misconduct.

### **Prohibited Conduct Sexual Harassment:**

Sexual harassment is unwelcome speech or conduct of a sexual nature that may include unwelcome sexual advances, requests for sexual favors, and other demeaning conduct whether verbal, nonverbal, or physical. Examples of sexual harassment include but are not limited to the following:

- Stereotypical gender-based remarks
- Sexually suggestive or offensive joking, flirting, or comments
- Derogatory or demeaning comments concerning gender
- Sexually oriented comments about a an individual's body
- Sexually oriented verbal abuse

- Unwelcome and intentional touching
- Displaying objects or pictures that are sexual in nature
- Sending sexually explicit or offensive text messages or other communications.

## **Stalking**

Stalking is repeatedly following, monitoring, harassing, threatening, or intimidating another by phone, mail, electronic communication or social media without legitimate purpose and with intent to harass, annoy, or alarm another.

## **Domestic/Dating Violence**

Abusive behavior in any relationship that is used by one partner to control another partner is domestic or dating violence. This includes behaviors with the intent to manipulate, intimidate, humiliate, isolate, frighten, terrorize, coerce, hurt, injure, or wound.

## **Sexual Violence/Assault**

Sexual violence refers to physical sexual acts perpetrated against a person's will, without the person's consent, or where the person is incapable of giving consent because of the use of drugs or alcohol, the victim's age, disability, or unconsciousness. Consent is a voluntary agreement to engage in sexual activity. Consent cannot be implied by silence. Consent is active, not passive.

## **Sexual Exploitation**

Sexual exploitation occurs when an individual takes unjust or abusive sexual advantage of another; for his/her own advantage or benefit; or to benefit or advantage anyone other than the one being exploited. Examples of sexual exploitation include, but are not limited

- Voyeurism: Spying on people engaged in intimate behaviors considered to be private.
- Administering alcohol, drugs or other chemicals to another person without their consent.

- Taking pictures, video, or audio recording another in a sexual act or in any other private activity without the consent of all involved in the activity.
  - Disseminating pictures or video of sexual nature without an individual's consent.
- Indecent Exposure: Indecent exposure occurs when an individual exposes the private or intimate parts of the body in public or in private premises when the exposure is without the viewers' consent or can be readily observed.

## Reporting Incidents

Any person may report Sexual Misconduct to the Title IX Coordinator:

Deidra Dryden

[titleix@svu.edu](mailto:titleix@svu.edu)

540-460-4191

Any University community member who believes s/he has been subjected to discrimination prohibited by Title IX, is encouraged to bring the concern to the Title IX Coordinator as soon as possible in order to facilitate a more accurate and timely investigation.

## Confidential Resources

**Chad Kelland**

[Chad.kelland@svu.edu](mailto:Chad.kelland@svu.edu)

Wellness Center Director

238 Main Hall office

540-261-8470

**Stephanie Hardey**

[Stephanie.hardey@svu.edu](mailto:Stephanie.hardey@svu.edu)

University Librarian

Von Canon Library

540-261-8547

**Project Horizon 24 hour hotline**

540-463-2594

Toll Free 866-463-2594

## Title IX Grievance Procedures



It is the policy of Southern Virginia University to comply with Title IX of the Education Amendments for 1972, which prohibits discrimination based on sex (including sexual harassment and sexual violence) in the University's educational programs and activities. Title IX also prohibits retaliation for asserting or otherwise participating in claims of sex discrimination. When a student, faculty or staff member, or other participant in the University's programs and activities feels that s/he has been subjected to discrimination on the basis of sex, s/he may use these Title IX grievance procedures to bring concerns to the attention of the University Title IX Coordinator for the purpose of obtaining a prompt and equitable resolution.

The University's Title IX Coordinator is Deidra Dryden. She can be contacted at 540-460-4191, [deidra.dryden@svu.edu](mailto:deidra.dryden@svu.edu), [titleix@svu.edu](mailto:titleix@svu.edu) or in person at Arena 122B.

## **Guiding Principles:**

Many other individuals at the University are trained in the general principles of Title IX and can provide referrals to the University Title IX Coordinator. These include members of the President's Council, the Dean of Students, the Director of Athletics, and Human Resources.

## **Privacy and Confidentiality:**

All activities under these grievance procedures shall be conducted with due regard for any legitimate privacy and reputational interests of those involved. It is expected that any materials and information prepared or acquired under these grievance procedures will be shared only with those who have a legitimate need to know. Disclosure of such information may also be made if it is permitted by law and the University Title IX Coordinator determines in his or her judgment: (1) that such disclosure is necessary to protect the health, safety, or well-being of members of the Southern Virginia community; or (2) that such disclosure advances the interests of those involved in the process and/or the University and outweighs the interest in confidentiality. While the Title IX Coordinator will take into account any requests made by a complainant for confidentiality or that a Title IX

grievance not be investigated, the University Title IX Coordinator must take appropriate steps to respond to the grievance consistent with the requirements of Title IX.

### **Retaliation:**

Retaliation against any person in the University community either for alleging discrimination prohibited by Title IX or for cooperating in these grievance procedures is strictly prohibited.

### **Standard of Evidence:**

Allegations of discrimination prohibited by Title IX shall be reviewed by applying a preponderance of the evidence standard.

### **Procedures:**

Any University community member who believes s/he has been subjected to discrimination prohibited by Title IX, is encouraged to bring the concern directly to the attention of the Title IX Coordinator or through one of the other individuals noted above as soon as possible in order to facilitate a more accurate and timely investigation. While the Title IX Coordinator welcomes an informal presentation of such allegations, and is available to address concerns through counseling, advice, and informal resolution, the Title IX Coordinator is fully prepared to receive and address such allegations through formal grievance procedures.

### **Potential remedies, which may be applied to the Complainant and/or the Respondent:**

Upon receipt of a report or concern, the University may impose reasonable and appropriate interim measures, some of which could become permanent, to protect the parties involved. The University will make reasonable efforts to communicate with the parties to ensure that all safety concerns, both emotional and physical well-being, are being addressed. Such measures may be imposed regardless of whether formal disciplinary

action is sought by the complainant or the University and will be implemented at the discretion of the University. Potential remedies may include:

- Implementation of a “no-contact” order whereby neither the complainant nor the accused may contact each other further
- Access to counseling services and assistance in setting up initial appointment, both on or off campus
- Rescheduling of exams and assignments (in conjunction with appropriate faculty)
- Providing alternative course completion options (with the agreement of the appropriate faculty)
- Change in class schedule, including the ability to take an “incomplete,” drop a course without penalty or transfer sections (with the agreement of the appropriate faculty)
- Change in work schedule or job assignment
- Change in on-campus housing
- Arranging to dissolve an on-campus housing contract and pro-rating a refund in accordance with campus housing policies
- Assistance from University support staff in completing on-campus housing relocation
- Limit an individual or organization’s access to certain University facilities or activities pending resolution of the matter
- Voluntary leave of absence
- Providing an escort to ensure safe movement between classes and activities
- Providing medical services
- Providing academic support services, such as tutoring
- Interim suspension or University-imposed leave
- Any other remedy that can be tailored to the involved individuals to achieve the goals of this policy

## **Informal Resolution:**

In many instances, advice, or informal discussion may be useful in resolving concerns about allegations of discrimination prohibited by Title IX. Complainants who wish to

resolve their concerns informally should bring them to the attention of the Title IX Coordinator. In working to resolve the matter, the Title IX Coordinator ordinarily will interview the complainant and, as appropriate, others who may have knowledge of the facts underlying the grievance. At any point, including while the informal process is ongoing or afterwards, the complainant may elect to end the informal process in favor of filing a formal grievance. While the University welcomes informal resolution of grievances when appropriate, it will not use mediation between a complainant and alleged perpetrator or any other informal resolution mechanism to resolve grievances pertaining to non-consensual sexual contact.

## **Formal Grievance Process:**

In the case of a formal grievance, the University will initiate an investigation. The University may designate an investigator of its choosing, provided that the investigator has specific training and experience investigating allegations of sexual misconduct. The University will provide annual training for all investigators, and any investigator chosen to conduct the investigation must be impartial and free of any conflict of interest. The investigator may be an employee of the University, an external investigator engaged to assist the University in its fact-gathering, or a team of investigators that pairs employees or pairs an external investigator with a University employee related to the roles of the parties on campus (student, staff, or faculty).

The investigator(s) will conduct the investigation in a manner appropriate in light of the circumstances of the case, which will typically include interviews with the complainant, the respondent, and any witnesses. Disclosure of facts to parties and witnesses shall be limited to what is reasonably necessary to conduct a fair and thorough investigation. During the investigation and adjudication of the Title IX complaint, any prior relationship history of the complainant with anyone other than the alleged perpetrator will not be considered. As part of the investigation, the University will provide an opportunity for the parties to present statements, witnesses, and other evidence. The interviews will be supplemented by the gathering of any physical, documentary, or other evidence, as appropriate and available. The investigation is designed to:

1. Be respectful of the needs and rights of individuals involved;
2. Proceed as promptly as possible per the time frame noted in this policy;
3. Permit a complainant and a respondent to have the same opportunity to have an appropriate support person or advisor present at any interview or hearing, in a manner consistent with the governing procedures. Both parties shall also have similar and timely access to information used at hearings;
4. Include notifying the complainant of his/her right to proceed with a criminal investigation and a Title IX complaint simultaneously;
5. Be conducted in accordance with applicable due process standards and privacy laws;
6. Provide to both the complainant and respondent (through written letter or email) of the outcome in a timely manner, as permitted by applicable privacy law;
7. Be based on a preponderance of evidence standard.

During the investigation the complainant and the accused will be kept informed at regular intervals of the status of the investigation. At the conclusion of the investigation, the investigator will prepare a written report. At a minimum, the report will:

1. Detail the investigative steps taken by the investigator;
2. Provide summaries of testimony for all witnesses interviewed;
3. Include copies of all documents reviewed;
4. Set forth the analysis of the investigator supporting the conclusions drawn; and
5. If the complaint is substantiated by a thorough investigation, the investigator(s) will make recommendations (with support of legal counsel, as needed) as to the consequences and actions to be taken, which may involve sanctions up to and including termination and/or expulsion for the accused.

No student will have his/her status adversely affected as a result of making a complaint. No employee will have his/her employment adversely affected as a result of making a complaint. Retaliation against any person or group who makes a complaint, cooperates with an investigation, or participates in a grievance procedure is a violation of University policy. Retaliation should be reported promptly to the Title IX Coordinator for investigation, which may result in disciplinary action independent of any sanction or

interim measures imposed in response to the underlying allegations of discrimination and/or harassment.

## **Time Frame for Resolution**

The University seeks to resolve all reports within 60 days of the initial report. All time frames expressed in this policy are meant to be guidelines rather than rigid requirements. Extenuating circumstances may arise that require the extension of time frames, including extension beyond 60 days. Extenuating circumstances may include the complexity and scope of the allegations, the number of witnesses involved, the availability of the parties or witnesses, any intervening school break or vacation, or other unforeseen circumstances.

In general, a complainant and respondent can expect that the process will proceed according to the time frames provided in this policy. In the event that the investigation and resolution exceed this time frame, the University will notify all parties of the reason(s) for the delay and the expected adjustment in time frames. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness.

At the request of law enforcement, the University may agree to defer its fact-gathering until after the initial stages of a criminal investigation. The University will, nevertheless, communicate with the complainant regarding Title IX rights, procedural options, and the implementation of interim measures to ensure safety and well-being. The University will promptly resume its fact-gathering as soon as law enforcement has completed its initial investigation.

## **Appeals**

Either party may appeal the final outcome in writing to the appointed "Appeals Officer". The appeal will be conducted in an impartial manner by an impartial decision-maker. The appeal must be filed in writing (which can include email) within five (5) business days of

receiving the written outcome. The appeal shall consist of a plain, concise, and complete written statement outlining the grounds for appeal and all relevant information to substantiate the basis for the appeal.

Dissatisfaction with the outcome of the hearing is not grounds for appeal. The only grounds for appeal are:

- A procedural or substantive error occurred that significantly affected the outcome of the hearing (e.g., substantiated bias, material deviation from established procedures, etc.).
- New evidence, unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction (a summary of this new evidence and its potential impact must be included).

The receipt of the appeal will be acknowledged in writing (which can include email). Each party will be given the opportunity to respond in writing to the other party's appeal. Any response by the opposing party must be submitted to the designated Appeals Officer within five (5) business days from receipt of the appeal. The appeals documents from each party will be considered together in one appeal review process.

In any request for an appeal, the burden of proof lies with the party requesting the appeal, as the original determination and sanction are presumed to have been decided reasonably and appropriately. The designated Appeals Officer shall first consider whether the appeal was filed in a timely manner and, if so, whether the appeal is properly framed based on the two grounds. If the designated Appeals Officer determines that the appeal is not properly framed, the appeal will be denied.

Sanctions imposed are implemented immediately unless the President of the University, or his/her designee stays implementation in extraordinary circumstances, pending the outcome of the appeal.

The designated Appeals Officer will render a written decision on the appeal to the complainant and respondent within fifteen (15) business days from the date of the submission of all appeal documents by both parties. Appeal decisions are final.

In the event that the investigation and resolution exceed this time frame, or any of the other time frames included in this procedure, the University will notify all parties of the

reason(s) for the delay and the expected adjustment in time frames. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness.

## **Amnesty**

As it is in the best interest of the Southern Virginia community that all individuals who have been the subject of or witness to sexual misconduct report the behavior, the University seeks to remove any deterrents to reporting. To encourage reporting, an individual who reports sexual misconduct, either as a complainant or a third-party witness, will not be subject to disciplinary action by the University for his or her own personal consumption of alcohol or drugs at or near the time of the incident.

## **Conflicts of Interest**

These procedures will be administered in a manner that eliminates any conflict of interest (real or perceived) by individuals handling the procedures. Anyone who feels there is any conflict of interest related to a Title IX proceeding should report the conflict to the Title IX coordinator or the university President if they feel the conflict of interest involves the Title IX coordinator or his/her supervisor. The final decision as to whether to remove the individual is the prerogative of the University President. When considering whether to remove an individual from the proceedings, the President should consider:

- (a) The nature of the relationship between the individual and the situation (or those involved), and
- (b) Whether that individual could be reasonably expected to render a fair and impartial analysis regardless of the relationship.

## **Title IX Campus Education**



## **Personal Training**

The Title IX office seeks to educate the Southern Virginia Campus Community on Title IX issues and best practices. The office also seeks to create dialogue on healthy relationships, sexual misconduct, and emotional and physical safety practices.

The Southern Virginia University Title IX office offers in person training and discussions with the following groups:

- Students within the framework of the leader-servant course which is a course all new students and transfer students participated in.
- Residence Life Staff (semi-annual)
- Faculty and Staff (annual)

## **Other Types**

- Signs are located around campus identifying the Title IX coordinator with contact information.
- The Title IX office sponsors a “Healthy Relationships” week which includes various activities to educate the campus community on Title IX issues and healthy relationships.
- The Title IX coordinator is introduced at an annual forum for all new students.