

**BRIDGEWATER COLLEGE POLICY  
AND PROCEDURES  
FOR STUDENT SEXUAL MISCONDUCT COMPLAINTS**

**I. Introduction**

- A. Overview and Purpose. Bridgewater College is committed to educating the whole person of each of our students and to providing all students and employees, regardless of gender, sexual orientation or gender identity, with an educational environment free from discrimination. It adopts this policy (“Policy”) to help accomplish this commitment. The sexual harassment of students, coercion, sexual assault, violence and exploitation, domestic and dating violence, and non-consensual sexual contact or intercourse, gender-based harassment, and stalking, interferes with students’ right to receive an education free from discrimination and, in the case of sexual violence, is a crime and is considered “Sexual Misconduct.” Sexual Misconduct can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. Sexual Misconduct may be committed by anyone, regardless of sex, gender, or identity, and it can occur between people of the same or different sex.

This Policy applies to complaints by Bridgewater College students of alleged Sexual Misconduct committed by Bridgewater College students, faculty, staff or third parties, as well as any complaint of alleged Sexual Misconduct by a Bridgewater student when the Complainant is not a Bridgewater student.

- A Complainant who is a Bridgewater College student will be accorded the protections, process and procedures applicable to Complainants under this Policy, regardless of the identity or status of the Respondent. A Respondent who is a Bridgewater College student is subject to the terms of this Policy and will be accorded the protections, process and procedures applicable to Respondents under this Policy, regardless of the identity or status of the Complainant.
- With respect to an employee of Bridgewater College, whether alleging an act of Sexual Misconduct, or alleged to have committed an act of Sexual Misconduct, they will be accorded the protections, process and procedures as provided in the Employee Handbook.
- An individual who is not a Bridgewater College student or employee who either alleges Sexual Misconduct by a Bridgewater College student or employee, or is alleged to have committed an act of Sexual Misconduct against a Bridgewater College student or employee, will not be accorded any of the protections, process or procedures applicable to Complainants or Respondents under this Policy.

Sexual Misconduct, as defined by this policy, comprises a broad range of behavior that will not be tolerated. Sexual Misconduct violates Bridgewater College policy, federal civil rights laws and may also result in criminal prosecution. Bridgewater College is committed to fostering a community that promotes prompt reporting of Sexual Misconduct, support

for anyone who has been subject to Sexual Misconduct, and prompt, fair and impartial resolution of Sexual Misconduct complaints and cases. Creating a safe and respectful environment is the responsibility of all members of the campus community. Until adjudicated by the College as proven under the provisions of this Policy, Sexual Misconduct shall be considered as alleged Sexual Misconduct.

B. Title IX Coordinators. Bridgewater College has a Title IX Coordinator and two Deputy Title IX Coordinators.

- Title IX Coordinator – Heidi Hoover; 540-828-8063; [TitleIXCoordinator@bridgewater.edu](mailto:TitleIXCoordinator@bridgewater.edu); [hhoover@bridgewater.edu](mailto:hhoover@bridgewater.edu)
- Deputy Title IX Coordinator – Crystal Lynn; 540-828-5356; [TitleIXCoordinator@bridgewater.edu](mailto:TitleIXCoordinator@bridgewater.edu); [clynn@bridgewater.edu](mailto:clynn@bridgewater.edu)
- Deputy Title IX Coordinator – Jean Willi, Associate Director of Athletics; 540-828-5400; [TitleIXCoordinator@bridgewater.edu](mailto:TitleIXCoordinator@bridgewater.edu); [jwilli@bridgewater.edu](mailto:jwilli@bridgewater.edu)

The Title IX Coordinator interprets this Policy; oversees the College's response to Title IX reports and complaints; identifies and addresses any patterns or systemic problems revealed by such reports and complaints; has knowledge of all complaints raising Title IX issues throughout the College; provides education and prevention opportunities for the campus community; evaluates a student's request for confidentiality in the context of the College's responsibility to provide a safe and nondiscriminatory environment for all students; conducts Title IX investigations, including investigating facts relevant to a complaint and determining appropriate interim measures and support for the Complainant; provides training to students, faculty and staff on Title IX issues; and is available to meet with students as needed. The College also has a Deputy Title IX Coordinator, whose responsibility is to perform some or all of the same duties when the Title IX Coordinator is unavailable or when delegated or assigned some or all of those duties. For any reporting of Sexual Misconduct and other process under provisions of this policy, when reference is made to the Title IX Coordinator, it also includes the Deputy Title IX Coordinator, regardless of whether the Title IX Coordinator is otherwise available and regardless of whether duties have been delegated or assigned to the Deputy Title IX Coordinator. Reporting may be to either or both. Reporting also may be made to any other Responsible Employee.

C. Medical Attention. If you have been sexually assaulted, it is important to seek immediate medical attention at a local hospital for several reasons: (1) to assess and treat any physical injuries; (2) to determine the risk of sexually transmitted diseases or pregnancy and to take appropriate measures; and (3) to gather evidence that may be used in a criminal prosecution if the Complainant chooses to seek prosecution either immediately or at a later time. As with any crime, it is important to report in order to preserve evidence. Physical evidence should be collected immediately, ideally within the first 24 hours, and usually not later than 72 hours after the incident. The Complainant is encouraged not to destroy physical evidence that may be found. Evidence may be collected even if you chose not to make a report to law enforcement. The evidence collected can be held until a decision is made about pursuing legal action. The Complainant should not clean or straighten the

vicinity of the crime until the police have had an opportunity to collect evidence if contacted. Preservation of evidence may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order.

In order to preserve any evidence needed if the Complainant should decide to seek prosecution, it is important to follow these suggestions:

- DO NOT bathe or shower
- DO NOT brush or comb your hair
- DO NOT douche
- DO NOT urinate (if possible)
- DO NOT change clothes. If clothes are changed, take the clothes worn at the time of the assault to the hospital in a PAPER bag (evidence deteriorates in plastic)
- DO NOT eat or drink anything or brush or rinse your teeth if there was oral contact
- DO NOT touch items at the incident or crime scene
- DO NOT put on or remove makeup

Take a change of clothes to the hospital because some items of clothing may be kept as evidence. At the emergency room the physician may collect hair samples, semen and other evidence. The police will be contacted to take possession of these samples until the Complainant makes a decision about prosecution.

**The hospital serving the Bridgewater area is Sentara RMH Medical Center, located at 2010 Health Campus Drive, Harrisonburg, VA. You may contact the hospital at 800-736-8272, or 540-689-6000, or 911 may be called.**

- D. What to Expect at the Emergency Room. Going to the emergency room after a sexual assault can be a confusing experience. Sentara RMH Hospital will be able to examine and treat you after an assault, whether or not you choose to report the assault to police. You can go to the emergency room at the hospital and tell them you were sexually assaulted. Bridgewater College students may also seek medical attention at the Student Health Center.

Sentara RMH Hospital can assist with collecting evidence with a physical evidence recovery kit (“PERK”). Although the College strongly encourages all members of its community to report violations to law enforcement, it is the Complainant’s choice whether or not to make such a report and a Complainant has the right to decline involvement with the police. When you arrive at the emergency room, you will be checked in at the triage desk where you will be registered. At this time, a Collins Center advocate will be called as well as a specialized nurse called a SANE (Sexual Assault Nurse Examiner) nurse. Students can call the Sentara RMH Student Wellness and Outreach office at 540-568-2831 to request a member to accompany them if they desire. College personnel will assist the Complainant in notifying these authorities, if the student requests the assistance of these personnel.

The SANE program is set up specifically to gather forensic evidence from victims of sexual assault. SANE nurses are on call for duties to be performed at the Sentara RMH Emergency Room. Police investigators suggest that victims receive an exam by a SANE nurse if they are interested in pressing charges. SANE exams are administered to walk-in victims. SANE nurses are trained in examination techniques, forensic practice, how to collaborate with law enforcement officers, and how to present evidence as an expert witness in the courtroom. The SANE exam is an evidentiary exam, not a diagnostic one. There is a SANE nurse available 24/7. If the Complainant does not wish to support a police investigation or declines a forensic exam, she/he will be referred to the Emergency Room Physician.

For the exam, the SANE nurse obtains a brief medical history and may ask some detail about the assault that will help to know what areas of physical examination are most important for a thorough collection of forensic evidence. Blood, hair, and specific body fluids will be collected and packaged in a manner prescribed by the Virginia State Crime Laboratory. Specimens are labeled in detail and then sealed in a box that is remitted to law enforcement, following the rules of chain-of-custody. The investigating agency is then responsible for carrying the sealed evidence to the crime lab.

At the completion of the exam, the victim is offered prophylaxis for sexually transmitted diseases (STDs) and pregnancy and is given follow-up instructions depending on any findings during the exam. Follow-up can be through a private physician, the College Health Center, and/or the Public Health Department of Rockingham/Harrisonburg.

The SANE nurse will request of the Complainant that she/he allow the nurse to call a counselor from the College to let them know of the assault. The SANE nurses are bound by the limits of confidentiality, however, and may be able to only let the counselor know that an assault happened to a student, but be unable to name that student if the victim wishes not to be named.

## **II. Definitions**

- A. **“Complainant”** means a person who has made a report of a possible violation of this Policy to a Responsible Employee, Title IX Coordinator, a member of the Department of Student Life, or the Campus Police and Safety Department. A “Complainant” may be the victim or alleged victim of Sexual Misconduct or any other person, as the context requires, who makes such a report of Sexual Misconduct. A Complainant shall be a “party” for purposes of this Policy only if the Complainant is the victim or alleged victim of Sexual Misconduct.
- B. **“Dating Violence”** means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. It does not, however, include acts covered under the definition of Domestic Violence.

- C. “Domestic Violence” means a felony or misdemeanor crime of violence committed—
- (i) By a current or former spouse or intimate partner of the Complainant;
  - (ii) By a person with whom the Complainant shares a child in common;
  - (iii) By a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner;
  - (iv) By a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or
  - (v) By any other person against an adult or youth who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- D. “Effective Consent” is clear, knowing, informed, mutual and voluntary, and can be withdrawn at any time. Consent is active, not passive. Silence in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable, clear permission regarding willingness to engage in (and the conditions of) sexual activity. Consent to any one form of sexual activity cannot automatically imply consent to any other form of sexual activity. Previous relationships or prior consent cannot imply consent to any future sexual act. Consent cannot be gained by force and/or incapacitation (see definitions below). In order to give effective consent, one must be of legal age.
- E. “Force” Effective Consent cannot be obtained by Force. Force includes (a) the use of physical violence, (b) threats, (c) intimidation, and/or (d) coercion.
- a) Physical violence means that a person is exerting control over another person through the use of physical force. Examples of physical violence include hitting, punching, slapping, kicking, restraining, choking, and showing or using any weapon.
  - b) Threats are words or actions that would compel a reasonable person to engage in unwanted sexual activity. Examples include threats to harm a person physically or threats to harm themselves, to reveal private information to harm a person’s reputation, or to cause a person academic or economic harm.
  - c) Intimidation is an implied threat that menaces or causes reasonable fear in another person. A person’s size, alone, does not constitute intimidation; however, a person’s size may be used in a way that constitutes intimidation (e.g., blocking access to an exit).
  - d) Coercion is the use of an unreasonable amount of pressure to gain sexual access. Coercion is more than an effort to persuade, entice, or attract another person to have sex. When a person makes clear a decision not to participate in a particular form of Sexual Contact or Sexual Intercourse, a decision to stop, or a decision not to go beyond a certain sexual interaction, continued pressure can be coercive. In evaluating whether coercion was used, the College will consider:
    - (i) the frequency of the application of the pressure,
    - (ii) the intensity of the pressure,
    - (iii) the degree of isolation of the person being pressured, and

(iv) the duration of the pressure.

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

A “Hostile Environment” may arise when unwelcome conduct of a sexual or gender-based nature affects a student’s ability to participate in or benefit from an education program or activity, or creates an intimidating, threatening or abusive educational and/or living environment. In determining whether a hostile environment exists, the College considers the conduct in question from both a subjective and objective perspective. It will be necessary, but not enough, that the conduct was unwelcome to the student who was harassed. But the College will also need to find that a reasonable person in the student’s position would have perceived the conduct as undesirable or offensive in order for that conduct to create or contribute to a hostile environment. To make the ultimate determination of whether a hostile environment exists for a student or students, the College considers a variety of factors related to the severity, persistence, or pervasiveness of the sex-based harassment, including:

- (1) the type, frequency, and duration of the conduct;
- (2) the identity and relationships of persons involved;
- (3) the number of individuals involved;
- (4) the location of the conduct and the context in which it occurred; and,
- (5) the degree to which the conduct affected one or more student’s education.

A single, isolated incident of sexual or gender-based harassment may, based on the facts and circumstances, be sufficient to create a hostile environment. Likewise, a series of incidents, whether occurring close in time or not to each other, may be sufficient to create a hostile environment even if each of the incidents is not particularly severe.

This policy is not intended to, and does not, impair the exercise of any other protected rights. The College will apply this policy in a manner not inconsistent with any other protected rights.

G. “Incapacitation”, or diminished capacity, means the physical and/or mental inability to make informed, rational judgments. States of Incapacitation include, without limitation, sleep, blackouts, and flashbacks. Where alcohol and other drugs are involved, one does not have to be intoxicated or drunk to be considered incapacitated. Incapacitation is determined by how the alcohol consumed impacts a person’s decision-making capacity, awareness of consequences, and ability to make informed judgments. Some signs of incapacitation include: slurred speech, stumbling, vomiting, loss of consciousness, etc. This is not an exhaustive list and some individuals may exhibit all or none of these

symptoms and still be considered incapacitated. In evaluating Effective Consent in cases of alleged incapacitation, the College asks two questions:

(1) Did the person initiating sexual activity know that the other party was incapacitated? and if not,

(2) Should a sober, reasonable person in the same situation have known that the other party was incapacitated?

If the answer to either of these questions is “YES,” Effective Consent was absent and the conduct is likely a violation of this policy. Because incapacitation may be difficult to discern in some circumstances, students are strongly encouraged to err on the side of caution; when in doubt, assume that another person is incapacitated and therefore unable to give Effective Consent. The responsibility to ensure Effective Consent when either party has been drinking falls on the initiator of further sexual activity. Being intoxicated, drunk or under the influence of a drug is never a defense for a Respondent to a complaint of Sexual Misconduct under this policy. The burden of proving that a party gave Effective Consent is on the Respondent. If the Respondent provides evidence of Effective Consent the burden then shifts to the Complainant to show that there was not Effective Consent due to Incapacitation or other reason.

- H. “Intimidation” means any threat of violence or other threatening behavior directed toward another person or group that reasonably leads the target(s) to fear for their physical well-being or to engage in sexual conduct for self-protection.
- I. “Non-Consensual Sexual Contact” means Sexual Contact that occurs without Effective Consent. “Sexual Contact” means the deliberate, direct or indirect touching of a person's intimate parts (including genitalia, groin, breast or buttocks, or clothing covering any of those areas), or using Force to cause a person to touch his or her own or another person's intimate parts.
- J. “Non-Consensual Sexual Intercourse” means Sexual Intercourse that occurs without Effective Consent. “Sexual Intercourse” means penetration no matter how slight, of (1) the vagina or anus of a person by any body part of another person or by an object, or (2) the mouth or any other body orifice of a person by a sex organ of another person.
- K. “Respondent” is a person against whom a report of a possible violation of this Policy has been made. A “Respondent” shall be a “party” for purposes of this Policy.
- L. “Responsible Employee” is an employee of the College who has the authority to take action to redress the alleged misconduct with appropriate College officials, or an individual whom a student could reasonably believe has this authority or responsibility to redress or report the alleged misconduct. All Responsible Employees are expected to report any actual or suspected discrimination or harassment to the Title IX Coordinator. Federal law has defined the following employees as Responsible Employees:
- Title IX Coordinators
  - Student Life staff, to include Area Coordinators
  - Student Resident Advisors
  - International Education Coordinator

- Athletic Coaches and Staff Trainers
- Faculty members
- Director of Human Resources
- Campus Police and Safety Officers
- Work Study supervisors
- Student Organization and Club Advisors
- Executive Administrators to include the President and Vice Presidents
- Director level staff and above

- M. “Review Committee” (a) is mandated by Virginia law, (b) consists of three or more persons, including the Title IX Coordinator or designee, a representative of law enforcement, and a student life representative, (c) reviews information related to acts of sexual violence, (d) may obtain law-enforcement records, criminal history record information, health records, available institutional conduct or personnel records, and known facts and circumstances of the information reported or information or evidence known to the College or to law enforcement, and (e) conducts its review in compliance with federal privacy law.
- N. “Sexual Assault” is actual or attempted sexual contact with another person without that person’s Effective Consent. Sexual assault includes, but is not limited to:
- Non-Consensual Sexual Contact; or
  - Coercing, Forcing, or attempting to Coerce or Force a person to touch another person’s intimate parts without that person’s Effective Consent; or
  - Non-Consensual Sexual Intercourse.
- O. “Sexual Exploitation” means taking sexual advantage of another person without Effective Consent and includes, without limitation, causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage over such person; causing the prostitution of another person; recording, photographing, or transmitting identifiable images of private sexual activity and/or intimate parts (including genitalia, groin, breast or buttocks) of another person; allowing third parties to observe private sexual acts; engaging in voyeurism; distributing intimate or sexual information about another person; and/or knowingly or recklessly exposing another person to a significant risk of sexually transmitted infection, including HIV.
- P. “Sexual Harassment” means unwelcome conduct of a sexual nature which unreasonably interferes with a person’s college employment, academic performance or participation in college programs or activities or creates a working, learning, program, or activity environment that a reasonable person would find intimidating, hostile or offensive. Sexual Harassment may include, for example, unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, including acts of sexual violence. In evaluating any complaint of sexual harassment the perceived offensiveness of a particular expression, standing alone, is not sufficient by itself to constitute sexual harassment. The conduct in question must be objectively intimidating, hostile or offensive and interferes with a person’s right to equally participate in programs and activities of the College.

- Q. “Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to either fear for the person's safety or the safety of others, or suffer substantial emotional distress. For the purpose of this definition—
- (i) “*Course of conduct*” means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
  - (ii) “*Substantial emotional distress*” means significant mental suffering or anguish that may, but does not necessarily, require or involve medical or other professional treatment or counseling.
  - (iii) “*Reasonable person*” means a reasonable person under similar circumstances and with similar identities to the Complainant.
- R. “Unwelcome” means something that was not requested or invited it and is considered undesirable or offensive, and may be physically threatening, harmful, or humiliating. Something that is unwelcomed does not have to include intent to harm, be directed at a specific target, or involve repeated incidents, and can involve persons of the same or opposite sex. Participation in or failure to complain about something does not always mean that it was welcomed. The fact that a student may have welcomed something does not necessarily mean that the student welcomed other conduct, or that something welcomed on one occasion will be welcomed on a subsequent occasion.

### **III. Reporting Sexual Misconduct**

- A. General. The College strongly encourages students impacted by Sexual Misconduct to talk promptly to someone about what happened, so that any student who is the victim of Sexual Misconduct can get the support needed, and the College can respond immediately and appropriately. The earlier an incident is reported, the easier it is to collect valuable evidence and investigate the incident and obtain protective orders. Different employees on campus have different abilities to maintain a student’s confidentiality. All employees must keep reports private, however, and will only disclose information to those on a need to know basis to assist in redressing the behavior. Most employees are required to report all the details of an incident (including the identities of both the Complainant and the Respondent) to the Title IX Coordinator. A report to those employees (“Responsible Employees”) constitutes a report to the College – and generally obligates the College to investigate the incident and take appropriate steps to address the situation.

The following information describes the various reporting and confidential disclosure options available to students so they can make informed choices about whom to contact should they be a victim of Sexual Misconduct. These reporting options are available to students both on and off campus or who may be abroad or studying at another campus location.

- B. Discussing with a Confidential Resource. Professional, licensed counselors, pastoral counselors and licensed health care professionals who provide mental-health counseling to members of the school community (and including those who act in that role under the

supervision of a licensed counselor) are not required to report any information about an alleged Sexual Misconduct incident to the Title IX Coordinator without a student's permission.

If a student wishes to discuss the details of an incident but does not yet wish to have it reported to the Title IX Coordinator, the student may speak with:

- Randy Hook, Counselor – 540-828-5358; [rhook@bridgewater.edu](mailto:rhook@bridgewater.edu)
- Amy Ghaemmaghami, Counselor – 540-828-5379; [aghaemma@bridgewater.edu](mailto:aghaemma@bridgewater.edu)
- Paige French, Nurse Practitioner – 540-828-5384; [pfrench@bridgewater.edu](mailto:pfrench@bridgewater.edu)
- Linda Bowers, College Nurse – 540-828-5384; [lbowers@bridgewater.edu](mailto:lbowers@bridgewater.edu)
- Robbie Miller, College Chaplain – 540-828-5383; [rmiller@bridgewater.edu](mailto:rmiller@bridgewater.edu)

C. Reporting to Campus Police and Safety. A member of the Bridgewater College Campus Police and Safety Department is always on patrol on or about campus, and is available to provide assistance to our students. **A report of Sexual Misconduct may be made at any time, day or night, by contacting the Campus Police and Safety officer on duty at 540-828-5609.** Campus Police and Safety officers are considered Responsible Employees who are required to report a Sexual Misconduct incident to the Title IX Coordinator.

D. Reporting to a Responsible Employee. Responsible Employees must report all alleged incidents of Sexual Misconduct that they observe or of which they are informed to the Title IX Coordinator, who is required to investigate and take reasonable action. Failure of a Responsible Employee, as described in this section, to report an incident or incidents of prohibited Sexual Misconduct that they knew about or in the exercise of reasonable caution should have known about, is a violation of college policy and may result in disciplinary action, up to and including termination of employment. As noted above, the College has defined the following employees as Responsible Employees:

- Title IX Coordinators- [TitleIXCoordinator@bridgewater.edu](mailto:TitleIXCoordinator@bridgewater.edu)
  - Heidi Hoover, Title IX Coordinator; 540-828-8063; [hhoover@bridgewater.edu](mailto:hhoover@bridgewater.edu)
  - Crystal Lynn, Deputy Title IX Coordinator; 540-828-5356; [clynn@bridgewater.edu](mailto:clynn@bridgewater.edu)
  - Jean Willi, Deputy Title IX Coordinator, Associate Director of Athletics; 540-828-5400; [jwilli@bridgewater.edu](mailto:jwilli@bridgewater.edu)
- Student Life staff, to include Area Coordinators
- Student Resident Advisors
- International Education Coordinator
- Athletic Coaches and Staff Trainers
- Faculty members
- Campus Police and Safety
- Work Study supervisors
- Student organization and Club advisors
- Executive Administrators to include the President and Vice-Presidents
- Director level staff and above

Before a Complainant reveals any information to a Responsible Employee, the employee should ensure that the Complainant understands the employee's reporting obligations, and, if the Complainant wants to maintain confidentiality, direct the Complainant to confidential resources. If the Complainant wants to tell the Responsible Employee what happened but also maintain confidentiality, the employee should tell the Complainant that the College will consider the request, but cannot guarantee that the College will be able to honor it. In reporting the details of the Sexual Misconduct incident to the Title IX Coordinator, the Responsible Employee will also inform the Coordinator of the Complainant's request for confidentiality.

Responsible Employees will not pressure a Complainant to request confidentiality, nor will they pressure a Complainant to make a full report if the Complainant is not ready to do so. Instead, they will honor and support the Complainant's wishes, including for the College to fully investigate a Sexual Misconduct incident. To the extent possible, information reported to a Responsible Employee will be shared only with people responsible for handling the College's response to the report, as well as those responsible for recording and reporting criminal activity while, to the extent possible, maintaining the confidentiality of personally identifying information. A Responsible Employee should not share information with law enforcement without the Complainant's consent or unless the Complainant has also reported the incident to law enforcement.

**A report of Sexual Misconduct may be made at any time, day or night, by contacting Campus Police and Safety at 540-828-5609 or the Student Life Area Coordinator on call at 540-705-0668.**

- E. Other Campus Reporting. Public awareness events such as "Take Back the Night," the Clothesline Project, candlelight vigils, protests, "survivor speak outs" or other forums in which students disclose incidents of Sexual Misconduct, are not considered notice to the College of Sexual Misconduct for purposes of triggering its obligation to investigate any particular incident(s). Such events may, however, inform the need for campus-wide education and prevention efforts, and the College may provide information about students' Title IX rights at these events.
- F. Reporting to Local Law Enforcement. As noted earlier, Sexual Misconduct may constitute *both* a violation of College policy *and* criminal activity. The College strongly encourages students to report alleged Sexual Misconduct promptly to Campus Police and Safety as well as the Town of Bridgewater Police Department. Nevertheless, a Complainant has the option not to make a report with law enforcement. In circumstances of sexual assault, if a Complainant does not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease and provide for support.

A Complainant may seek assistance to commence a criminal investigation from Campus Police, the Town of Bridgewater Police Department or the Rockingham County Sheriff's Office, and the Complainant will be informed that, upon request, College authorities will assist in notifying law enforcement authorities. The Campus Police Department can assist

in contacting either the Town of Bridgewater police or the Rockingham County Sheriff's Office. The responding officer's primary responsibility will be the Complainant's physical well-being and emergency medical needs, to include arranging for transportation to the hospital. Criminal investigations may be useful in the gathering of relevant evidence, particularly forensic evidence. Because the standards for finding a violation of criminal law are different from the standards for finding a violation of this policy, criminal investigations or reports are *not* determinative of whether Sexual Misconduct, for purposes of this policy, has occurred. In other words, conduct may constitute Sexual Misconduct under this policy even if law enforcement agencies lack sufficient evidence of a crime and, therefore, decline to prosecute.

The filing of a complaint of Sexual Misconduct under this policy is independent of any criminal investigation or proceeding, and (except that the College's investigation may be delayed temporarily while police criminal investigators are gathering evidence) the College will not wait for the conclusion of any criminal investigation or proceedings to commence its own investigation and take Interim Measures to protect the Complainant and the College community.

**Campus Police and Safety may be contacted by calling 540-828-5609. Town of Bridgewater Police may be contacted by calling 540-828-2611 or 911, and the Rockingham County Sheriff's Office may be contacted by calling 540-564-3800 or 911.**

- G. Reporting to Off-Campus Resources. Off-campus counselors, advocates, and health care providers will also generally maintain confidentiality and not share information with the College unless the Complainant requests the disclosure and signs a consent or waiver form.

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

- Collins Center, 24-Hour Sexual Assault Crisis Hotline - 540-432-6430  
The Collins Center is a sexual assault crisis center located in Harrisonburg, and all services are free of charge and strictly confidential.
- First Step, 24-Hour Domestic and Dating Violence Hotline - 866-223-9169
- Sentara RMH Medical Center - 540-689-1300
- Crime Victim Assistance Info-Line – 888-887-3418

- H. Reporting to Office for Civil Rights. A student also has the option of contacting the Office for Civil Rights regarding sex discrimination issues at: Washington D.C. (Metro), Office for Civil Rights, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202-1475, Telephone: 202-453-6020, FAX: 202-453-6021; TDD: 800-877-8339; e-mail: [OCR.DC@ed.gov](mailto:OCR.DC@ed.gov).

- I. Reporting while Abroad. Victims of sexual misconduct abroad can still access the support and resources they need. There are several ways to ensure the recovery and support of victims abroad. Contact the Office for Study Abroad at (804) 289-8836 or [atmarsh@bridgewater.edu](mailto:atmarsh@bridgewater.edu). If no one is available or if it is after hours, call the

Bridgewater Campus Police and Safety Department at 540-828-5609. As a Responsible Employee, the Bridgewater faculty/staff member must notify the Title IX Coordinator who is available and trained to help you while abroad and upon return to campus.

1) US Consulate

a) Contact the U.S. consulate and ask to talk to the warden (or emergency officer) on call. They are available to help 24 hours a day, seven days a week. <http://travel.state.gov/content/passports/english/emergencies/victims.html> The Department of State website explains how to get help. When you call the consulate, they will ask your name and a number where you can be reached. The consulate officer on duty will return your call quickly. In addition, you may be contacted by the Regional Security Officer at the embassy as well as a representative of the American Citizen Services. They will help you with medical, legal and other advice. They will not require you to make a police report, but will help you do so if you wish to take legal action. You can ask someone from the consulate to accompany you to the medical exam and to help you make the police report. If you want your parent or another family member to talk to the U.S. consulate to help you, then you will need to sign or give a verbal privacy waiver. They will only communicate with this individual about your situation.

2) Additional Resources for Help if Outside the U.S.

a) RAINN (Rape, Abuse and Incest National Network) –Toll-free 24/7 hotline for sexual assault counseling and referrals: 1-800-656-HOPE <http://www.rainn.org/get-help/sexual-assault-and-rape-international-resources>

b) SASHAA (Sexual Assault Support and Help for Americans Abroad) - Free and confidential services for all genders and sexualities available 24 hours a day, 7 days a week. Support services include an international toll free hotline, 866-USWOMEN, a live chat feature, and a crisis email: [crisis@866uswomen.org](mailto:crisis@866uswomen.org). More information can be found at <http://sashaa.org/>.

c) U.S. Department of Justice Violence Against Women Office – Information about local sexual assault victim assistance: <http://ojp.gov/programs/victims.htm>

J. False Reporting. All College community members are expected to provide truthful information in any report or proceeding under this policy. Submitting or providing false or misleading information in bad faith or with a view to personal gain or intentional harm to another in connection with an incident is prohibited and subject to disciplinary sanctions and disciplinary action. This provision does not apply to reports made or information provided in good faith, even if the facts alleged in the report are not later substantiated.

#### IV. Initial Process

A. Meeting with Complainant. As soon as possible after a complaint is made alleging Sexual Misconduct, the Title IX Coordinator will schedule a meeting with the Complainant to (a) determine the name of the Respondent, and the date, location and nature of the alleged incident of Sexual Misconduct, and (b) obtain the Complainant's consent to begin an investigation.

The Title IX Coordinator will provide the Complainant with an electronic or written copy of this Policy, and shall inform the Complainant of: (i) the available law-enforcement options for investigation and prosecution; (ii) the importance of collection and preservation of evidence; (iii) the available options for a protective order; (iv) the available campus options for investigation and adjudication under the College's policies; (v) the Complainant's rights to participate or decline to participate in any investigation to the extent permitted under state or federal law; (vi) the applicable federal or state confidentiality provisions that govern information provided by a Complainant; (vii) the available on-campus resources (e.g., the College's Counseling Center, Student Health Services, financial aid office) and any unaffiliated community resources, including sexual assault crisis centers, domestic violence crisis centers (e.g., the Collins Center), or other victim support services (e.g., counseling, health, mental health, victim advocacy, legal assistance, and visa and immigration assistance); and (viii) the importance of seeking appropriate medical attention and the opportunity for referrals for medical treatment.

The meeting may also involve a discussion of any accommodations that may be appropriate concerning the Complainant's academic, College housing, and/or College employment arrangements. The College will provide the Complainant with periodic updates on the status of the investigation.

The use of mediation for Sexual Assault complaints is prohibited. Informal processes may be used for other Title IX cases as appropriate.

- B. Complainant Requests Confidentiality. If the Complainant does not wish to pursue a complaint and/or requests that the complaint remain confidential, the College nevertheless is required to investigate and take reasonable action to the extent it can do so within the restrictions requested by the Complainant. The Title IX Coordinator will inform the Complainant that the College's ability to meaningfully investigate the incident and pursue disciplinary action against the Respondent(s) may be limited. In order to determine the extent to which the College can honor the Complainant's request for confidentiality, the Title IX Coordinator may conduct a preliminary investigation into the alleged Sexual Misconduct.

When weighing a Complainant's request for confidentiality or that no investigation or discipline be pursued, the Title IX Coordinator will consider a range of factors, such as:

1. The increased risk that the Respondent will commit additional acts of Sexual Misconduct or violence, such as:
  - a. whether there have been other Sexual Misconduct complaints about the same Respondent
  - b. whether the Respondent has a history of arrests or records from a prior school indicating a history of Sexual Misconduct or violence
  - c. whether the Respondent threatened further Sexual Misconduct or violence against the Complainant or others;
  - d. whether the Sexual Misconduct was committed by multiple Respondents;
2. Whether the Sexual Misconduct was perpetrated with a weapon;

3. Whether the Complainant is a minor;
4. Whether the College possesses other means to obtain relevant evidence of Sexual Misconduct (e.g., security cameras or personnel, physical evidence, etc.)
5. Whether the Complainant's report reveals a pattern of perpetration (e.g., via illicit drugs or alcohol) of Sexual Misconduct at a given location or by a particular group.

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

- C. Meeting with Respondent. If not inconsistent with any request of the Complainant for confidentiality, the Title IX Coordinator will meet with the Respondent to inform the Respondent of the allegation of Sexual Misconduct and obtain a preliminary account of the Respondent's response to the allegation of Sexual Misconduct. The Title IX Coordinator shall: (a) provide the Respondent with an electronic or written copy of this Policy; (b) inform the Respondent of campus options for investigation and adjudication under the College's policies; (c) inform the Respondent about available on-campus resources (e.g., the College's Counseling Center and Student Health Services) and any unaffiliated community resources; and (d) inform the Respondent of any Interim Measures with which the Respondent may be required to comply.
- D. Review Committee. Notwithstanding the provisions of paragraph B above, upon receipt of information regarding an act of sexual violence (as defined in Va. Code § 23-9.2:15) which occurred on campus, in or on a noncampus building or property, or on public property (all as defined in Va. Code § 23-9.2:15), the Title IX coordinator shall promptly report the information, including any personally identifiable information, to the Review Committee. The Review Committee shall meet to review the information within 72 hours of the Title IX Coordinator receiving information. If, based on the consideration of all factors, the Review Committee, or if the Review Committee cannot reach a consensus, the representative of law enforcement on the Review Committee, determines that the disclosure of the information, including personally identifiable information, is necessary to protect the health or safety of the Complainant or other individuals, the representative

of law enforcement on the review committee shall immediately disclose such information to the law-enforcement agency that would be responsible for investigating the alleged act of sexual violence. Such disclosure shall be for the purposes of investigation and other actions by law enforcement. Upon such disclosure, the Title IX Coordinator or her designee shall notify the Complainant that such disclosure is being or has been made.

In cases in which the alleged act of sexual violence would constitute a felony, the representative of law enforcement on the Review Committee shall inform the other members of the Review Committee and shall, within 24 hours of receiving the information, consult with the attorney for the Commonwealth or other prosecutor responsible for prosecuting the alleged act of sexual violence and provide the information received by the Review Committee without disclosing personally identifiable information, unless such information was disclosed as described above. In addition, if such consultation does not occur and any other member of the Review Committee individually concludes that the alleged act of sexual violence would constitute a felony, that member shall, within 24 hours of receiving the information, consult with the attorney for the Commonwealth or other prosecutor responsible for prosecuting the alleged act of sexual violence and provide the information received by the Review Committee without disclosing personally identifiable information, unless such information was disclosed as describe above.

At the conclusion of the review by the Review Committee, the Title IX Coordinator and the law-enforcement representative shall each retain (i) the authority to proceed with any further investigation or adjudication allowed under state or federal law and (ii) independent records of the Review Committee's considerations, which shall be maintained under applicable state and federal law.

- E. Other Related Misconduct. In accordance with its policies, the College is empowered to hear allegations of, and to impose sanctions for, Sexual Misconduct and any other violations of the College's code of conduct directly related to the circumstances involved in the alleged Sexual Misconduct or any alleged violations of this Policy. It is not, however, the practice of the College to pursue disciplinary action against a Complainant or witness for improper use of alcohol or drugs that occurs during the events involved in the alleged Sexual Misconduct, provided that such student is acting in good faith to related events. Students, whether as parties to the proceedings or as witnesses, are expected to provide truthful information and testimony in accordance with the College's Honor Code.
- F. Interim Measures. Interim measures are those services, accommodations, or other assistance that the College puts in place for a Complainant after receiving notice of alleged sexual misconduct but before any final outcomes – investigatory, disciplinary, or remedial – have been determined. Interim measures are for the duration of the investigation and adjudication process. The College wants students to be safe, to receive appropriate medical attention, and to get the help they need to heal and to continue to access their educational opportunities. The College also wants students to understand their reporting options and how to access available interim measures. The College encourages victims of Sexual Misconduct to report those incidents to the College's Title IX Coordinator or any Responsible Employee with whom the victim feels comfortable. The College recognizes

that Sexual Misconduct can be traumatic and may leave victims feeling overwhelmed and confused. This policy seeks to provide clear guidance regarding available resources and who can help in securing them.

Upon receiving a report of Sexual Misconduct, the College will provide the Complainant or Complainant's counselor with a written explanation of the interim measures available on campus and through local community resources and shall ask the Complainant, or their counselors, what measures are sought. Some possible interim measures are listed below, and the College determines which measures are appropriate for a particular victim on a case-by-case basis. Not all of the measures listed below will be necessary in every case to keep a Complainant safe and ensure equal access to educational programs and activities. If the Complainant or counselor identifies an interim measure that is not already provided by the College, the College will consider whether the request can be granted. In those instances where interim measures affect both a Complainant and the Respondent, the College will minimize the burden on the Complainant wherever appropriate.

The Complainant or their counselor may request the interim measures listed below. The College – after consulting with the Complainant – will determine which measures are appropriate to ensure the Complainant's safety and equal access to educational programs and activities:

- Academic accommodations
- Medical and mental health services, including counseling
- Change in campus housing and/or dining locations
- Assistance in finding alternative housing
- Assistance in arranging for alternative College employment arrangements and/or changing work schedules
- A “No Contact” directive pending the outcome of an investigation. Such a directive serves as notice to both parties that they must not have verbal, electronic, written, or third party communication with one another
- Providing an escort to ensure that the student can move safely between school programs and activities
- Transportation accommodations, such as shuttle service, cab voucher, or parking arrangements to ensure safety and access to other services
- Assistance identifying an advocate to help secure additional resources or assistance including off-campus and community advocacy, support, and services

The College will work with the Complainant or their counselors to identify what interim measures are appropriate in the short term (e.g., during the pendency of an investigation or other school response), and will continue to work collaboratively throughout the College's process and as needed thereafter to assess whether the instituted measures are effective, and if not, what additional or different measures are necessary to keep the Complainant safe.

The Respondent may be required prior to and during the investigation and hearing process to comply with the determined interim measures. In addition, the College may determine

that an interim suspension of the Respondent during the investigation and hearing process may be appropriate. The College will maintain as confidential any interim or protective measures provided to the Complainant, to the extent that maintaining such confidentiality would not impair the ability of the College to provide the interim or protective measures. The Respondent will be informed of interim Measures only to the extent necessary to ensure that the Respondent complies with interim measures which impact the Respondent's conduct.

When a Complainant's counselor requests any of the above measures on the Complainant's behalf without disclosing that Sexual Misconduct is the basis for the request, the College will consider those requests for supportive measures consistent with its general policy of allowing counselors to seek such measures for victims of trauma without requiring that the nature of the trauma be disclosed.

The College will provide reasonable remedial and protective measures to third parties as appropriate and available, taking into account the role of the third party, the actions of the Respondent, and the nature of any contractual relationship with the College.

- G. Protective Orders. Protective orders are civil court orders meant to protect victims who have experienced or are reasonably in fear of physical violence, sexual assault or stalking by another individual. The Bridgewater College Campus Police will explain and provide assistance in the process of obtaining protective orders. A Complainant also may seek the assistance of the Town of Bridgewater Police Department or the Rockingham County Sheriff's Department.

An emergency protective order (EPO) aims to protect the health or safety of any person regardless of a decision to arrest. A police officer may request an EPO for a Complainant for any act involving violence, force, or threat that results in bodily injury, or places one in reasonable apprehension of death, sexual assault, or bodily injury. Such acts include, but are not limited to, any forceful detention, stalking, or criminal sexual assault in violation of Virginia law that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury.

An EPO is issued by a judge or magistrate, upon request of a law enforcement officer or a Complainant. To obtain an emergency protective order, the Complainant must have been subjected to an act of violence, force, or threat, and the judge or magistrate must find that (i) there is probable danger of a further such act being committed by the Respondent against the Complainant or (ii) a petition or warrant for the arrest of the Respondent has been issued for a criminal offense resulting from the commission of an act of violence, force, or threat. An EPO can:

- Prohibit acts of violence, force, or threat or criminal offenses resulting in injury to person or property,
- Prohibit contacts by the Respondent with the Complainant or the Complainant's family or household members, and

- Grant other conditions that the judge or magistrate deems necessary to prevent (i) acts of violence, force, or threat, (ii) criminal offenses resulting in injury to person or property, or (iii) communication or other contact of any kind by the Respondent.

The EPO remains in effect for 72 hours. The Complainant may request a preliminary protective order, within a reasonable period of time following the incident, through the General District Court. A preliminary protective order (PPO) is issued by a judge, upon request of a Complainant or law enforcement officer. To obtain a PPO, the Complainant must have been subjected to an act of violence, force, or threat, or a petition or warrant has been issued for the arrest of the alleged perpetrator for any criminal offense resulting from the commission of an act of violence, force, or threat. A Complainant must appear before a judge in person to request a PPO. A PPO can:

- Prohibit acts of violence, force, or threat or criminal offenses that may result in injury to person or property,
- Prohibit contacts by the Respondent with the Complainant or the Complainant's family or household members, and
- Grant other conditions that the court deems necessary to prevent (i) acts of violence, force, or threat, (ii) criminal offenses resulting in injury to person or property, or (iii) communication or other contact of any kind by the Respondent.

A PPO is valid for 15 days, or until the date of the next hearing scheduled at the time of issuance of the preliminary protective order for a permanent or full protective order. A full protective is issued by a judge, following a hearing at which both the Complainant and Respondent are present. A full protective order can:

- Prohibit acts of violence, force, or threat or criminal offenses that may result in injury to person or property,
- Prohibit contacts by the Respondent with the Complainant or the Complainant's family or household members, and
- Grant other conditions that the court deems necessary to prevent (i) acts of violence, force, or threat, (ii) criminal offenses resulting in injury to person or property, or (iii) communication or other contact of any kind by the Respondent.

A Protective Order is valid for any period of time up to a maximum of two years. It is very important to keep a copy of the Protective Order with you at all times. Show it to the police officer, magistrate, prosecutor, or judge if the Respondent violates the order.

The Campus Police and Safety Department will enforce protective orders from other states or possessions of the United States as if they were issued in the Commonwealth of Virginia, so a Complainant is encouraged to inform Campus Police of any protection orders.

- H. Retaliation. It is a violation of College policy for anyone to retaliate against any person making a complaint of Sexual Misconduct or against any person cooperating in the investigation of (including testifying as a witness to) any allegation of Sexual Misconduct. Retaliation against those accused of Sexual Misconduct is also a violation of this policy.

Retaliation does not include good faith actions lawfully pursued in response to a report of Sexual Misconduct. For these purposes, “Retaliation” includes intimidation, threats or harassment against any Complainant or third party. Retaliation should be reported promptly to Campus Police and Safety, the Title IX Coordinator, or the Department of Student Life and may result in disciplinary action independent of the sanction or interim measures imposed in response to the underlying allegations of Sexual Misconduct.

## **V. Resolution**

- A. Investigation. Upon receiving a report (either verbally or in writing), the Title IX Coordinator will conduct an initial assessment of the available information, the complainant’s immediate and ongoing safety and well-being; the incident or conduct at issue; any risk of harm to the parties, any other individuals, or the broader campus community; the existence of severe, persistent or pervasive conduct, including evidence of a pattern, use of a weapon or other predatory conduct; and the necessity for any interim measures or accommodations. As outlined above, the Title IX Coordinator will also consider the interest of the complainant and the complainant’s expressed preference for manner of resolution, which may include confidentiality or the initiation of an investigation to determine if disciplinary action is warranted.

If the report and/or intake appear upon initial assessment to be a possible violation of this policy, taking into consideration any requests for confidentiality from the Complainant, the Title IX Coordinator will either conduct an investigation of the allegation or assign an investigator to investigate the allegation of Sexual Misconduct. Investigators will receive annual training on issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation that protects the safety of victims and promotes accountability. Ordinarily, this investigation will include interviews with and obtaining statements from both or all parties, interviews with witnesses, and a review of documentary evidence. The College will conduct this investigation regardless of whether a report has been made to law enforcement, but the College will be mindful of an active law enforcement investigation. In such circumstances the College’s investigator should not ordinarily conduct independent interviews or gather evidence while law enforcement is actively interviewing witnesses or gathering evidence on the matter that concerns the College; however, under special circumstances, the investigator may proceed to do so.

Typically, the period from commencement of an investigation through resolution (finding and sanction, if any,) will not exceed sixty (60) calendar days. This timeframe may be extended for good cause, which may exist if additional time is necessary to ensure the integrity and completeness of the investigation, to comply with a request by external law enforcement for temporary delay to gather evidence for a criminal investigation, to accommodate the availability of witnesses, to account for College breaks or vacations, to account for complexities of a case, including the number of witnesses and volume of information provided by the parties, or for other legitimate reasons. The parties will be notified in writing of any extension of this timeframe and the reason for such extension. The time for consideration and disposition of any appeal of the resolution will be in addition to the sixty (60) calendar days.

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

If the Title IX Coordinator determines that there is sufficient information to charge a violation of this Policy: (a) any written report of the investigation will be made available for review by the parties; (b) the Title IX Coordinator will cause a transcript hold to be placed on the Respondent's transcript pending final resolution of the complaint; and (c) the Title IX Coordinator will refer the case for a hearing. The determination to charge the Respondent does not mean that the Respondent will be found responsible for a violation of the Policy. Instead, it means that the Title IX Coordinator has determined that, based upon the available information obtained from the investigation, the matter warrants further review in a hearing. The Respondent will be found in violation only if the hearing officer(s) determines, by a preponderance of the evidence, that the Respondent has committed a violation of the policy.

Should the Title IX Coordinator determine that there is not sufficient information to charge the Respondent, the Title IX Coordinator will so inform the parties in writing concurrently, and will document the matter as closed. The Complainant may appeal the determination that there is not enough information to charge the Respondent by submitting a letter to the Dean of Students outlining all reasons for the appeal. The appeal must be submitted to the Dean of Students within five (5) calendar days of receipt of the written determination of the Title IX Coordinator. The Dean of Students will review the appeal and notify the Complainant and Respondent in writing whether the appeal has been granted or denied. This determination by the Dean of Students will generally be made within twenty (20) calendar days of when the appeal has been received. That determination is final and may not be appealed further.

- C. Advisors. The Complainant and Respondent may seek the advice and assistance of an Advisor of their choice, at their own expense. The advisor may be any person, including an attorney, who is not otherwise a party or witness involved in the investigation. Following written notification by the Title IX Coordinator formally charging the Respondent with a violation of this Policy, an Advisor may accompany a party to meetings and any hearing, but may not present evidence, question witnesses, or otherwise participate in the hearing. Any party may request a brief recess of the hearing to consult with their Advisor, which will be granted at the discretion of the hearing officer(s).
- D. Notice of Hearing. The Complainant and Respondent shall receive advanced written notification of the specific charges and the date, time, and location of the hearing and an electronic or written copy of this Policy. The parties may request a reasonable extension of time to prepare for the hearing. Requests for an extension will not be granted for a period to exceed two business days except in unusual circumstances where the party can

demonstrate the necessity for a longer delay. All requests for an extension of time should be made in writing at least 24 hours prior to the scheduled hearing, except in cases of documented serious illness or emergency. A Complainant or Respondent who fails to appear at a scheduled hearing without good cause (e.g., serious illness), after proper notice of the hearing, may have the case be decided notwithstanding an absence. In such cases, decisions will be based solely on witness testimony and other information presented during the hearing. Failure to appear does not preclude a party from appealing a decision through the process detailed below.

- E. Hearing Officer. The hearing will be conducted by one hearing officer, or at the College's election, more than one hearing officer, such hearing officer(s) selected by the College. The College may use College employees, or may ask other individuals with relevant experience and training to serve as a hearing officer(s). Hearing officers will receive annual training on issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct a hearing process that protects the safety of victims and promotes accountability. If more than one hearing officer conducts the hearing, the hearing officers shall select one of them to serve as chair of the hearing, and decisions of the hearing officers shall be made by majority vote.
- F. Pre-Hearing Submissions. All parties shall have the opportunity to provide information in advance of the hearing to be considered by the hearing officer(s). Any additional information must be submitted in writing to the hearing officer(s) at least two business days prior to the proceeding. The Complainant and Respondent each will have the opportunity to review any written information submitted by any other party. The hearing officer(s) may set reasonable parameters for written submissions.

All parties may provide to the hearing officer(s) the names of witnesses who have relevant information pertaining to the incident and will be called to testify. Any witness list must be submitted in writing to the hearing officer(s) at least two business days prior to the proceeding. The hearing officer(s) will determine whether the suggested witnesses will be permitted to participate in the proceeding. Character witnesses will not be heard. In general, witnesses who are not members of the College community will not be permitted to serve as a witness in the proceeding. The parties are responsible for the attendance of their respective witnesses at the hearing. The Complainant and Respondent each will have the opportunity to review any witness list submitted by the other.

In addition, the parties may submit in writing to the hearing officer(s) questions the party would like the hearing officer(s) to ask the other party or a witness. Any questions must be submitted in writing to the hearing officer(s) at least two business days prior to the proceeding. The hearing officer(s) will determine whether to ask the questions.

- G. Resolution Prior to Hearing. The hearing officer(s) will review the investigation report and any written submissions. The hearing officer(s) may determine that a hearing is not necessary when the hearing officer(s) concludes that the information in the investigation report and the written submissions (if any) is sufficient to make a determination. If the hearing officer(s) decides that a hearing is not necessary, the hearing officer(s) will so

notify the parties and then proceed directly to make a determination, including an explanation of why a hearing is not necessary, as described below.

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

- H. Conduct of the Hearing. A hearing is closed to the public, including friends and parents of the parties and College personnel without an official interest in the case. Only the hearing officer(s), the Complainant, Respondent, and their advisors, witnesses, and necessary College personnel may be present in the hearing room during the proceeding, and the Complainant, Respondent, and their advisors, and the witnesses may be in the hearing room only when the respective individual is presenting testimony.

The hearing will not follow a courtroom model, and formal rules of process, procedure, and/or technical rules of evidence, such as applied in criminal or civil court, will not be observed. The hearing is intended to be an informal process. What might be considered hearsay or secondhand or other indirect evidence may be presented and given that weight to which it may be entitled, as determined by the hearing officer(s) as part of considering the totality of the information and the credibility of any witness. Deviations from prescribed procedures shall not necessarily invalidate a decision, unless significant prejudice to the Respondent, Complainant or the College results.

The parties have the option not to appear and/or testify; however, the exercise of that option will not preclude the hearing officer(s) from proceeding and determining the complaint on the basis of the evidence presented.

The hearing officer(s) will not consider the romantic or sexual history of either the Complainant or Respondent, except for testimony offered by one or the other about the Complainant's and Respondent's shared sexual history that the hearing officer(s) deems relevant. If such information is offered by the Complainant or Respondent, the other party will be advised of the information and given an opportunity to respond. The existence of a prior consensual dating or sexual relationship between the Complainant and Respondent by itself does not support an inference of Effective Consent to alleged act(s) of Sexual Misconduct.

If the hearing officer(s) determines that unresolved issues exist that would be clarified by the presentation of additional evidence, the hearing officer(s) may recess the hearing and reconvene it in a timely manner to receive such evidence. A recess may not be based on the failure of witnesses to appear.

At the discretion of the hearing officer(s), an audio, video or stenographic recording of the hearing may be made for the use of the hearing officer(s), for sanctioning, and for purposes of appeal. Any such recording shall remain the sole property of the College.

- I. Evidentiary Standard. The evidence of alleged Sexual Misconduct will be evaluated under a “preponderance of the evidence” standard, meaning that the evidence must show that it is “more likely than not” that the Respondent violated the policy. The Respondent will be found to be responsible for the alleged Sexual Misconduct if the hearing officer(s) concludes that such Sexual Misconduct more likely than not occurred based upon a review of all the evidence presented.
- J. Decision. Following the hearing, the hearing officer(s) will issue a written decision letter, delivered concurrently to both the Respondent and the Complainant. The decision letter will set forth the names of the Complainant and Respondent; the violation(s) of the policy for which the Respondent was found responsible, if any; any essential findings supporting the hearing officer(s)’s decision on the issue of responsibility; and the sanction(s) imposed, if any. The Respondent shall not be notified of any individual remedies offered or provided to the Complainant.

The privacy of all parties to a report of Sexual Misconduct must be respected, except insofar as it interferes with the College’s obligation to fully investigate allegations of Sexual Misconduct. When confidentiality is not strictly kept, information will still be tightly controlled on a need-to-know basis. The College will not disseminate information and/or written materials to persons not involved in the resolution process without the consent of both parties. Witnesses are also required to maintain the privacy of information shared with them during interviews and/or hearings. Violations of the privacy of the Complainant or the Respondent may lead to conduct action by the College, though both parties are allowed to share their perspectives and experiences. All parties, including witnesses, involved in an allegation are strongly encouraged to maintain the privacy of information and/or written materials.

- K. Sanction. If the hearing officer(s) concludes that the alleged Sexual Misconduct occurred, the hearing officer(s) may impose any sanction that is fair and proportionate to the violation. In determining an appropriate sanction, the hearing officer(s) may consider any record of past violations of the standards of conduct, as well as the nature and severity of such past violation(s). The hearing officer(s) will consider as part of deliberations whether the sanction will (a) bring an end to the violation in question, (b) reasonably prevent a recurrence of a similar violation, and (c) remedy the effects of the violation on the Complainant and the Bridgewater College community. Any sanction imposed will be described in the written decision of the hearing officer(s). The hearing officer(s) may impose any one or more of the following sanctions on a Respondent determined to have violated the Policy:

- Reprimand/warning
- Assigned restorative activities
- Removal from extracurricular activities and clubs
- Restitution and/or fines
- Changing the Respondent’s academic schedule
- Disciplinary probation
- Revocation of honors or awards

- Restricting access to College facilities or activities (including student activities and campus organizations)
- Community service
- Issuing a “no contact” and minimum distance order or requiring that such an order remain in place both as to campus and off campus contact
- Reassigning campus residence
- Dismissal, suspension, demotion or restriction from College employment
- Removal from student housing
- Suspension (limited time or indefinite)
- Notation on transcript
- Expulsion
- Revocation of degree
- No trespass notice and ban from College campus or having any contact with or doing any transaction or attempted transaction with the College
- Other sanctions as may be determined appropriate under the circumstances

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

L. Appeals. Either party may appeal the hearing officer(s)’ decision by notifying the Title IX Coordinator in writing within five (5) business days after receipt of the hearing officer(s)’s decision. The party appealing the decision shall submit a detailed statement which shall include the reasons the party believes the decision of the hearing officer(s) should be modified or reversed. The only three permitted grounds for appeal are:

1. A substantial procedural error that would materially change the determination or sanction;
2. New, substantial and credible information that was not available at the time of the investigation or hearing and that would materially change the determination or sanction; and
3. Excessiveness or insufficiency of the sanction.

Disagreement with the finding or sanctions is not, by itself, grounds for appeals.

The appeal may be conducted by one or, at the election of the College, more than one appeal officers selected by the College. The College may use College employees, or may ask other individuals with relevant experience and training to serve as an appeal officer(s). Appeal officers will receive annual training on issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an appeals process that protects the safety of victims and promotes accountability. If more than one appeal officer is used, the appeal and any other decisions on appeal shall be decided by majority vote.

If the appeal officer(s) concludes that a change in the hearing officer(s)'s determination is warranted, the appeal officer(s) may enter a revised determination, reconvene the hearing officer(s) to reconsider the determination, or return the matter for additional investigation. After consultation with the Title IX Coordinator, the appeal officer(s) may also modify the sanction. If both the Complainant and Respondent appeal, the appeals will be considered concurrently. Within thirty (30) calendar days after receipt of the notice of appeal (or such longer time as the appeal officer(s) may for good cause determine), the appeal officer(s) will provide to both parties, concurrently, and to the Title IX Coordinator, a copy of the written decision. The decision of the appeal officer(s) is final, and there is no further appeal following this decision.

- M. Transcript Notation. The College's registrar shall include a prominent notation on the academic transcript of each student who has been suspended for, has been permanently dismissed for, or withdraws from the College while under investigation for an offense involving sexual violence under this policy, stating that such student was suspended for, was permanently dismissed for, or withdrew while under investigation for an offense involving sexual violence under this policy, substantially as follows: "[Suspended, Dismissed, or Withdrew while under investigation] for a violation of the College's student conduct policies." The Respondent will be notified that any such suspension, permanent dismissal, or withdrawal will be documented on the student's academic transcript.

The College shall remove from a student's academic transcript any notation placed on such transcript due to such student's suspension if the student (i) completed the term of the suspension and any conditions thereof and (ii) has been determined by the College to be in good standing according to the College's code, rules, or set of standards governing such a determination.

- N. Effective Date of Sanction. Sanctions imposed by the hearing officer(s) are not effective until any timely appeal of the decision is resolved within the appeal process of this Policy. However, if advisable to protect the welfare of the Complainant or the campus community, the hearing officer(s) may include in its determination letter that any sanction be effective immediately and continue in effect until such time as any appeal is finally resolved. The hearing officer may notify other campus officials to implement a decision that includes sanctions to protect the welfare of the Complainant or the campus community. If the matter is appealed, the appeal officer(s) may suspend the determination pending exhaustion of appeal, or allow the student to attend classes or other activity on a supervised or monitored basis, or make such other modifications to the determination as may be advisable.
- O. Readmission. A student who is absent from the College for a semester or longer, or one who has withdrawn from the College for any reason, voluntarily or involuntarily, must apply for readmission through the admissions office. Readmission is never guaranteed. If the applicant was suspended for violating academic or student conduct policies, readmission is dependent on the applicant demonstrating full compliance with the terms of suspension, the College being satisfied that the student takes responsibility for his or her individual choices and actions, and that the student is ready to participate as a positive,

contributing member of this academic community, which includes full acceptance of the expectations of the College for the members of its community.

- O. Effect of Policy. As with other College policies, this Policy does not create a contract and may be changed at any time without consent or prior notice. Any incident of Sexual Misconduct, however, shall be subject to the policy in effect at the time of the alleged incident.