

## **2019 Emory & Henry College Annual Security Report & Annual Fire Safety Report**

### ***Context of the Law***

As required by The Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act, or “Clery Act,” Emory & Henry College alerts students, faculty, and staff in a timely manner of crimes that pose a serious or continuing threat to the campus community. Depending upon the nature and location of the incident, Emory & Henry may send a campus alert message to members of the community through email or by mobile devices (if they are enrolled in the campus alert system). In addition, any emergency alert that is sent to mobile devices is immediately posted on the College’s website at [www.ehc.edu](http://www.ehc.edu).

Emory & Henry College prepares this Annual Security Report in compliance with the Clery Act (as noted above), the Higher Education Opportunity Act, the Campus SaVE Act (which is a reauthorization section included in the Violence Against Women Act). The Higher Education Act (HEA), as amended by the Higher Education Opportunity Act (HEOA). All of these acts and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act specify campus safety requirements for all Title IV institutions. These laws also include the requirements to post missing student notification policies, fire safety practices and data, and information about educational programming that promotes awareness of sexual assault, rape, acquaintance rape, dating violence, domestic violence and stalking. These disclosures are required in the Annual Security Report and Annual Fire Safety Report typically due on October 1, of the following year. This year’s report would have been due on October 1, 2020; however, the Department of Education extended the deadline to December 31, 2020 as shown with [this press release](#). The statistics are also collected via the Department of Education’s web-based Campus Safety and Security site located at <http://ope.ed.gov/security>.

### ***Campus Security and Safety: A Shared Responsibility***

Located in a rural setting, Emory & Henry College has historically had a safe and secure environment. That is not to say that crimes and arrests do not occur because they do. However, acts that threaten one’s safety are not characteristic of this community. One of the significant reasons for this is the very nature and character of those that make up the college community. The students, faculty, and staff accept responsibility for their own and others’ safety and cooperate with campus security officers and residence hall staff, among others, in trying to protect persons and property. We recognize that in a closeknit community like ours, we should continue to rely on one another and to follow sound practices if we are to sustain a safe and secure campus environment.

Students should be familiar with the Student Handbook ([www.ehc.edu/students](http://www.ehc.edu/students)) and the Code of Conduct and abide by these precepts and regulations. They should also encourage other students to abide by the Code to enhance the quality of life on campus and to diminish the number of threats to safety involving students and others.

## ***Awareness Programming***

The College offers a mandatory bystander awareness program called Bringing in the Bystander. Each year, incoming students are required to participate in this program during their first year of matriculation. This program is also offered for any interested current students throughout the year. The program teaches students how to intervene when they become aware of possible problems amongst their peers related to sexual assault, domestic violence, dating violence, and stalking. In addition, Train the Trainer sessions are held for students to become peer educators in this program. Various programs are offered on campus to individual students and clubs and organizations throughout the year. All students, faculty, and staff are sent access to an online Title IX training module each year to increase awareness. In addition, new faculty and staff also receive awareness information during their orientation programs. Prevention and awareness information, in addition to Title IX guidance, is provided to all new faculty and staff during employee orientation periods. This information is also covered at the first faculty meeting each semester. As a matter of informing the entire campus community, this Annual Safety Report and other safety information is included in the campus newsletter, E&H News. E&H News is published each weekday during the fall and spring semesters and the information is highlighted during the first few weeks of each semester. Another programming provider is the Peer Educators, a group of students who focus on providing health conscious information to their peers. The Peer Educators offer the Red Flag campaign annually. This program is a public awareness campaign designed to address dating violence and to promote the prevention of dating violence on college campuses.

## **Best Practices**

- The College provides educational programs that are aimed at preventing domestic violence, dating violence, sexual assault, and stalking. These programs include information about how to respond to these incidents.
- If a student or employee reports that he or she is a victim of domestic violence, dating violence, sexual assault, or stalking – regardless of where the offense occurred – he or she will be provided with a written explanation of his or her rights and options that the College can provide.
- As a matter of policy, the College prohibits retaliation by its officers, employees, or agents against a person who exercises his/her rights or responsibilities under any provision of the Campus SaVe Act.
- When issuing timely warnings as required by the Clery Act, the College withholds the names of victims due to confidentiality.
- Students should be aware that Virginia law, effective July 1, 2015, requires schools to include a prominent notation on the academic transcript of each student who has been suspended for, has been permanently dismissed from, or withdraws from the institution while under investigation for an offense involving sexual violence under the institution's

code of conduct. The College is also required under this law to have a procedure for removing such a notation from the academic transcript of any student who is subsequently found not to have committed an offense involving sexual violence based upon the College's Code of Conduct/

- Virginia law also requires any college employee who becomes aware of a sexual assault accusation to report it to the school's Title IX Coordinator as soon as possible/ The Title IX Coordinator must then convene a review committee within 72 hours to determine if the safety of the campus is compromised. If so, the review committee must disclose information regarding the alleged assault to the law enforcement agency responsible for investigating the alleged act.
- The College updates and publishes conduct guidelines and procedures annually in the Student Handbook.

### ***Sexual Misconduct Policy***

Emory & Henry College is a community of trust whose existence depends upon strict adherence to standards of conduct set by its members. The College is committed to an atmosphere of human dignity in which effective collegial relationships are based on mutual respect/ When an individual's gender or sexuality falls victim to a lack of respect, the collegial nature of the institution is threatened. Sexual misconduct is a serious violation of these standards and threatening, offensive, or harassing behavior will not be tolerated. The College encourages all members of the Emory & Henry College community to be aware of both the consequences of sexual misconduct and the options available to victims of sexual misconduct and the accused. Sexual misconduct includes, but is not limited to, sexual assault, domestic violence, dating violence, and stalking, as required by the Campus SaVE Act.

#### ***Definitions***

- **Consent** is the use of words or actions that demonstrate a knowing or voluntary willingness to engage in mutually-agreed-upon sexual activity. (Please read the section immediately following Definitions for more information)
- **Dating violence** means violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such relationship will be gauged by its length, type, and frequency of interaction.
- **Domestic violence** is a pattern of physically, sexually, and/or emotionally abusive behaviors used by one individual to assert power or maintain control over another in the context of an intimate or family relationship.
- **Hostile environment** is caused by behavior that is sufficiently serious that it interferes with or limits a student's ability to participate in or benefit from the services, activities, or opportunities offered by the College. It is considered to be disruptive to the educational community. Determining whether or not a hostile environment exists is examined from both subjective and objective perspectives and often depends on a balancing of factors in this six-factor balancing test:
  - the type of harassment (e.g., whether it was verbal or physical);

- the frequency and severity of the conduct; -the age, sex, and relationship of the individuals involved (e.g., teacher-student or student-student);
- the setting and context in which the harassment occurred;
- whether other incidents have occurred at the college or university; and other relevant factors.
- **Retaliation** is defined by behavior such as coercion, threats, or intimidation directed towards anyone involved in a sexual misconduct complaint.
- **Sexual assault** is defined as sexual contact without effective consent and includes: intentional touching, either of the victim or when the victim is forced to touch, directly or through clothing, another person's genitals, breasts, thighs, or buttocks
- **rape** (sexual intercourse without effective consent whether by acquaintance or a stranger); attempted rape; sodomy (oral sex or anal intercourse) without effective consent; or sexual penetration with an object without effective consent. (The legal definition of criminal sexual assault is located in Virginia Code §§ 18.2-61 through -67.10 and can be accessed on the Code of Virginia website at <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+TOC.>)
- **Sexual exploitation** is defined as a behavior such as voyeurism, dissemination of sexually explicit photos or videos, exposing one's genital to another without consent, or knowingly exposing an individual to a sexually transmitted infection or virus.
- **Sexual harassment** is unwelcome conduct of a sexual nature and can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, such as sexual assault or acts of sexual violence.
- **Stalking** is defined as repeated conduct which places a person, or their family, unreasonable fear of death, sexual assault, or bodily injury. To convict a stalker, several legal elements of the crime must be proven to the court (See Code of Virginia Code §§ 18.2-60.3).
- **Violence** can be physical, emotional/psychological, sexual or economic in nature.

## **Consent**

Words or actions that demonstrate a knowing or voluntary willingness to engage in mutually-agreed-upon sexual activity constitutes consent. Consent cannot be gained by force, by ignoring objections, or by taking advantage of another's incapacitation. Consent may not be inferred from silence or any other lack of active resistance. It may not be implied by attire or inferred from an individual by spending money on that individual (e.g. buying a meal on a date). Prior consent does not imply consent to future sexual acts. In addition, consent to one type of sexual act does not automatically imply consent to another type of sexual act. Once a person says "no," it does not matter if or what kind of sexual behavior has occurred at an earlier date in time. For example, if one individual says "no" and the other forces penetration, it is sexual misconduct.

Consent may not be given by the following persons:

- Individuals who are mentally incapacitated at the time of the sexual contact in a manner that prevents them from understanding the nature or consequences of the sexual act involved
- Individuals who are unconscious or otherwise physically helpless
- Minors, as defined by the Commonwealth of Virginia Incapacitation is defined as the physical and/or mental inability to make informed, rational judgments that voids an individual's ability to give consent.

Incapacitation may be caused by a permanent or temporary physical or mental impairment. Incapacitation may also result from the consumption of alcohol or the use of drugs.

The use of alcohol or drugs may, but does not automatically affect a person's ability to consent to sexual contact/ The consumption of alcohol or drugs may create a mental incapacity if the nature and degree of the intoxication goes beyond the stage of merely reduced inhibition and has reached a point where the victim does not understand the nature and consequences of the sexual act. In such cases, the person cannot consent.

A person violates the sexual misconduct policy if they have sexual contact with someone they know or should know is mentally incapacitated or has reached the degree of intoxication which results in incapacitation. The test of whether an individual should know about another's incapacitation is whether a reasonable, sober person would know about the incapacitation/ In accused student cannot rebut a sexual misconduct charge merely by arguing that they were drunk or otherwise impaired and, as a result did not know that the other person was incapacitated.

A person who is passed out or unconscious as a result of the consumption of alcohol or drugs is physically helpless and is not able to consent.

*Reporting Sexual Misconduct: Immediate Action and Important Information.*

The College urges anyone who has been a victim of an act of sexual misconduct to: seek medical attention immediately, seek counseling and support, inform the College of the assault and consider pursuing criminal charges. If you are a victim of sexual misconduct, you are encouraged to use the resources the College provides. While it is your choice whether or not to utilize the College disciplinary process, Emory & Henry is required by federal law to investigate any reports of sexual misconduct. Title IX of the Education Amendments of 1972, 20 U.S.C. Sec.1681, et seq., prohibits discrimination on the basis of sex in any federally funded education program or activity. The requirements of Title IX cover sexual violence and require colleges to take immediate and effective steps to respond to sexual violence. The resolution of these cases should be completed within approximately 60 calendar days following the receipt of the complaint, or in a timely manner given the complexity of the case. The College's Title IX Coordinator is Shannon Patterson, Title IX Coordinator and Assistant Registrar, and she can be contacted at [spatterson@ehc.edu](mailto:spatterson@ehc.edu) or by calling 276-944-6117. Her office is located on the 2nd floor of Wiley Hall in the Registrar's Office. The Title IX Coordinator can provide you with additional information regarding your Title IX rights. You may want to report an act of sexual

misconduct to both College and criminal authorities. One option is to immediately call 911 for assistance. Another option is to report the assault to your Assistant Director of Campus Life (formally known as Area Coordinators) or the Dean of Students Office in Wiley 121 (276-944-6122). Allegations of sexual misconduct are taken seriously and are investigated thoroughly.

If you need assistance to pursue the option of criminal charges, the Student Affairs staff can help you. Another option is to report the assault directly to the Emory & Henry Campus Police/Security (276-944-6222). A sworn officer will assist in investigating the complaint and will help you file a criminal report with the Washington County Magistrate's Office.(563) The complainant may report the incident to the Commonwealth Attorney who will consider the case and decide whether or not to prosecute. In this option, the Commonwealth of Virginia accuses the alleged perpetrator and the complainant may serve as a witness for the Commonwealth. If you prefer to report an incident anonymously, call The Campus Conduct Hotline at (866) 943-5787. The College participates in this service and it is available for use around the clock, seven days a week. Because the Hotline is operated by an independent organization, any calls made through this Hotline are completely confidential. The hotline operator will record the complaint or concern and forward it to the appropriate staff member at the College for review and action as appropriate. Callers to the hotline may remain anonymous. Another option for victims is a civil suit for monetary damages through the legal system. For information about this option, contact an attorney.

### *Confidential Reporting*

Students who are victims of sexual misconduct may also wish to report incidents confidentially. Confidential reporters on campus are:

- Counselors/Licensed Therapists in the Powell Resource Center, located in Wiley 220 (276-944-6144)
- College Chaplain, located in Memorial Chapel (276-944- 6836)
- Pastor of Emory United Methodist Church (276-944-6841)
- Director of Health Services, located in College Health Center (276-944-6538)

Confidential reporters are required to report any sexual misconduct that they are aware of to the Dean of Students, but they cannot give the name of the student unless they receive permission to do so. This allows us to maintain an accurate accounting of violations that occur while also preserving the privacy of those students who are survivors of assaults and misconduct. All other employees are required to report incidents with names that they are made aware of on campus. Students in need of assistance should seek counseling and support.

Students should be aware that Virginia law requires the Title IX Coordinator to convene a review committee that consists of herself, the Dean of Students, and the Chief of Campus Police to determine if the safety of the campus is compromised. If so, the review committee must disclose information regarding the alleged assault to the law-enforcement agency responsible for

investigating the alleged act. The Chief of Police is also permitted to disclose the name of the alleged victim to the Commonwealth Attorney.

### *Important Steps for Those Who Have Been Sexually Assaulted*

- Get to a place where you feel safe
- Seek a friend you can trust
- Contact campus police, local law enforcement and/or the support/advocacy office
- Use your assigned advocate to ask questions, get help with crisis intervention, get referrals, talk about reporting options and rights, make a safety plan and for other needs you have.
- Don't shower, bathe any part of the body, douche, urinate, defecate, use medications or brush your teeth, if possible.
- Stay in the clothes you are wearing or, if you've already changed, bring clothes, sheets and anything that was in contact with you during the assault in a paper bag (not plastic!) or wrapped in a clean sheet – don't clean or straighten the area
- Don't touch anything the accused may have touched or left behind – this physical evidence can help if a criminal charge is pursued.
- Get medical help to check for internal injuries you might not be aware of, treat external injuries, be treated for certain STDs, and get information about HIV/AIDS & pregnancy prevention.
- Consider having a rape kit done at the hospital – even if you don't think you want to press charges, having a rape kit allows you to have evidence collected should you change your mind later.
- Seek counseling support
- Consider your legal options and ask questions for clarification.

### Title IX Deputy Coordinators/Investigators as Student Advocates

Students who are victims of sexual violence will have varied needs. Title IX Deputy Coordinators can serve as an advocate and can do the following

- Provide information about campus and community services.
- Make referrals, as desired.
- Go to the hospital and/or law enforcement office with a student.
- Help with filing a report.
- Assist the student in getting a protective order or other remedies such as housing and class schedule changes.
- Provide an empathic listening ear.
- Help with academic concerns.
- Assist the student in preparing for judicial meetings – and accompany them, if requested.
- Meet with the student on a regular basis to follow up. o Keep track of the details.
- Assure the victim that the assault was not their fault. o Let the victim know that they are not alone.

### Confidential Reporting Reminder

- Students who are victims of sexual misconduct may also wish to report incidents confidentially.
- Counselors/ Licensed Therapists in the Powell Resource Center, located in Wiley 220 (276-994-6144)
- College Chaplain, located in Memorial Chapel (276-944-6836)
- Pastor of Emory United Methodist Church (276-944-6841)
- Director of Health Services, located in College Health Center (276-944-6538)

### After a Report is Received

- If a student reports that they are a victim of domestic violence, dating violence, sexual assault, or stalking – regardless of where the offense occurred – they will be provided with a written explanation of their rights and options that the College can provide, by the Title IX Coordinator or their designee.
- Steps in the Title IX process.
  - Upon being notified of an allegation of sexual assault, domestic violence, dating violence, or stalking the Title IX Coordinator or designee will meet with the Complainant to provide the Complainant with a copy of the applicable policy, to provide information on the available forms of support, to explain the various options for pursuing the matter, including going to the police, and to discuss any accommodations that may be appropriate concerning the Complainant's academic studies, housing, and employment. At this meeting, the Title IX Coordinator or designee will seek to determine how a Complainant wishes to proceed. In all reports of alleged sexual misconduct, regardless of whether the Complainant wishes to pursue the disciplinary process, Emory & Henry will undertake a review to determine what happened and to assess whether any action need be taken to end the misconduct, prevent its recurrence, and address its effects per the College's obligation to comply with state law SB 712.
  - If merited the Title IX Coordinator or their designee will meet with the respondent to provide them with a copy of the applicable policy, and to provide information on the available forms of support.
  - Assign Title IX investigator(s).
  - Review the investigative report.
  - Determine if there will be a sexual misconduct hearing.
- When issuing timely warnings as required by the Clery Act, the College withholds the names of victims due to confidentiality.
- Virginia law also requires any college employee who becomes aware of a sexual assault accusation to report to the school's Title IX Coordinator as soon as possible. The Title IX Coordinator must then convene a review committee within 72 hours to determine if the safety of the campus is compromised. If so, the review committee must disclose information regarding the alleged assault to the law-enforcement agency responsible for investigating the alleged act.



- Is a matter of policy, the College prohibits retaliation by its officers, employees, or agents against a person who exercises their rights or responsibilities under any provision of the Campus SaVe Act.
- The College updates and publishes conduct guidelines and procedures annually in the Student Handbook.

### *Sexual Harassment*

Emory & Henry College is committed to an atmosphere of human dignity in which effective collegial relationships are based on mutual respect. When an individual's gender or sexuality falls victim to lack of respect, the collegial nature of the institution is threatened. Emory & Henry College recognizes Title VII of the Civil Rights Act, which guarantees individuals the right to freedom from harassment for race, ethnicity, religious preference and gender or sexuality, and will, therefore, not tolerate violations of the Act. The recurrence of such behavior and/or any type of retaliation that creates a hostile environment will not be tolerated and is subject to code of conduct charges.

### *College Disciplinary Procedures for Sexual Misconduct*

A student charged with sexual misconduct can be disciplined under the College's Student Conduct process and may be prosecuted under Virginia criminal statutes. Even if the criminal justice authorities choose not to prosecute, the campus can pursue disciplinary action. This disciplinary action can result in temporary or permanent dismissal from the College. In the event it is deemed necessary to remove the respondent from College property during the initial investigation, the respondent can be restricted from being on College property at their expense. If the respondent is allowed to remain on campus, restrictions may be applied (i.e. moved to another residence hall, assigned times for cafeteria access, no contact orders, etc.). Emory & Henry College has an obligation to uphold the laws of the community of which it is a part. While activities covered by the laws of the community and those covered by the College's rules may overlap, the community's laws and the College's rules operate independently and do not substitute for each other. The College may pursue enforcement of its own rules whether or not legal proceedings are underway or in prospect, and may use information from third party sources, such as law enforcement agencies and the courts, to determine whether College rules have been broken. Emory & Henry College will make no attempt to shield members in the College community from the law, nor will it intervene in legal proceedings on behalf of a member of the community. Membership in the Emory & Henry College community does not exempt anyone from local, state, or federal laws, but rather imposes the additional obligation to abide by all of the College's regulations.

### *The Hearing*

The Sexual Misconduct Hearing Panel is composed of a combination of 3 faculty and/or staff who are members of the Student Conduct Board system. The case will be heard by these community members and all investigative findings from the Dean of Students Office will be presented at the hearing. If there are additional code of conduct charges stemming from the same incident, all charges will be processed during the sexual misconduct hearing and resolved

during this process. Both the complainant and respondent will be given an opportunity to make a statement and be questioned by panel members. These proceedings are not adversarial actions. Any complainant can request to give their testimony without being in the physical presence of the person they are accused. Screens, teleconference, or closed-circuit broadcasts may be permitted, but not to the disadvantage of the respondent. It will be the hearing officer's responsibility to ensure that all testimonies are presented in a fair and impartial manner. In cases regarding sexual misconduct, the Title IX Coordinator or a designee will provide additional training for the Student Conduct Board before proceeding to a hearing. The standard of evidence is a preponderance of evidence, which means that a reasonable person can conclude that it is more likely than not that a violation has occurred.

### *The Process*

- Both the complainant and the respondent have the following rights before and during proceedings of an official student conduct hearing and may request to know the status of the case at any point during the student conduct process.
- Both the complainant and the respondent have the right to challenge selection of investigators and the composition of hearing boards based on conflicts of interests.
- All hearings of cases of sexual misconduct are closed. This means that all proceedings will be confidential and only those parties directly involved in the proceedings will be admitted.
- Both the complainant and the respondent have the right to know in advance the names of the witnesses to be called at the hearing and both can request specific witnesses.
- Both the complainant and the respondent have the right to have an advisor present in a hearing. This advisor shall be the of the student's choice. If a student needs assistance in finding an advisor, Student Life staff can assist upon request. However, only one such advisor may participate in formal proceedings. Information regarding the advisor can be found at this link.
- Only relevant sexual history of either party may be discussed during the hearing. The Hearing Officer will determine the appropriateness of any evidence of a sexual nature. Prior sexual history between the parties may be relevant to an issue of consent.
- The complainant and the respondent have the right to testify on their own behalf or to remain silent during any of the campus proceedings. Such silence will not constitute proof of responsibility.
- The respondent has the right to hear evidence against themselves and to present testimony.
- Both the complainant and the respondent have the right to remain present during all proceedings
- The complainant has the right to make a victim impact statement if the accused is found responsible for violating the sexual misconduct policy.
- Both the complainant and the respondent will be informed in a timely manner regarding the outcome of the hearing.

### *The Appeal*

- Both the respondent and the complainant may appeal the decision to the Sexual Misconduct Appeals Panel. The Sexual Misconduct Appeals Panel shall consist of a faculty member and a staff member who are members of the Student Conduct system. Appeals can be made on the grounds of violation of hearing procedures, violation of student rights, introduction of new evidence that was not available at the time of the original hearing, and/or excessive or inconsistent sanctions.
- All appeals must be in writing and submitted to the Dean of Students Office within three (3) academic days of written notification. The appeals must be based one or more of the following reasons (1) new, material evidence that was unavailable at the time of the investigation and hearing process, (2) procedural error that may have impacted the outcome of the matter. Mere dissatisfaction with the outcome is not a reason for appeal.
- At the end of the appeal filing time, both the respondent and the complainant will be notified if any appeals are received.
- The Sexual Misconduct Appeals Panel will review the appeal within five (5) working days and make recommendations to the Dean of Students that include one of the following:
  - A recommendation of no grounds upon which the appeal should be granted and the recommendation that it is denied.
  - A recommendation of grounds to grant an appeal and suggested revisions to the original finding and/or sanctions.
  - The Panel may make recommendations on the appeal immediately, without hearing additional testimony or evidence or call for both students and the Hearing Officer to attend a hearing for clarification purposes and/or new evidence, and then make a recommendation.
  - If the Sexual Misconduct Appeals Panel reviews an appeal, it may recommend overturning the finding of the hearing panel; uphold the findings of the hearing panel, in which case it may recommend keeping the assigned sanction(s), reducing the assigned sanction(s) or increasing the sanctions.
- The Vice President of Student Life, Student Success, and Inclusion or designee will review the recommendations within three (3) working days and notify both students of the outcome of the appeal. This is the conclusion of the formal appeals process.
- All student conduct proceedings involving sexual misconduct are subject to review by the Title IX Coordinator or their designee.

### *Transcript Notation*

Students should be aware that Virginia Law, effective July 1, 2015, requires schools to include a prominent notation on the academic transcript of each student who has been suspended for, has been permanently dismissed from, or withdraws from the institution while under investigation for an offense involving sexual violence under the institution's code of conduct. The College is also required under this law to have a procedure for removing such a notation from the academic transcript of any student who is subsequently found not to have committed an offense involving sexual violence based upon the College's Code of Conduct.

### ***Access to Campus Facilities and Security Policies***

Students, faculty, staff, and other employees of Emory & Henry have access to academic, administrative, and recreational facilities on campus. Access to residence halls is limited primarily to students and their guests. Guests may visit residents in student's rooms during visitation hours or in the 24-hour lounges.

The general public is welcome to attend most cultural and sports events, unless otherwise stipulated. However, the general public does not have access to the campus or college facilities on a regular, routine basis. Exceptions are made for specified community service programs and public relations purposes. The College reserves the right to ask anyone with offensive behavior to leave the property.

The Facilities Department maintains campus physical facilities with sensitivity to safety, for example, proper maintenance of campus lighting on walkways and in parking lots, trimming of shrubbery, etc.

The outside doors of the residence halls are locked and should not be propped open. Each residence hall room has a door lock, and students are encouraged to keep their room keys on their person and to lock their room doors at night and at all other times when the room is not occupied. The Code of Conduct works well, but with guests often present, especially on weekends, the residence halls become much more public. Thus, good judgment is encouraged. Students should take common sense precautions to protect their personal property, such as marking stereos, cameras, televisions, computers, and the like. Campus Police/Security can assist with protecting your valuables through a property registration program that can be accessed at [www.ehc.edu/property-registration](http://www.ehc.edu/property-registration). In addition, valuables left in a car should be locked in the trunk, if applicable, and the motor vehicle itself should be locked when parked.

During holiday periods students are expected to secure their own belongings by locking room doors and windows when the room is vacated and by taking valuable items with them for the holiday.

Students are urged to report to Campus Police/Security officers or other personnel, as appropriate, any suspicious-looking individuals whom they believe do not belong in their residence halls or other College buildings and any troubling, unusual incidents in or around residence halls or elsewhere on campus.

It is the policy of this College to disclose to victims of violent crime the results of any disciplinary actions taken against those who violate the Code of Conduct in this context.

### ***Authority of Campus Police/Security Officers***

The College's Campus Police/Security officers are sworn Conservators of the Peace with powers of arrest. Police officers receive training in traffic control, in arrest procedures, and in the use of firearms. Both security and police officers receive additional inservice training to upgrade their skills regarding safety and security for people and property. The jurisdictional authority of

Emory & Henry Police/Security officers includes the campus and a limited area beyond the boundaries of the College. Our officers work cooperatively with the Washington County Sheriff's Office and the Virginia State Police and they prepare written incident reports for their own internal use and for record-keeping purposes. Also, the Campus Police/Security Department, on a voluntary basis, seeks information from local and state police jurisdictions on any crimes committed or arrests made offcampus involving Emory & Henry students and student organizations.

### ***Alcohol and Other Drugs: Policies and Educational Programs***

You should be aware that Emory & Henry complies with the Drug Free Schools and Communities Amendments by making students and employees aware of laws pertaining to alcohol and other drugs and by actively discouraging the violation of these laws. The College has a zero-tolerance policy for drug violations and students are subject to suspension through the campus conduct system for simple possession. Should any member of the campus community feel that they need assistance with a drug or alcohol problem, staff members are available to direct them to resources. The Student Health Center, the Powell Resource Center, and Student Life have contacts with various agencies and professionals who have expertise with these issues.

### ***Missing Student Notification Policy and Procedures***

When students first enroll, they are given an emergency response card to complete so that quick notification can be made to primary and/or secondary contacts in the event of an emergency/ It is the student's responsibility to update this information when changes occur. This card allows student to identify an initial contact for the College. In the event that a student is determined to be missing, the College will notify the primary and/or secondary contact no later than 24 hours after the student is determined missing in accordance with our official notification procedures. If a current emergency response card is not on file, the College will notify the parents documented in our records. In the event that the student is under 18 years of age, and not an emancipated individual, we are required to notify custodial parents or guardians within the same time frame.

Anyone who believes that a student is missing should report it immediately to Campus Police/Security. Details will be asked regarding the last time the student was seen, where the student was seen, and any communications that have been received. Campus personnel who may have information regarding this student will be contacted and asked to provide their last known contact with this student. If it is determined that no contact has been made with the student in question for more than 24 hours, Campus Police/Security will notify other appropriate law enforcement agencies immediately and request assistance in finding the missing student. The College will initiate the emergency contact procedures and notify the designated contact person or parents.

### ***HOW TO GET HELP: Reporting Criminal Actions and/or Emergencies***

The Campus Police/Security Office is located in Martin Brock. It is the policy of the College to have campus security personnel and/or other appropriate staff respond to any reported crime or emergency involving a threat to personal safety and security On Campus Residence Halls Public Property Non-Campus or to enlist the help of local police agencies or emergency services, such as the Washington County Sheriff's Office, which can be reached by calling 911. For direct telephone access to the Campus Police/Security Office, in **non-emergency** situations, dial 276.944.6222, or campus extension 6222. If security is not in their office, please leave a message. By leaving a message, the telephone system will alert the officer on duty via remote notification and they will respond to your message. In case of an **emergency**, always call 911 and Central Dispatch will immediately contact a Campus Police/Security officer through the police communications system. Officers are on duty 24 hours per day. The dispatcher can also call for assistance from the Washington County Sheriff's Office, who works independently or cooperatively with Campus Police/Security officers, as the situation requires. If you feel threatened or have a safety or security concern and are unsure of what to do, your RA or any other RAs can be of assistance, as can the Head Resident Advisors, the Area Coordinators, Student Life Staff, and the Dean of Students. Where the nature of a problem is such that other support devices are required, such as counselors and health services professionals, Campus Police/Security officers or personnel in the Dean of Students' office will make the contacts, as deemed necessary.

You are urged to report all acts of violence or crimes, including theft, to Campus Police/Security personnel, the Dean of Students or members of the Dean's staff, or RA's. All crimes should be reported no matter when they are discovered. Follow-up action will be taken to investigate each incident as a matter of campus safety and so that accurate records can be maintained. It is well known that many acts of violence, including sexual abuse situations, occur when one or more of those involved have abused alcohol or other drugs and are under their influence. The possession and use of alcohol is prohibited on the Emory & Henry campus except during special events as designated by the President of the College. At these events, A.B.C. licenses are obtained and alcohol laws are enforced. Caution is urged when one is in a setting where alcohol is present and those who consume alcohol are reminded that they are expected to do so in a responsible manner consistent with the law.

### ***Campus Security Procedures, Practices, and Prevention of Crimes***

From time to time, Campus Police/Security officers visit residence halls to talk with students about security procedures and concerns and to encourage crime prevention. Students and employees are regularly encouraged to be responsible for their own security and that of others. Everyone should be aware that the College gives timely notice to the community when certain types of crimes are reported to campus authorities or local police agencies if such crimes are considered a threat to students and employees. These notices should be heeded, for, in practice, such a notice would be infrequent and should command special attention. Notice is made in a variety of ways, depending upon the situation, through the campus email system, the e-alert system, and by posting notices at strategic locations on campus. For immediate notification, the emergency siren is activated on campus. When this siren sounds, members of

the campus community should immediately check their email and cell phones for emergency alert messages. Any alert message that is sent to cellphones is also posted at the top of the College website ([www.ehc.edu](http://www.ehc.edu)) for one hour.

**Alert Registration**

Our emergency notification system is capable of sending notifications instantly and simultaneously to all registered mobile devices and everyone’s EHC email address. This is an OPT-IN program, so you must register in order to receive these specific alerts. To register, go to [www.ehc.edu/alert](http://www.ehc.edu/alert). You must have your cell phone with you and powered on when registering. These messages are sent as text messages to cellphones and any applicable charges from your carrier will apply. The College will, without delay, and taking into account the safety of the community, determine the content of the communication and initiate the emergency alert system unless the notification will, in the professional judgment of responsible authorities, compromise efforts to assist victims or to contain, respond to or otherwise mitigate the emergency. The administrators responsible for alerting the community include the Executive Assistant to the President and General Counsel, Chief of Campus Police, and the Vice President for Student Life, Student Success, and Inclusion or designees. This group will confer to determine if a notification should be sent. Please note that the emergency notification will be tested during the first week of each semester.

*Any member of the community who has concerns regarding campus safety on the Emory campus should report those concerns to the Dean of Students Office in Wiley 120.*

**Annual Safety Data - 2019 Campus Crime Statistics - Emory & Henry College Main Campus**

Emory & Henry College compiles this data for its annual report as required by the Campus Security Act in accordance with definitions used in the FBI’s Uniform Crime Reporting Program (UCR). The College must publish statistics on the following criminal and hate offenses that were reported to campus authorities during the periods indicated:

Crime Categories	On Campus			Residence Halls			Public Property			Non-Campus		
	2019	2018	2017	2019	2018	2017	2019	2018	2017	2019	2018	2017
<b>Criminal Offenses</b>												
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0

Sex Offenses - Forcible												
Rape	1	3	2	1	3	2	0	0	0	0	0	0
Fondling	0	1	0	0	0	0	1	0	0	0	0	0
Sex Offenses - Non-Forcible												
Incest	0	1	0	0	1	0	0	0	0	0	0	0
Statutory Rape	0	0	1	0	0	1	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	8	5	5	6	1	1	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	1	0	0	1	0	0	0	0	0	0	0
<b>Hate Crimes</b>												
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Forcible Sex Offenses	0	0	0	0	0	0	0	0	0	0	0	0
Non-Forcible Sex Offenses												
· Incest	0	0	0	0	0	0	0	0	0	0	0	0
· Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0	0	0	0	0	0	0



Intimidation	1	2	0	0	1	0	0	0	0	0	0	0
Destruction/Damage /Vandalism	0	0	1	0	0	0	0	0	0	0	0	0
<b>VAWA Offenses</b>												
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	3	1	0	3	1	0	0	0	0	0	0	0
Stalking	1	0	0	1	0	0	0	0	0	0	0	0
<b>Arrests</b>												
Weapons: Carrying, Possessing, etc.	1	0	0	1	0	0	0	0	0	0	0	0
Drug Abuse Violations	2	0	0	2	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
<b>Disciplinary Actions</b>												
Weapons: Carrying, Possessing, etc.	1	1	1	1	1	1	0	0	0	0	0	0
Drug Abuse Violations	12	22	21	12	22	21	0	0	0	0	0	0
Liquor Law Violations	81	23	32	80	23	32	0	0	0	0	0	0
<b>Unfounded Crimes</b>												
Total Unfounded Crimes	0	0	0									

**Annual Fire Safety Data – 2019**

This report is published by Emory & Henry College in compliance with the Higher Education Opportunity Act and applies to student housing at the College.

**Fire Safety Equipment and Statistics for On Campus Housing**

Each residence hall is equipped with a fire alarm system monitored 24/7 by a private security company. In the event of an alarm, officers are notified of the location and nature of the alarm. Officers are equipped with two-way radios

and are able to communicate with 911 dispatch and local EMS and fire services. The charts below indicate the fire safety equipment in each hall as well as fire statistics for the past three calendar years. (Please see table)

**Fire Incidents on Campus - Emory & Henry College Main Campus**

Residence Halls	Fires			Deaths			Injuries			Damages		
	2019	2018	2017	2019	2018	2017	2019	2018	2017	2019	2018	2017
Cambridge	0	0	0		0	0	0	0	0	0	0	0
Carter	0	0	0	0	0	0	0	0	0	0	0	0
Carriger/Matthews*	-	-	0	-	-	0	-	-	0	-	-	0
Cottage*	-	-	0	-	-	0	-	-	0	-	-	0
Damer^	0	0	0	0	0	0	0	0	0	0	0	0
Elm	0	0	0	0	0	0	0	0	0	0	0	0
Hickory	0	0	0	0	0	0	0	0	0	0	0	0
Hillman	0	0	0	0	0	0	0	0	0	0	0	0
Inazu Apartment*	-	-	0	-	-	0	-	-	0	-	-	0
Inazu House*	-	-	0	-	-	0	-	-	0	-	-	0
Prillaman	0	0	0	0	0	0	0	0	0	0	0	0
Princeton^	0	0	0	0	0	0	0	0	0	0	0	0
Russell	0	0	0	0	0	0	0	0	0	0	0	0
Stuart	0	0	0	0	0	0	0	0	0	0	0	0
Sullins	0	0	0	0	0	0	0	0	0	0	0	0
VH 2	0	0	0	0	0	0	0	0	0	0	0	0
VH 3	0	0	0	0	0	0	0	0	0	0	0	0
VH 5	0	0	0	0	0	0	0	0	0	0	0	0
VH 6	0	0	0	0	0	0	0	0	0	0	0	0
VH 7	0	0	0	0	0	0	0	0	0	0	0	0
VH 8	0	0	0	0	0	0	0	0	0	0	0	0

Weaver	0	0	0	0	0	0	0	0	0	0	0	0
Wiley Jackson	0	0	0	0	0	0	0	0	0	0	0	0
House 14*	-	-	0	-	-	0	-	-	0	-	-	0
House 15*	-	-	0	-	-	0	-	-	0	-	-	0
House 16*	-	-	0	-	-	0	-	-	0	-	-	0
House 17*	-	-	0	-	-	0	-	-	0	-	-	0
House 18*	-	-	0	-	-	0	-	-	0	-	-	0

\* These halls were not used as residence halls at any point during the 2019 calendar year.

^ These halls were used during the 2018-2019 academic year, but were taken offline for the second half of 2019. As indicated in the Fire Statistics chart above, there was one fire in the residence halls in 2018.

### **Fire Safety Inspections and Maintenance**

Fire Safety Inspections are conducted quarterly by Campus Security to coincide with the arrival and departure of resident students. Fire systems and equipment are also inspected and serviced by a fire protection system contractor. Any malfunction found is immediately scheduled for service or equipment replacement. A Fire Log and records of fire inspections and maintenance are kept in the Campus Security Office in compliance with state and federal regulations and are subject to inspection by the State of Virginia Fire Marshall.

### **Reporting Fires**

In the event of a fire, residents should dial 911 and immediately report a fire in the residence halls. If the fire is extinguished, the building should still be evacuated and the fire reported to Campus Police/Security in order for safety inspections to be conducted.

### **Fire Safety Education and Training**

Professional staff and Resident Advisors are instructed in fire prevention policies, the use of fire extinguishers and evacuation procedures. Resident students are instructed by Resident Advisors and Area Coordinators during orientation upon their arrival at the College. Students are advised of the location of fire safety equipment, evacuation routes and fire prevention policies pertaining to their residence hall.

### **Safety Systems - Emory & Henry College Main Campus**

<b>Residence Hall</b>	<b>Monitored</b>	<b>Smoke Detectors</b>	<b>Pull Stations</b>	<b>Sprinkler Systems</b>	<b>Fire Extinguisher</b>
Cambridge	X	X	X	X	X
Carter	X	X	X	X	X
Carriger/Matthews	X	X	X		X
Cottage	X	X	X	X	X

<i>Damer</i>	X	X	X	X	X
<i>Elm</i>	X	X	X	X	X
<i>Hickory</i>	X	X	X	X	X
<i>Hillman</i>	X	X	X		X
<i>Inazu Apt.</i>	X	X	X		X
<i>Inazu House</i>	X	X	X		X
<i>Prillaman</i>	X	X	X	X	X
<i>Princeton</i>	X	X	X	X	X
<i>Russell</i>	X	X	X	X	X
<i>Stuart</i>	X	X	X		X
<i>Sullins</i>	X	X	X		X
<i>VH 2</i>	X	X		X	X
<i>VH 3</i>	X	X		X	X
<i>VH 5</i>	X	X		X	X
<i>VH 6</i>	X	X		X	X
<i>VH 7</i>	X	X		X	X
<i>VH 8</i>	X	X		X	X
<i>Weaver</i>	X	X	X		X
<i>Wiley Jackson</i>	X	X	X		X
<i>House 14</i>	X	X	X		X
<i>House 15</i>	X	X	X		X
<i>House 16</i>	X	X	X		X
<i>House 17</i>	X	X	X		X
<i>House 18</i>	X	X	X		X

**Supervised Fire Drills**

Fire drills are conducted once per semester in each residence hall by the Office of Student Life. Area Coordinators and Resident Advisors activate fire alarm systems and evacuate buildings. Students are required to participate and evacuate during a drill. All students are to remain outside the building until College officials allow them to return.

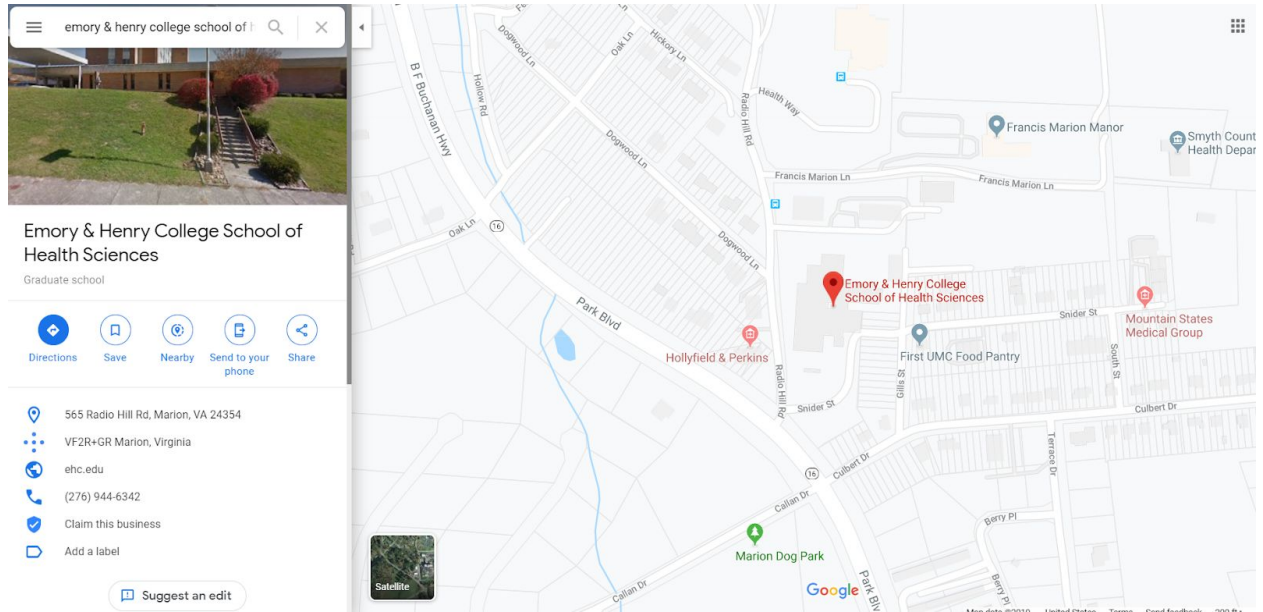
***Evacuation Policy and Procedures***

Resident Advisors will provide students with the specific exit pathways and procedures for evacuating their residence hall. All students must evacuate a residence hall in the event of a fire alarm. Residents are advised of their assembly area for such events during orientation by their Resident Advisor. Residents may not re-enter their building until they are cleared to do so by proper authority. In the event that a building becomes uninhabitable due to any crisis, evacuated students will be temporarily relocated to another designated building.

## **Emory & Henry College School of Health Sciences Annual Security Report**

### ***Campus Overview***

The Emory & Henry College School of Health Sciences is located in Marion, Virginia, approximately 20 miles and 20 minutes north of Emory, Virginia. There, a number of programs unique to the School of Health Sciences exist, including athletic training, exercise science, occupational therapy, physical therapy, physician assistant studies, pre-health, and our nursing RN to BSN programs.



### ***Access to Campus Buildings***

There is a single campus building at the School of Health Sciences, located at 565 Radio Hill Road, Marion VA 24354. In 2016, Emory & Henry completed Phase I of a renovation project that re-purposed the former Smyth County Community Hospital building to serve as the home for the growing School of Health Sciences. The Health Sciences Building currently includes administrative and faculty offices, five classrooms, a large lecture hall, seven skills labs, two research labs, four student study areas, a library/resource room, a patient simulation lab that includes seven standardized patient rooms, and three high-fidelity simulator rooms, and a community outreach center (Falls Prevention Center). The “second phase” of the School of Health Sciences building is currently under construction.

All students must have ID card swipe access to enter the building.

### ***Law Enforcement Services***

Whenever the School of Health Sciences is open, members of Campus Police are there ensuring that the campus is safe and secure. Students may always call the campus police emergency numbers in the event of a crisis. Further, Smyth County, Virginia Sheriff’s Office can be reached at 276.783.7204 and Marion City Police Department may be reached at 276.783.8145.

### ***Sexual Misconduct Policy***

Emory & Henry College is a community of trust whose existence depends upon strict adherence to standards of conduct set by its members. The College is committed to an atmosphere of human dignity in which effective collegial relationships are based on mutual respect/ When an individual’s gender or sexuality falls victim to a lack of respect,

the collegial nature of the institution is threatened. Sexual misconduct is a serious violation of these standards and threatening, offensive, or harassing behavior will not be tolerated. The College encourages all members of the Emory & Henry College community to be aware of both the consequences of sexual misconduct and the options available to victims of sexual misconduct and the accused. Sexual misconduct includes, but is not limited to, sexual assault, domestic violence, dating violence, and stalking, as required by the Campus SaVE Act.

#### *Definitions*

- **Consent** is the use of words or actions that demonstrate a knowing or voluntary willingness to engage in mutually-agreed-upon sexual activity. (Please read the section immediately following Definitions for more information)
- **Dating violence** means violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such relationship will be gauged by its length, type, and frequency of interaction.
- **Domestic violence** is a pattern of physically, sexually, and/or emotionally abusive behaviors used by one individual to assert power or maintain control over another in the context of an intimate or family relationship.
- **Hostile environment** is caused by behavior that is sufficiently serious that it interferes with or limits a student's ability to participate in or benefit from the services, activities, or opportunities offered by the College. It is considered to be disruptive to the educational community. Determining whether or not a hostile environment exists is examined from both subjective and objective perspectives and often depends on a balancing of factors in this six-factor balancing test:
  - the type of harassment (e.g., whether it was verbal or physical);
  - the frequency and severity of the conduct; -the age, sex, and relationship of the individuals involved (e.g., teacher-student or student-student);
  - the setting and context in which the harassment occurred;
  - whether other incidents have occurred at the college or university; and other relevant factors.
- **Retaliation** is defined by behavior such as coercion, threats, or intimidation directed towards anyone involved in a sexual misconduct complaint.
- **Sexual assault** is defined as sexual contact without effective consent and includes: intentional touching, either of the victim or when the victim is forced to touch, directly or through clothing, another person's genitals, breasts, thighs, or buttocks
- **rape** (sexual intercourse without effective consent whether by acquaintance or a stranger); attempted rape; sodomy (oral sex or anal intercourse) without effective consent; or sexual penetration with an object without effective consent. (The legal definition of criminal sexual assault is located in Virginia Code §§ 18.2-61 through -67.10 and can be accessed on the Code of Virginia website at <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+TOC.>)
- **Sexual exploitation** is defined as a behavior such as voyeurism, dissemination of sexually explicit photos or videos, exposing one's genital to another without consent, or knowingly exposing an individual to a sexually transmitted infection or virus.
- **Sexual harassment** is unwelcome conduct of a sexual nature and can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, such as sexual assault or acts of sexual violence.
- **Stalking** is defined as repeated conduct which places a person, or their family, unreasonable fear of death, sexual assault, or bodily injury. To convict a stalker, several legal elements of the crime must be proven to the court (See Code of Virginia Code §§ 18.2-60.3).
- **Violence** can be physical, emotional/psychological, sexual or economic in nature.

#### **Consent**

Words or actions that demonstrate a knowing or voluntary willingness to engage in mutually-agreed-upon sexual activity constitutes consent. Consent cannot be gained by force, by ignoring objections, or by taking advantage of another's incapacitation. Consent may not be inferred from silence or any other lack of active resistance. It may not

be implied by attire or inferred from an individual by spending money on that individual (e.g. buying a meal on a date). Prior consent does not imply consent to future sexual acts. In addition, consent to one type of sexual act does not automatically imply consent to another type of sexual act. Once a person says “no,” it does not matter if or what kind of sexual behavior has occurred at an earlier date in time. For example, if one individual says “no” and the other forces penetration, it is sexual misconduct.

Consent may not be given by the following persons:

- Individuals who are mentally incapacitated at the time of the sexual contact in a manner that prevents them from understanding the nature or consequences of the sexual act involved
- Individuals who are unconscious or otherwise physically helpless
- Minors, as defined by the Commonwealth of Virginia Incapacitation is defined as the physical and/or mental inability to make informed, rational judgments that voids an individual's ability to give consent.

Incapacitation may be caused by a permanent or temporary physical or mental impairment. Incapacitation may also result from the consumption of alcohol or the use of drugs.

The use of alcohol or drugs may, but does not automatically affect a person's ability to consent to sexual contact/ The consumption of alcohol or drugs may create a mental incapacity if the nature and degree of the intoxication goes beyond the stage of merely reduced inhibition and has reached a point where the victim does not understand the nature and consequences of the sexual act. In such cases, the person cannot consent.

A person violates the sexual misconduct policy if they have sexual contact with someone they know or should know is mentally incapacitated or has reached the degree of intoxication which results in incapacitation. The test of whether an individual should know about another's incapacitation is whether a reasonable, sober person would know about the incapacitation/ !n accused student cannot rebut a sexual misconduct charge merely by arguing that they were drunk or otherwise impaired and, as a result did not know that the other person was incapacitated.

A person who is passed out or unconscious as a result of the consumption of alcohol or drugs is physically helpless and is not able to consent.

#### *Reporting Sexual Misconduct: Immediate Action and Important Information.*

The College urges anyone who has been a victim of an act of sexual misconduct to: seek medical attention immediately, seek counseling and support, inform the College of the assault and consider pursuing criminal charges. If you are a victim of sexual misconduct, you are encouraged to use the resources the College provides. While it is your choice whether or not to utilize the College disciplinary process, Emory & Henry is required by federal law to investigate any reports of sexual misconduct. Title IX of the Education Amendments of 1972, 20 U.S.C. Sec.1681, et seq., prohibits discrimination on the basis of sex in any federally funded education program or activity. The requirements of Title IX cover sexual violence and require colleges to take immediate and effective steps to respond to sexual violence. The resolution of these cases should be completed within approximately 60 calendar days following the receipt of the complaint, or in a timely manner given the complexity of the case. The College's Title IX Coordinator is Shannon Patterson, Title IX Coordinator and Assistant Registrar, and she can be contacted at [spatterson@ehc.edu](mailto:spatterson@ehc.edu) or by calling 276-944-6117. Her office is located on the 2nd floor of Wiley Hall in the Registrar's Office. The Title IX Coordinator can provide you with additional information regarding your Title IX rights. You may want to report an act of sexual misconduct to both College and criminal authorities. One option is to immediately call 911 for assistance. Another option is to report the assault to your Area Coordinator or the Dean of Students Office in Wiley 121 (276-944-6122). Allegations of sexual misconduct are taken seriously and are investigated thoroughly.

If you need assistance to pursue the option of criminal charges, the Student Affairs staff can help you. Another option is to report the assault directly to the Emory & Henry Campus Police/Security (276-944-6222). A sworn officer will assist in investigating the complaint and will help you file a criminal report with the Washington County Magistrate's Office.(563) The complainant may report the incident to the Commonwealth Attorney who will consider the case and



decide whether or not to prosecute. In this option, the Commonwealth of Virginia accuses the alleged perpetrator and the complainant may serve as a witness for the Commonwealth. If you prefer to report an incident anonymously, call The Campus Conduct Hotline at (866) 943-5787. The College participates in this service and it is available for use around the clock, seven days a week. Because the Hotline is operated by an independent organization, any calls made through this Hotline are completely confidential. The hotline operator will record the complaint or concern and forward it to the appropriate staff member at the College for review and action as appropriate. Callers to the hotline may remain anonymous. Another option for victims is a civil suit for monetary damages through the legal system. For information about this option, contact an attorney.

### *Confidential Reporting*

Students who are victims of sexual misconduct may also wish to report incidents confidentially. Confidential reporters on campus are:

- Counselors/Licensed Therapists in the Powell Resource Center, located in Wiley 220 (276-944-6144)
- College Chaplain, located in Memorial Chapel (276-944- 6836)
- Pastor of Emory United Methodist Church (276-944-6841)
- Director of Health Services, located in College Health Center (276-944-6538)

Confidential reporters are required to report any sexual misconduct that they are aware of to the Dean of Students, but they cannot give the name of the student unless they receive permission to do so. This allows us to maintain an accurate accounting of violations that occur while also preserving the privacy of those students who are survivors of assaults and misconduct. All other employees are required to report incidents with names that they are made aware of on campus. Students in need of assistance should seek counseling and support.

Students should be aware that Virginia law requires the Title IX Coordinator to convene a review committee that consists of herself, the Dean of Students, and the Chief of Campus Police to determine if the safety of the campus is compromised. If so, the review committee must disclose information regarding the alleged assault to the law-enforcement agency responsible for investigating the alleged act. The Chief of Police is also permitted to disclose the name of the alleged victim to the Commonwealth Attorney.

### *Important Steps for Those Who Have Been Sexually Assaulted*

- Get to a place where you feel safe
- Seek a friend you can trust
- Contact campus police, local law enforcement and/or the support/advocacy office
- Use your assigned advocate to ask questions, get help with crisis intervention, get referrals, talk about reporting options and rights, make a safety plan and for other needs you have.
- Don't shower, bathe any part of the body, douche, urinate, defecate, use medications or brush your teeth, if possible.
- Stay in the clothes you are wearing or, if you've already changed, bring clothes, sheets and anything that was in contact with you during the assault in a paper bag (not plastic!) or wrapped in a clean sheet – don't clean or straighten the area
- Don't touch anything the accused may have touched or left behind – this physical evidence can help if a criminal charge is pursued.
- Get medical help to check for internal injuries you might not be aware of, treat external injuries, be treated for certain STDs, and get information about HIV/AIDS & pregnancy prevention.
- Consider having a rape kit done at the hospital – even if you don't think you want to press charges, having a rape kit allows you to have evidence collected should you change your mind later.
- Seek counseling support
- Consider your legal options and ask questions for clarification.

Title IX Deputy Coordinators/Investigators as Student Advocates

Students who are victims of sexual violence will have varied needs. Title IX Deputy Coordinators can serve as an advocate and can do the following

- Provide information about campus and community services.
- Make referrals, as desired.
- Go to the hospital and/or law enforcement office with a student.
- Help with filing a report.
- Assist the student in getting a protective order or other remedies such as housing and class schedule changes.
- Provide an empathic listening ear.
- Help with academic concerns.
- Assist the student in preparing for judicial meetings – and accompany them, if requested.
- Meet with the student on a regular basis to follow up. o Keep track of the details.
- Assure the victim that the assault was not their fault. o Let the victim know that they are not alone.

#### Confidential Reporting Reminder

- Students who are victims of sexual misconduct may also wish to report incidents confidentially.
- Counselors/ Licensed Therapists in the Powell Resource Center, located in Wiley 220 (276-994-6144)
- College Chaplain, located in Memorial Chapel (276-944-6836)
- Pastor of Emory United Methodist Church (276-944-6841)
- Director of Health Services, located in College Health Center (276-944-6538)

#### After a Report is Received

- If a student reports that they are a victim of domestic violence, dating violence, sexual assault, or stalking – regardless of where the offense occurred – they will be provided with a written explanation of their rights and options that the College can provide, by the Title IX Coordinator or their designee.
- Steps in the Title IX process.
  - Upon being notified of an allegation of sexual assault, domestic violence, dating violence, or stalking the Title IX Coordinator or designee will meet with the Complainant to provide the Complainant with a copy of the applicable policy, to provide information on the available forms of support, to explain the various options for pursuing the matter, including going to the police, and to discuss any accommodations that may be appropriate concerning the Complainant's academic studies, housing, and employment. At this meeting, the Title IX Coordinator or designee will seek to determine how a Complainant wishes to proceed. In all reports of alleged sexual misconduct, regardless of whether the Complainant wishes to pursue the disciplinary process, Emory & Henry will undertake a review to determine what happened and to assess whether any action need be taken to end the misconduct, prevent its recurrence, and address its effects per the College's obligation to comply with state law SB 712.
  - If merited the Title IX Coordinator or their designee will meet with the respondent to provide them with a copy of the applicable policy, and to provide information on the available forms of support.
  - Assign Title IX investigator(s).
  - Review the investigative report.
  - Determine if there will be a sexual misconduct hearing.
- When issuing timely warnings as required by the Clery Act, the College withholds the names of victims due to confidentiality.
- Virginia law also requires any college employee who becomes aware of a sexual assault accusation to report to the school's Title IX Coordinator as soon as possible. The Title IX Coordinator must then convene a review committee within 72 hours to determine if the safety of the campus is compromised. If so, the review committee must disclose information regarding the alleged assault to the law-enforcement agency responsible for investigating the alleged act.

- Is a matter of policy, the College prohibits retaliation by its officers, employees, or agents against a person who exercises their rights or responsibilities under any provision of the Campus SaVe Act.
- The College updates and publishes conduct guidelines and procedures annually in the Student Handbook.

### *Sexual Harassment*

Emory & Henry College is committed to an atmosphere of human dignity in which effective collegial relationships are based on mutual respect. When an individual's gender or sexuality falls victim to lack of respect, the collegial nature of the institution is threatened. Emory & Henry College recognizes Title VII of the Civil Rights Act, which guarantees individuals the right to freedom from harassment for race, ethnicity, religious preference and gender or sexuality, and will, therefore, not tolerate violations of the Act. The recurrence of such behavior and/or any type of retaliation that creates a hostile environment will not be tolerated and is subject to code of conduct charges.

### *College Disciplinary Procedures for Sexual Misconduct*

A student charged with sexual misconduct can be disciplined under the College's Student Conduct process and may be prosecuted under Virginia criminal statutes. Even if the criminal justice authorities choose not to prosecute, the campus can pursue disciplinary action. This disciplinary action can result in temporary or permanent dismissal from the College. In the event it is deemed necessary to remove the respondent from College property during the initial investigation, the respondent can be restricted from being on College property at their expense. If the respondent is allowed to remain on campus, restrictions may be applied (i.e. moved to another residence hall, assigned times for cafeteria access, no contact orders, etc.). Emory & Henry College has an obligation to uphold the laws of the community of which it is a part. While activities covered by the laws of the community and those covered by the College's rules may overlap, the community's laws and the College's rules operate independently and do not substitute for each other. The College may pursue enforcement of its own rules whether or not legal proceedings are underway or in prospect, and may use information from third party sources, such as law enforcement agencies and the courts, to determine whether College rules have been broken. Emory & Henry College will make no attempt to shield members in the College community from the law, nor will it intervene in legal proceedings on behalf of a member of the community. Membership in the Emory & Henry College community does not exempt anyone from local, state, or federal laws, but rather imposes the additional obligation to abide by all of the College's regulations.

### *The Hearing*

The Sexual Misconduct Hearing Panel is composed of a combination of 3 faculty and/or staff who are members of the Student Conduct Board system. The case will be heard by these community members and all investigative findings from the Dean of Students Office will be presented at the hearing. If there are additional code of conduct charges stemming from the same incident, all charges will be processed during the sexual misconduct hearing and resolved during this process. Both the complainant and respondent will be given an opportunity to make a statement and be questioned by panel members. These proceedings are not adversarial actions. Any complainant can request to give their testimony without being in the physical presence of the person they are accused. Screens, teleconference, or closed-circuit broadcasts may be permitted, but not to the disadvantage of the respondent. It will be the hearing officer's responsibility to ensure that all testimonies are presented in a fair and impartial manner. In cases regarding sexual misconduct, the Title IX Coordinator or a designee will provide additional training for the Student Conduct Board before proceeding to a hearing. The standard of evidence is a preponderance of evidence, which means that a reasonable person can conclude that it is more likely than not that a violation has occurred.

### *The Process*

- Both the complainant and the respondent have the following rights before and during proceedings of an official student conduct hearing and may request to know the status of the case at any point during the student conduct process.
- Both the complainant and the respondent have the right to challenge selection of investigators and the composition of hearing boards based on conflicts of interests.

- All hearings of cases of sexual misconduct are closed. This means that all proceedings will be confidential and only those parties directly involved in the proceedings will be admitted.
- Both the complainant and the respondent have the right to know in advance the names of the witnesses to be called at the hearing and both can request specific witnesses.
- Both the complainant and the respondent have the right to have an advisor present in a hearing. This advisor shall be the of the student's choice. If a student needs assistance in finding an advisor, Student Life staff can assist upon request. However, only one such advisor may participate in formal proceedings. Information regarding the advisor can be found at this link.
- Only relevant sexual history of either party may be discussed during the hearing. The Hearing Officer will determine the appropriateness of any evidence of a sexual nature. Prior sexual history between the parties may be relevant to an issue of consent.
- The complainant and the respondent have the right to testify on their own behalf or to remain silent during any of the campus proceedings. Such silence will not constitute proof of responsibility.
- The respondent has the right to hear evidence against themselves and to present testimony.
- Both the complainant and the respondent have the right to remain present during all proceedings
- The complainant has the right to make a victim impact statement if the accused is found responsible for violating the sexual misconduct policy.
- Both the complainant and the respondent will be informed in a timely manner regarding the outcome of the hearing.

#### *The Appeal*

- Both the respondent and the complainant may appeal the decision to the Sexual Misconduct Appeals Panel. The Sexual Misconduct Appeals Panel shall consist of a faculty member and a staff member who are members of the Student Conduct system. Appeals can be made on the grounds of violation of hearing procedures, violation of student rights, introduction of new evidence that was not available at the time of the original hearing, and/or excessive or inconsistent sanctions.
- All appeals must be in writing and submitted to the Dean of Students Office within three (3) academic days of written notification. The appeals must be based one or more of the following reasons (1) new, material evidence that was unavailable at the time of the investigation and hearing process, (2) procedural error that may have impacted the outcome of the matter. Mere dissatisfaction with the outcome is not a reason for appeal.
- At the end of the appeal filing time, both the respondent and the complainant will be notified if any appeals are received.
- The Sexual Misconduct Appeals Panel will review the appeal within five (5) working days and make recommendations to the Dean of Students that include one of the following:
  - A recommendation of no grounds upon which the appeal should be granted and the recommendation that it is denied.
  - A recommendation of grounds to grant an appeal and suggested revisions to the original finding and/or sanctions.
- The Panel may make recommendations on the appeal immediately, without hearing additional testimony or evidence or call for both students and the Hearing Officer to attend a hearing for clarification purposes and/or new evidence, and then make a recommendation.
- If the Sexual Misconduct Appeals Panel reviews an appeal, it may recommend overturning the finding of the hearing panel; uphold the findings of the hearing panel, in which case it may recommend keeping the assigned sanction(s), reducing the assigned sanction(s) or increasing the sanctions.
- The Vice President of Student Life, Student Success, and Inclusion or designee will review the recommendations within three (3) working days and notify both students of the outcome of the appeal. This is the conclusion of the formal appeals process.
- All student conduct proceedings involving sexual misconduct are subject to review by the Title IX Coordinator or their designee.

### *Transcript Notation*

Students should be aware that Virginia Law, effective July 1, 2015, requires schools to include a prominent notation on the academic transcript of each student who has been suspended for, has been permanently dismissed from, or withdraws from the institution while under investigation for an offense involving sexual violence under the institution's code of conduct. The College is also required under this law to have a procedure for removing such a notation from the academic transcript of any student who is subsequently found not to have committed an offense involving sexual violence based upon the College's Code of Conduct.

### **Timely Warning Notices**

Timely warnings/crime alerts will be provided to the community in the event of a reported crime, either on campus or off, that, in the judgment of Campus Police and Student Affairs or a designee, constitutes an ongoing or continuing serious threat to the college community. Timely warning/crime alerts can only be issued if Campus Police and/or Student Affairs receives information from the School of Health Sciences. The Clery crimes for which timely warnings/crime alerts may be issued, but are not limited to, are murder & non-negligent manslaughter, manslaughter by negligence, arson, burglary, robbery, sex offenses, aggravated assault, and motor vehicle theft.

### **Controlled Substances**

The college strictly prohibits the illegal use or possession of any controlled substance. The illegal use of controlled substances is incompatible with the goals of an academic community. Students found guilty of possessing, using, distributing, or selling controlled substances will face serious disciplinary action, which may include suspension and/or dismissal from the college upon the first offense. Violations of state law should be reported to campus Police who will take appropriate legal actions.

### **Pastoral and Professional Counselors**

The School of Health Sciences offers counseling to students through Emory & Henry College's Powell Resource Center. There are many options in the Marion community as well for pastoral and professional counseling.

### **HOW TO GET HELP: Reporting Criminal Actions and/or Emergencies**

The Campus Police/Security Office is located in Martin Brock. It is the policy of the College to have campus security personnel and/or other appropriate staff respond to any reported crime or emergency involving a threat to personal safety and security On Campus Residence Halls Public Property Non-Campus or to enlist the help of local police agencies or emergency services, such as the Washington County Sheriff's Office, which can be reached by calling 911.

For direct telephone access to the Campus Police/Security Office, in **non-emergency** situations, dial 276.944.6222, or campus extension 6222. If security is not in their office, please leave a message. By leaving a message, the telephone system will alert the officer on duty via remote notification and they will respond to your message. In case of an **emergency**, always call 911 and Central Dispatch will immediately contact a Campus Police/Security officer through the police communications system. Officers are on duty 24 hours per day. The dispatcher can also call for assistance from the Washington County Sheriff's Office, who works independently or cooperatively with Campus Police/Security officers, as the situation requires.

If you feel threatened or have a safety or security concern and are unsure of what to do, your RA or any other RAs can be of assistance, as can the Head Resident Advisors, the Area Coordinators, Student Life Staff, and the Dean of Students. Where the nature of a problem is such that other support devices are required, such as counselors and health services professionals, Campus Police/Security officers or personnel in the Dean of Students' office will make the contacts, as deemed necessary.

You are urged to report all acts of violence or crimes, including theft, to Campus Police/Security personnel, the Dean of Students or members of the Dean's staff, or RA's. All crimes should be reported no matter when they are

discovered. Follow-up action will be taken to investigate each incident as a matter of campus safety and so that accurate records can be maintained.

It is well known that many acts of violence, including sexual abuse situations, occur when one or more of those involved have abused alcohol or other drugs and are under their influence. The possession and use of alcohol is prohibited on the Emory & Henry campus except during special events as designated by the President of the College. At these events, A.B.C. licenses are obtained and alcohol laws are enforced. Caution is urged when one is in a setting where alcohol is present and those who consume alcohol are reminded that they are expected to do so in a responsible manner consistent with the law.

**Campus Security Procedures, Practices, and Prevention of Crimes**

From time to time, Campus Police/Security officers visit residence halls to talk with students about security procedures and concerns and to encourage crime prevention. Students and employees are regularly encouraged to be responsible for their own security and that of others.

Everyone should be aware that the College gives timely notice to the community when certain types of crimes are reported to campus authorities or local police agencies if such crimes are considered a threat to students and employees. These notices should be heeded, for, in practice, such a notice would be infrequent and should command special attention. Notice is made in a variety of ways, depending upon the situation, through the campus email system, the e-alert system, and by posting notices at strategic locations on campus. For immediate notification, the emergency siren is activated on campus. When this siren sounds, members of the campus community should immediately check their email and cell phones for emergency alert messages. Any alert message that is sent to cellphones is also posted at the top of the College website (www.ehc.edu) for one hour.

**Alert Registration**

Our emergency notification system is capable of sending notifications instantly and simultaneously to all registered mobile devices and everyone’s EHC email address. This is an OPT-IN program, so you must register in order to receive these specific alerts. To register, go to [www.ehc.edu/alert](http://www.ehc.edu/alert). You must have your cell phone with you and powered on when registering. These messages are sent as text messages to cellphones and any applicable charges from your carrier will apply. The College will, without delay, and taking into account the safety of the community, determine the content of the communication and initiate the emergency alert system unless the notification will, in the professional judgment of responsible authorities, compromise efforts to assist victims or to contain, respond to or otherwise mitigate the emergency. The administrators responsible for alerting the community include the Executive Assistant to the President and General Counsel, Chief of Campus Police, and the Vice President for Student Life, Student Success, and Inclusion or designees. This group will confer to determine if a notification should be sent. Please note that the emergency notification will be tested during the first week of each semester.

**Annual Safety Data - 2018 Campus Crime Statistics - Emory & Henry College School of Health Sciences**

Emory & Henry College compiles this data for its annual report as required by the Campus Security Act in accordance with definitions used in the FBI’s Uniform Crime Reporting Program (UCR). The College must publish statistics on the following criminal and hate offenses that were reported to campus authorities during the periods indicated:

Crime Categories	On Campus			Residence Halls			Public Property			Non-Campus		
	2019	2018	2017	2019	2018	2017	2019	2018	2017	2019	2018	2017
<b>Criminal Offenses</b>												

Murder/Non-Negligent Manslaughter	0	0	0	NA	NA	NA	0	0	0	NA	NA	NA
Negligent Manslaughter	0	0	0	NA	NA	NA	0	0	0	NA	NA	NA
Sex Offenses - Forcible												
Rape	0	0	0	NA	NA	NA	0	0	0	NA	NA	NA
Fondling	0	0	0	NA	NA	NA	0	0	0	NA	NA	NA
Sex Offenses - Non-Forcible												
Incest	0	0	0	NA	NA	NA	0	0	0	NA	NA	NA
Statutory Rape	0	0	0	NA	NA	NA	0	0	0	NA	NA	NA
Robbery	0	0	0	NA	NA	NA	0	0	0	NA	NA	NA
Aggravated Assault	0	0	0	NA	NA	NA	0	0	0	NA	NA	NA
Burglary	0	0	0	NA	NA	NA	0	0	0	NA	NA	NA
Motor Vehicle Theft	0	0	0	NA	NA	NA	0	0	0	NA	NA	NA
Arson	0	0	0	NA	NA	NA	0	0	0	NA	NA	NA
<b>Hate Crimes</b>												
Murder/Non-Negligent Manslaughter	0	0	0	NA	NA	NA	0	0	0	NA	NA	NA
Negligent Manslaughter	0	0	0	NA	NA	NA	0	0	0	NA	NA	NA
Forcible Sex Offenses	0	0	0	NA	NA	NA	0	0	0	NA	NA	NA
Non-Forcible Sex Offenses	0	0	0	NA	NA	NA	0	0	0	NA	NA	NA
· Incest	0	0	0				0	0	0			

Statutory Rape												
Robbery	0	0	0	NA	NA	NA	0	0	0	NA	NA	NA
Aggravated Assault	0	0	0	NA	NA	NA	0	0	0	NA	NA	NA
Burglary	0	0	0	NA	NA	NA	0	0	0	NA	NA	NA
Motor Vehicle Theft	0	0	0	NA	NA	NA	0	0	0	NA	NA	NA
Arson	0	0	0	NA	NA	NA	0	0	0	NA	NA	NA
Simple Assault	0	0	0	NA	NA	NA	0	0	0	NA	NA	NA
Larceny-Theft	0	0	0	NA	NA	NA	0	0	0	NA	NA	NA
Intimidation	0	0	0	NA	NA	NA	0	0	0	NA	NA	NA
Destruction/Damage /Vandalism	0	0	0	NA	NA	NA	0	0	0	NA	NA	NA
<b>VAWA Offenses</b>												
Domestic Violence	0	0	0	NA	NA	NA	0	0	0	NA	NA	NA
Dating Violence	0	0	0	NA	NA	NA	0	0	0	NA	NA	NA
Stalking	0	0	0	NA	NA	NA	0	0	0	NA	NA	NA
<b>Arrests</b>												
Weapons: Carrying, Possessing, etc.	0	0	0	NA	NA	NA	0	0	0	NA	NA	NA
Drug Abuse Violations	0	0	0	NA	NA	NA	0	0	0	NA	NA	NA
Liquor Law Violations	0	0	0	NA	NA	NA	0	0	0	NA	NA	NA



**Disciplinary  
Actions**

Weapons: Carrying, Possessing, etc.	0	0	0	NA	NA	NA	0	0	0	NA	NA	NA
Drug Abuse Violations	0	0	0	NA	NA	NA	0	0	0	NA	NA	NA
Liquor Law Violations	0	0	0	NA	NA	NA	0	0	0	NA	NA	NA

**Unfounded Crimes**

Total Unfounded Crimes	0	0	0
---------------------------	---	---	---

**Emory & Henry College School of Health Sciences Residential Facilities Statement**

The Emory & Henry College School of Health Sciences does not have residential facilities associated with the college. All students that are members of that program live in off-campus residential facilities. As a result, all areas of the Annual Security Report that address residential facilities at the School of Health Sciences will be represented with an "NA."

Further, because there are no residential facilities, there is not a Fire Safety Report that is created.