

Southwest

Virginia Community College

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Annual Security Report For 2020

Issued by:
Chief of Campus Police
September 28, 2021

This report was prepared by Southwest Virginia Community College's dean of student success, in partnership with the SWCC chief of police, to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. This report is prepared in cooperation with the local law enforcement agencies within the college's service region. Each entity provides updated information on their educational efforts and programs to comply with the Act.

Campus crime, arrest and referral statistics include those reported to SWCC campus police, designated campus officials (included by not limited to directors, deans, department heads, and advisors to students/student organizations), and local law enforcement agencies. These statistics may also include crimes that have occurred in private residences or businesses adjacent to the campus as required by the Act. In cases where students or others are entitled to confidential reporting, a procedure is in place to anonymously capture crime statistics disclosed confidentially for the purpose of this report.

Each year, an email notification is made to all enrolled students and all faculty and staff that provides the website to access this report. Copies of the report may also be obtained by visiting the office of the dean of student success or the chief of police, both listed below. All prospective employees may obtain a copy from Human Resources in Tazewell Hall, room 351, or by calling (276-964-7389).

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Southwest Virginia Community College Annual Security Report

Background

Southwest Virginia Community College was founded in 1967 and opened for classes in the fall of 1968. Southwest is a two-year institution of higher education established as part of the state-wide system of community colleges serving primarily the residents of the counties of Buchanan, Dickenson (partial), Russell and Tazewell. The College operates under policies established by the State Board for Community Colleges and the Local College Board. The institution is financed by state funds, supplemented by contributions from the participating localities. The college provides career/technical education, college transfer education, developmental education, continuing/workforce education, and specialized regional and community services.

Localities and Facilities

The main campus is located on a one-hundred acre site on U. S. Route 19 approximately six miles south of Claypool Hill. The campus provides modern, well-equipped facilities for vocational/technical and university-parallel programs. Off campus classes are conducted at several area high schools and off campus sites throughout the service region, the Booth Center in Grundy, VA and the Southwest Center for Education and Training, in Lebanon, VA.

Mission/Purpose

Vision

Southwest Virginia Community College transforms lives, strengthens communities, and inspires excellence.

Mission

Southwest Virginia Community College, a comprehensive two-year institution, provides quality educational and cultural enrichment opportunities for lifelong learners, workforce and community.

Emergency Management and Planning

SWCC is committed to providing a safe and healthy environment for teaching and learning at its main campus in Richlands and at the Booth Center in Grundy and the Lebanon Center for Education and Training in Lebanon. The police chief/emergency coordination officer is responsible for developing and recommending policies and procedures to the president and the administrative cabinet that meet regional, state, local, and institutional needs and requirements for effective emergency plans and operations. Campus safety policies and

procedures are reviewed annually to ensure consistency with the Governor's Executive Order #41 (2019) and other applicable federal and state laws.

Two college committees serve to advise the police chief/emergency coordination officer in the development and implementation of safety and emergency response plans and protocols. The Threat Assessment Team reviews all potential threats and recommends action to mitigate possible acts of violence. In addition, it recommends training and education related to the prevention of violence for all campus stakeholders. Additionally, the SWCC Health, Safety & Security committee provides general guidance on improving the overall physical security of the campus (in addition to ensuring that instructional activities are conducted using appropriate safety measures).

Crime Prevention

SWCC works hard to ensure the safety and security of the college community. Ultimately, however, students and employees must take some responsibility for their own safety and that of their personal belongings. Common sense precautions are the most effective means of maintaining personal security. The following is a list of some practical suggestions:

- Remain alert at all times; pay attention to your surroundings.
- Walk in pairs or groups after dark, or request an escort from Campus Police.
- Use the lighted walkways on campus; avoid walking in poorly lit or wooded areas.
- Park in well-lighted areas.
- Always lock your vehicle and check it before re-entering.
- Have your keys in hand before you exit a building; avoid rummaging through a purse or book bag for your keys.
- Get to know the campus locations for Call Boxes which allow immediate communication with Campus Police. The locations are indicated by a blue light.
- Valuable personal property should not be brought to campus. If you choose to bring valuables to campus, secure them in a locked vehicle, out of sight or keep them with you at all times. Books, book bags, electronics and purses are targets for theft. If possible, engrave your property with a unique identifier.
- Carry only the cash or credit cards you need for the day.
- Carry a small flashlight and whistle with you.
- Do not leave laptops, cell phones, or other personal items unattended.
- Notify Campus Police or any college employee of any individual who appears not to have legitimate business on campus or whose actions arouse suspicion or concern.
- Know the number for Campus Police (276-964-7221). Program it into your cell phone.
- Register for SWCC Alert by visiting <https://sw.edu/alertinfo/> to be included in emergency notifications by text.
- In the event of imminent danger, always **call 911**.

Staying Informed about Campus Safety

SWCC seeks to provide its students, faculty and staff with a safe place to learn and work. The Annual Security Report mandated by the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act is designed to provide students, personnel, and the community with complete information about safety on campus. This Annual Security Report is prepared by the dean of student success/Title IX coordinator, in cooperation with the SWCC chief of police and local law enforcement agencies surrounding our main campus and non-campus sites. Each group provides updated information for the Annual Security Report.

In 2005, SWCC began making specific safety and security information available on its website. The digital version of the Annual Security Report is available at: <https://sw.edu/annual-security-report/>.

The college sends an annual email to all students and employees regarding the location of the Annual Security Report on the college website. Prospective students and the community are notified via the college's website and publications. New and prospective employees are informed of this information as a part of the hiring process by human resources. A paper copy may be requested through the office of the dean of student success.

Students are informed about ways to ensure their individual safety in the classroom as well. All faculty members provide instruction to students (through the course syllabus, verbal instruction, or both) regarding evacuation routes, receiving emergency notifications, lockdown procedures, and other safety topics.

Reporting a Crime

Community members, students, faculty, staff and guests are encouraged to report all crimes and public safety related incidents to the campus police department in a timely manner. Anyone who sees anything that might pose a safety concern is strongly urged to communicate their concern to campus police or through our TIPS line for non-urgent situations.

If there is a risk of imminent danger, students should call **911**. In an emergency situation other than imminent danger, students should contact Campus Police at ext. **637221** from a campus phone, **276-964-7221** from a cell phone, or by going to Buchanan Hall, room 113. You may also dial campus police directly from any campus phone by using the "Campus Police" button located beside of the phone's screen. This button provides direct contact with a campus police officer. If you are outside a building, Emergency HELP boxes are located at:

- Buchanan Hall (back of building facing parking lot),
- Charles R. King Community Center (entrance to the Gym)
- Dickenson Hall (front entrance),
- Davis Hall (front entrance),
- Pavilion #4 near the Soccer Field,
- Physical Plant (front entrance),
- Russell Hall (front entrance),
- Tazewell Hall (entrance facing Buchanan Hall)

Reporting an Emergency of a Threatening Situation

The emergency personnel should be contacted in the following order depending upon the severity and urgency of the emergency and the time that the emergency occurs. These personnel are the first points of contact for many campus emergencies including but not limited to auto accidents, fire, bomb threats, disturbances, chemical spills or threats, or general campus disturbances or emergencies.

As always, personal judgment must be exercised to assess the urgency of the situation and the appropriate personnel to contact.

- Dial “Campus Police Button” for campus police from any campus phone OR use the Emergency call boxes located at each building and parking lot. You may contact any uniformed officer by visiting Dickenson Hall.
- Call 911 (for emergency, life-threatening situations) or call 988-5970 which connects you with the Tazewell County Sheriff’s Office. (See 911 Physical Address Listing.)
- Call the dean of student success/Title IX Coordinator ext. 7677 during normal business hours (7:45 a.m. to 4:30 p.m.). The dean of student success is located in Dellinger Hall, room 225. The Threat Assessment Team is also available for non-emergency assistance. Current membership is available on the website at <https://sw.edu/tat/> .

When a victim reports a crime to the officials mentioned above, SWCC will seek to honor the victim's request for anonymity to the extent that this is possible and is permitted under law; however, confidentiality is not assured. If you wish to make a confidential report in a non-emergency situation, you may do so (identifying yourself or anonymously) through the TIPS system, accessible through the <https://sw.edu> website.

If you have any doubts whether to report something that has occurred, report it. Students, employees and third parties should report incidents as soon as possible, preferably as the incident is occurring.

The SWCC Campus Police Department does everything in its power to provide excellent service and a safe environment. However, it needs the assistance of students, staff and visitors. If you are the victim of a crime on campus, it is important that you contact the SWCC campus police to make a report of the incident by calling their HELP line or, in the case of a non-emergency situation, using our TIPS reporting system via the SWCC website's main page on the bottom left corner, which allows anonymity. SWCC strongly encourages that the victim of a crime, or other parties, when the victim is unable, report the crime promptly to campus police.

SWCC campus police document and investigate any reports, allowing them to be alert to any problems, provide assistance, or refer the situation to the appropriate resource. If necessary, campus police will prosecute offenders in the appropriate court of law or disciplinary restrictions may be applied through referral to the dean of student success' office. Making a report ensures that the annual reported crime statistics will be accurate and prevents a crime from being committed.

If an incident occurs off campus, SWCC campus police assist anyone affected in contacting the appropriate law enforcement agency for reporting purposes. The college has no residential facilities or off-campus student organizations. Off campus sites where classes are taught are listed in the Crime Statistics section under Geography. Situations occurring at those sites are handled by the local sheriff's offices, reported to campus police, and included in the Campus Police Daily Crime Log. The College reserves the right to divulge information obtained through campus staff, if it could affect the safety of others.

The SWCC Campus Police Department prepares written reports of all criminal activity as well as written reports for vehicle accidents. Printable copies of motor vehicle accident reports may be obtained from the SWCC Campus Police.

Daily Crime Log

The purpose of the Daily Crime Log is to record criminal incidents and alleged criminal incidents that are reported to the SWCC Campus Police Department. The Daily Crime Log contains information referencing the date and time the crime was reported as well as date and time the crime actually occurred. It also contains the nature of the crime, general locations of the crime and the disposition of the complaint. The crime log is updated daily by the SWCC Campus Police Department. The Daily Crime Log may be viewed by visiting the SWCC Campus Police Department in Buchanan Hall, room 113.

The college maintains an accurate record of the number of incidents involving students in order to determine where there are patterns of criminal activity with regard to a particular location, method, or assailant, and alert the college community to potential danger. Both

anonymous reports and those filed with an identified contact are counted and disclosed in the Annual Security Report for the college.

Clery Act Information

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act or **Clery Act** is a federal statute codified at 20 U.S.C. § 1092(f), with implementing regulations in the U.S. Code of Federal Regulations at 34 C.F.R. 668.46. The Clery Act requires all colleges and universities that participate in federal financial aid programs to keep and disclose information about crime on and near their respective campuses. Compliance is monitored by the United States Department of Education, which can impose civil penalties, up to \$35,000 per violation, against institutions for each infraction and can suspend institutions from participating in federal student financial aid programs.

SWCC's Campus Police maintains a log of all incidents (criminal and non-criminal) that occur on campus. Furthermore, data is collected from campus security authorities (CSAs) and local law enforcement agencies for inclusion in the Annual Security Report.

Reportable offenses for Clery Act purposes are:

- Criminal homicide, including murder and both negligent and non-negligent manslaughter
- Sexual offenses, including both forcible and non-forcible sexual assault
- Robbery
- Aggravated assault
- Burglary
- Motor vehicle theft
- Arson
- Hate crimes and any associated larceny, simple assault, intimidation, or vandalism/destruction of property
- Arrests or disciplinary referrals for liquor law violations, drug law violations, or illegal weapons possession

Data are compiled (excluding any personally identifiable information) and included in the Annual Security Report, which is issued by October 1 each year. The report is available in electronic format and can be found at <https://sw.edu/annual-security-report/>. It is also available in printed form in the SWCC campus police office and the office of the dean of student success. All current students and employees are notified of the report's availability through email announcements; prospective students and other interested parties may review the online version at any time, but no public announcement of availability is made.

Crime statistics must be reported based on three distinct geographic definitions: campus, non-campus, and public property. For Clery purposes, a campus is defined as "any

building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used in direct support of the institution's purpose." Non-campus property meets part of that definition: it is owned or controlled by the institution and supports the institution's purpose. However, non-campus property is not contiguous to a campus. Likewise, public property meets only part of the definition: it is reasonably contiguous to campus but it not owned or controlled by the institution.

SWCC has no student housing and, therefore, is not required to report Clery-mandated data required of residential campuses. To gather data for its contiguous public property, local law enforcement agencies with jurisdictions that include the relevant properties are asked to provide data for the college's Annual Security Report. These agencies are:

- Virginia State Police
- Buchanan County Sheriff's Department
- Russell County Sheriff's Department
- Tazewell County Sheriff's Department
- Town of Grundy Police Department
- Town of Lebanon Police Department

Southwest Virginia Campus Crime Statistics
 369 Community College Road, Cedar Bluff, VA 24609

Incidents	2020		2019		2018	
	Campus	Public	Campus	Public	Campus	Public
Murder	-	-	-	-	-	-
Forcible Sex Offense	-	-	1	-	-	-
Non-forcible Sex Offense	-	-	-	-	-	-
Robbery	-	-	-	-	-	-
Aggravated Assault	-	-	-	-	-	-
Burglary	-	-	-	-	-	-
Motor Vehicle Theft	-	-	-	-	-	-
Arson	-	-	-	-	-	-
Negligent Manslaughter	-	-	-	-	-	-
Hate Crimes	-	-	-	-	-	-
Totals	0	0	1	0	0	0
Arrests	Campus	Public	Campus	Public	Campus	Public
Liquor Law Violations	-	-	-	-	-	-
Drug Abuse Violations	-	-	-	-	-	-
Weapons Possession	-	-	-	-	-	-
Referrals	-	-	-	-	-	-
Totals	0	0	0	0	0	0
VAWA Offenses						
Domestic violence	-	-	-	-	-	-
Dating violence	-	-	-	-	-	-
Stalking	-	-	-	-	-	-
Totals	0	0	0	0	0	0

SWCC Booth Center Crime Statistics
1995 Edgewater Drive, Grundy, VA 24614

Incidents	2020		2019		2018	
	Campus	Public	Campus	Public	Campus	Public
Murder	-	-	-	-	-	-
Forcible Sex Offense	-	-	-	-	-	-
Non-forcible Sex Offense	-	-	-	-	-	-
Robbery	-	-	-	-	-	-
Aggravated Assault	-	-	-	-	-	-
Burglary	-	-	-	-	-	-
Motor Vehicle Theft	-	-	-	-	-	-
Arson	-	-	-	-	-	-
Negligent Manslaughter	-	-	-	-	-	-
Hate Crimes	-	-	-	-	-	-
Totals	0	0	0	0	0	0
Arrests	Campus	Public	Campus	Public	Campus	Public
Liquor Law Violations	-	-	-	-	-	-
Drug Abuse Violations	-	-	-	-	-	-
Weapons Possession	-	-	-	-	-	-
Referrals	-	-	-	-	-	-
Totals	0	0	0	0	0	0
VAWA Offenses						
Domestic violence	-	-	-	-	-	-
Dating violence	-	-	-	-	-	-
Stalking	-	-	-	-	-	-
Totals	0	0	0	0	0	0

SWCC Center for Education and Training Statistics
 141 Highlands Drive, Lebanon, VA 24266

Incidents	2020		2019		2018	
	Campus	Public	Campus	Public	Campus	Public
Murder	-	-	-	-	-	-
Forcible Sex Offense	-	-	-	-	-	-
Non-forcible Sex Offense	-	-	-	-	-	-
Robbery	-	-	-	-	-	-
Aggravated Assault	-	-	-	-	-	-
Burglary	-	-	-	-	-	-
Motor Vehicle Theft	-	-	-	-	-	-
Arson	-	-	-	-	-	-
Negligent Manslaughter	-	-	-	-	-	-
Hate Crimes	-	-	-	-	-	-
Totals	0	0	0	0	0	0
Arrests	Campus	Public	Campus	Public	Campus	Public
Liquor Law Violations	-	-	-	-	-	-
Drug Abuse Violations	-	-	-	-	-	-
Weapons Possession	-	-	-	-	-	-
Referrals	-	-	-	-	-	-
Totals	0	0	0	0	0	0
VAWA Offenses						
Domestic violence	-	-	-	-	-	-
Dating violence	-	-	-	-	-	-
Stalking	-	-	-	-	-	-
Totals	0	0	0	0	0	0

Access to Campus Buildings

During business hours, the college will be open to students, parents, employees, contractors, guests, and invitees. During non-business hours, access to all college facilities is by key, if issued, or by admittance via the SWCC campus police. In the case of extended closing, the college will admit only those with prior written approval to all facilities. Some facilities may have individual hours, which may vary at different times of the year. Examples are the YMCA and the testing centers on campus and at the off-site locations. In these cases, the facilities will be secured according to schedules developed by the department responsible for the facility.

Emergencies may necessitate changes or alterations to any posted schedules. The SWCC Campus Police and facilities staff members regularly monitor campus buildings and grounds (landscaping, locks, lighting, alarms, communication systems, etc.) for potential safety issues and address concerns through regular facilities maintenance efforts or through the college's strategic planning process.

Access to campus buildings is generally limited to the following hours, but any variation from these hours will be reflected on the website at <https://sw.edu>.

Main Campus

7:45 a.m. to 10:00 p.m. – Monday through Thursday
7:45 a.m. to 5:00 p.m. – Friday

Library (Dellinger Hall)

Monday-Thursday 7:45 a.m.-9:00 p.m.
Friday 7:45 a.m.-4:30 p.m.
Sunday 1:00-5:00 p.m.

SWCC Booth Center

8:00 a.m. to 9:00 p.m. – Monday through Thursday

SWCC Center for Education and Training

7:45 a.m. to 9:00 p.m. – Monday through Thursday

To gain access to college facilities outside of the hours above, individuals must contact SWCC Campus Police at (276) 964-7221 and present a valid reason for entry.

Campus Security Authorities (CSAs)

Southwest Virginia Community College has identified the following positions as Campus Security Authorities (CSAs) for the purpose of complying with Clery Act requirements. CSAs are those who may hear reports from students about crimes that occur on campus.

- SWCC Campus Police
- Dean of Student Success
- Vice President of Administration & Finance
- Vice President of Academic and Student Services
- Coordinator of the Learning Assistance Center & Disability Services
- Director of Student Support Services
- Upward Bound Director
- Director of Great Expectations
- Site Coordinators
- Faculty Advisors to Student Organizations

Campus Security Authorities (CSAs) are responsible for notifying the chief of police of any alleged incidents relating to Clery violations, whether or not they are investigated.

Pastoral and professional counselors, and those acting in those capacities, are not required to disclose information about crimes that are reported to them on a voluntary, confidential basis. SWCC does not employ pastoral or professional counselors.

Emergencies at SWCC

If/when an emergency situation is present at SWCC, the following individuals are responsible for confirming the emergency/danger, and determining the appropriate segment(s) of the community to receive notification, determining the content of the notification, and initiating the emergency notification or timely warning (see next section).

Title	Activity	Campus or Off-Site
Campus Police Chief or designee	Confirm emergency/danger	Both
Vice President of Academics and Student Services or designee	Determine the appropriate segment(s) of community to receive notification	Both
Dean of Student Success	Determine the appropriate segment(s) of community to receive notification	Both

PIO (Public Information Officer)	Determine the content of the notification	Both
Off-Site Coordinator	Initiate the notification	Off-Site

Emergency Notifications/Timely Warning Notices

In the event that a situation arises, either on or off campus, that, in the judgment of the campus police chief, dean of student success, or vice president of academic and student services (or their designee) constitutes an ongoing or continuing threat, a campus-wide “timely warning” will be issued. The warning will be issued through the college email system and SWCC Alert (text messaging system) to students, faculty, staff, and other SWCC Alert subscribers.

Depending on the circumstances of the crime, especially in situations that could pose an immediate threat to the community and individuals, web bulletin interface (all campus computers with an open browser), and/or the IP phone based public address system.

Anyone with information warranting a timely warning should report the circumstances to the SWCC campus police by phone at 276-964-7221 or in person at Buchanan Hall, room 113. Timely warnings, generally, will include information about the crime(s) that triggered the warning and provide advice that would help students and college personnel protect themselves from similar crimes. A notification will be issued to the campus community for the following crimes:

- Criminal homicide: murder and manslaughter (both negligent and non-negligent)
- Sex offenses (forcible and non-forcible)
- Robbery
- Aggravated assault
- Burglary
- Motor vehicle theft
- Arson
- Hate crimes

Furthermore, any criminal attempt or reports to CSAs that are considered by the SWCC Threat Assessment Team or senior leadership team and are deemed to represent a threat to students and/or employees will constitute reason to issue a campus-wide notification.

Other criminal activity – such as liquor, weapons offenses or drug law violations – will be reported to the campus only when a threat is perceived.

Emergency Response and Evacuation

In some cases, college personnel and students may be asked to evacuate the building(s) or the campus. Evacuation maps are posted in all classrooms and throughout hallways. When

evacuation becomes necessary or desirable, some or all of the communication systems listed above will be used to announce the evacuation.

Emergency Notification Procedures

SWCC is committed to providing timely notification and instruction in case of an emergency on any of our campuses - or one that affects an SWCC campus.

Because an emergency often involves a life-threatening situation, initial notification will be guided by the first emergency responders (police and/or fire) called to the incident. Subsequent notifications will contain updates and more detailed information as it becomes available to SWCC and other officials.

Those in active or imminent danger will receive emergency alerts with instructions – evacuate, seek shelter or lockdown. The breadth and timing of notification for any type of emergency will depend upon the individual incident, using these guidelines:

Campus-wide Emergency

This level of emergency affects, or has the potential to affect, the entire campus. This type of emergency might include an approaching tornado or the threat of an active shooter or shooters at large on campus.

In a campus-wide emergency, a text message will be sent to students, faculty and staff as quickly as possible. Subsequent information will be sent using one or more of the following: additional texts, email, social media, SWCC website, police bullhorns and campus fliers.

It is important to note that in such cases, full information might not be immediately available. In those cases, until the exact nature of the emergency or threat is known, you may receive preliminary information with instructions for protective action, to be updated as more details become available.

Limited Area Emergency

This level of emergency affects a limited area of campus. An example might be a small fire or flooding in a building that requires evacuation but is otherwise contained. Officials will restrict access to the affected area.

In a limited area emergency, no general campus-wide text message should be anticipated. **SWCC will inform affected areas via police personnel, building managers and public address systems.** A targeted communication protocol aims to minimize the arrival of observers who may put themselves in danger and/or interfere with police activity. SWCC may inform the broader campus at any point during or after the emergency has been resolved,

depending on the circumstances of the emergency. Communication tools could include phone, email, social media, SWCC website and campus fliers.

Components of Emergency Notification System (ENS)

SWCC's Emergency Notification System is designed for redundancy and employs both high and low-tech solutions for notifying constituents located on any of our locations. The ENS may utilize all, or any combination of the following communication modes based on the direction of first responders and the type of emergency at hand.

- SWCC Alert
- E-mails
- Cisco's InformaCast
- Public address systems
- Outdoor siren/speaker
- Hand-held radios
- The SWCC website and social media pages
- Emergency Call Boxes
- Runners and Bullhorns

Upon receipt of any report of a threat to the health or safety of the students and personnel at Southwest Virginia Community College, SWCC campus police, in conjunction with the vice president of academic and student services and/or dean of student success, will evaluate the significance of the threat or emergency. Consideration will be given to the portion of the campus community affected. The college's Threat Assessment Team may be convened to evaluate non-weather related threats. (See Appendix B for a current roster of the SWCC Threat Assessment Team.)

Once a determination is made that a threat exists, the college's emergency communications team will initiate the notification system. The college will, without delay and accounting for the safety of the community, determine the content of the notification and authorize the initiation of the notification system, unless in the judgment of the Threat Assessment Team, SWCC Campus Police, and/or local law enforcement agencies, doing so would compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

The college's public information officer (PIO) will, in consultation with the college president, incident commander, emergency coordination officer, SWCC campus police and/or Threat Assessment Team, decide when information should be disseminated to the broader community. The PIO will be responsible for the timing, frequency, content, and choice of media outlets to be used for all information communicated to the broader community about threats or emergencies occurring at the college. Furthermore, the PIO and campus police

chief/emergency coordination officer are responsible for providing following-up information on emergencies to the college community.

Additional information regarding SWCC's policies and procedures for threats and emergencies are available on the SWCC website at <https://sw.edu/emergency/>.

Law Enforcement Authority:

SWCC campus police have full police authority within the jurisdiction of the SWCC campus and off-campus locations leased for college sponsored events under the Code of Virginia (Campus Police Act, Title 23, Chapter 17, Sections 23- 232 through 23-238.)

As a sworn law enforcement department of the State of VA operating 24/7, 365 days per year, the SWCC campus police mission is to: protect life and property; identify and prevent any criminal activity that may occur; apprehend and assist in the prosecution of any person who commits a crime on campus; provide a safe learning environment for all members of the college community utilizing campus-oriented community policing philosophies as well as rules and regulations of the college and VCCS; providing training for faculty, staff and students; serving as a resource/liaison with community service agencies including mental health agencies; developing strategies to prevent and prosecute violent crimes against women at all campus locations; provide service to all people in a manner that demonstrates respect and dignity for each person; and to treat all persons fairly and equally.

SWCC students, faculty and staff are encouraged to report crimes and emergencies to campus police officers (276-964-4357) and/or the dean of student success (276-964-7677). If it is not an emergency situation, individuals may utilize the TIPS online reporting tool, or call the campus police office (276-964-7221). We encourage prompt notifications so that campus police may be proactive to prevent crime as well as reactive to incidents after they take place.

SWCC campus police cooperate on an on-going basis with local and state law enforcement agencies in the service region. The college will prosecute violators of local, state and federal laws in appropriate state and federal courts.

Mutual Assistance and Neighboring Jurisdictions

SWCC campus police officers work closely with the Virginia State Police, Buchanan County Sheriff's Department, Dickenson County Sheriff's Department, Russell County Sheriff's Department, Tazewell County Sheriff's Department, Town of Lebanon Police Department, Town of Grundy Police Department, Town of Tazewell Police Department; and other state and federal law enforcement agencies. The college has signed MOUs with the college's service region law enforcement agencies. Police personnel can access

database information on criminal histories, nationwide police records, driver and vehicle information as well as receive important broadcasts on issues such as stolen vehicles, Amber Alerts, wanted individuals, severe weather warnings, etc. via the FUSION Center.

Should you witness a criminal act on either campus, contact SWCC Campus Police for assistance in reaching the appropriate law enforcement agency. **ALWAYS** dial 911 when imminent danger is present.

Maintenance of Campus Facilities

All campus facilities are maintained by SWCC facilities services staff and patrolled by SWCC campus police. All buildings, grounds, parking areas, and roadways are maintained with concern for safety and security. Campus buildings and equipment are inspected regularly, and needed repairs to replace faulty equipment and to mitigate potential hazards are made promptly.

To report safety or security concerns directly related to facilities, contact the facilities department at (276) 964-7648 or online via the TIPS system on the website.

SWCC Camera System

In addition to Campus Police patrols, an added security feature is the SWCC Camera system which is used to aid in investigations.

Sexual Violence, Domestic Violence, Dating Violence, and Stalking

a. Notice of Nondiscrimination.

As a recipient of federal funds, Southwest Virginia Community College is required to comply with Title IX of the Higher Education Amendments of 1972, 20 U.S.C. § 1681 et seq. ("Title IX"), which prohibits discrimination on the basis of sex in educational programs or activities, admission and employment. Under certain circumstances, sexual misconduct, sexual harassment, and similar conduct constitute sexual discrimination prohibited by Title IX. Inquiries concerning the application of Title IX may be referred to the College's Title IX Coordinator or to the U.S. Department of Education's Office for Civil Rights. The Title IX Coordinator is Dyan Effler Lester, whose office is located at Dellinger Hall, room 146 and may be contacted by phone at 276-964-7677 or by email at dyan.lester@sw.edu.

b. Policy.

Southwest Virginia Community College is committed to providing an environment that is free from harassment and discrimination based on any status protected by law. This Policy supplements the following general policy statement set forth by the Virginia Community College System: This institution promotes and maintains educational opportunities without regard to race, color, sex, ethnicity, religion, gender, age (except when age is a bona fide

occupational qualification), disability, national origin, or other non-merit factors. This Policy also addresses the requirements under the Violence Against Women Reauthorization Act of 2013, (also known as the Campus SaVE Act).

This Policy is not intended to substitute or supersede related criminal or civil law. Individuals should report incidents of sexual and domestic violence, dating violence, and stalking to law enforcement authorities. Criminal and civil remedies are available in addition to the potential remedies that the College may provide.

c. Purpose.

The purpose of this Policy is to establish that the College prohibits discrimination, harassment, sexual assault, domestic violence, dating violence, stalking, and retaliation and to set forth procedures by which such allegations shall be filed, investigated and resolved.

d. Applicability.

This Policy applies to all campus community members, including students, faculty, staff and third parties, e.g., contractors and visitors. Conduct that occurs off campus can be the subject of a complaint or report and will be evaluated to determine whether it violates this Policy, e.g. if off-campus harassment has continuing effects that create a hostile environment on campus.

e. Definitions¹

Advisor: An individual who provides the complainant and respondent support, guidance, or advice. Advisors may be present at any meeting or hearing, but may not speak directly on behalf of the complainant or respondent.

Campus: The term “campus” refers to (i) any building or property owned or controlled by the College within the same reasonably contiguous geographic area of the College and used in direct support of, or in a manner related to, the College’s educational purposes, and (ii) any building or property that is within or reasonably contiguous to the area described in clause (i) that is owned by the College but controlled by another person, is frequently used by students, and supports institutional purposes, such as a food or other retail vendor.

Complainant: A complainant refers to an individual who may have been the subject of a violation of this Policy and files a complaint against a faculty member, staff member, student or third party.

Consent: Any sexual activity or sex act committed against one’s will, by the use of force, threat, intimidation, or ruse, or through one’s mental incapacity or physical helplessness is without consent. Consent is knowing, voluntary, and clear permission by word or action, to engage in mutually-agreed upon sexual activity. Silence does not necessarily constitute consent. Past consent to sexual activities, or a current or previous dating relationship, does not imply ongoing or future consent. Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). An individual cannot consent who is under the age of legal consent. The existence of consent is based on the totality

of the circumstances, including the context in which the alleged incident occurred.

Mental incapacity means that condition of a person existing at the time which prevents the person from understanding the nature or consequences of the sexual act involved (the who, what, when, where, why, and how) and about which the accused knew or should have known. This includes incapacitation through the use of drugs or alcohol. Intoxication is not the same as incapacitation.

Physical helplessness means unconsciousness or any other condition existing at the time which otherwise rendered the person physically unable to communicate an unwillingness to act and about which the accused knew or should have known. Physical helplessness may be reached through the use of alcohol or drugs.

Dating Violence: Dating violence is violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury committed by a person who is or has been in a close relationship of a romantic or intimate nature with the other person. The existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Domestic Violence: Domestic violence is violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury and that is committed by a person against such person's family or household member, which includes a current or former spouse a person with whom the victim shares a child in common, or who is cohabitating with or has cohabitated with the person as a spouse or intimate partner.

Respondent: A respondent refers to the individual who has been accused of violating this Policy.

Responsible Employee: A responsible employee is one designated for purposes of initiating notice and investigation of alleged violations of this Policy or who has the authority to take action to redress violations of this Policy. A responsible employee also is any employee who a person reasonably believes is a responsible employee. A responsible employee shall not be an employee who, in his position at the College, provides services to the campus community as a licensed health care professional, (or the administrative staff of a licensed health care professional), professional counselor, victim support personnel, clergy, or attorney. **SWCC has designated all employees as responsible employees, and requires annual training to be completed for this purpose.**

Review Committee: Review committee refers to the committee consisting of three or more persons, including the Title IX Coordinator or his designee, a representative of campus police or campus security, and a vice president, that is responsible for reviewing information related to acts of sexual violence.

Sex Discrimination: Sex discrimination is the unlawful treatment of another based on the individual's sex that excludes an individual from participation in, separates denies the individual the benefits of, or otherwise adversely affects a term or condition of an individual's employment, education, or participation in college program or activity.

Sexual Assault: Sexual assault is defined as the intentional physical sexual contact with a person against that person's will by the use of force, threat, or intimidation, or through the use of a person's mental incapacity or physical helplessness. Sexual assault includes intentionally touching, either directly or through clothing, of the victim's genitals, breasts, thighs, or buttocks without the person's consent, as well as forcing someone to touch or fondle another against his or her will. Sexual battery is a type of sexual assault.

Sexual Exploitation: Sexual exploitation occurs when a student takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to invasion of sexual privacy; prostituting another person; non-consensual video or audio-taping of sexual activity; going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex); engaging in voyeurism; exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals, and knowingly transmitting HIV or an STD to another.

Sexual Harassment: Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment shall be considered to have occurred in the following instances:

Quid Pro Quo: The submission to or rejection of such conduct is used as the basis for educational or employment decisions affecting the student or employee either explicitly or implicitly; or

Hostile Environment: Conduct so severe, pervasive, and objectively offensive that it undermines and detracts from an employee's work performance or a student's educational experience.

Sexual Misconduct: Sexual misconduct encompasses a range of behavior used to obtain sexual gratification against another's will or at the expense of another. Sexual misconduct includes rape, sexual harassment, sexual assault, sexual exploitation, and sexual violence.

Sexual Violence: Sexual violence is any intentional physical sexual abuse committed against a

person's will or where a person is incapable of giving consent. Sexual violence includes rape, sexual assault, and sexual battery.

Stalking: Stalking occurs when someone, on more than one occasion, engages in conduct directed at another person with the intent to place, or knows or reasonably should know that the conduct places that other person in reasonable fear of death, criminal sexual assault, or bodily injury to that other person or to that other person's family or household member. Such conduct can occur in person or online, but Colleges first must establish whether off-campus conduct has continuing effects that create a hostile environment on campus.

Third Party: A third party is any person who is not a student or employee of the College.

f. Retaliation.

Any form of retaliation, including intimidation, threats, harassment, and other adverse action taken or threatened against any complainant or person reporting a complaint alleging a violation of this Policy, or any person cooperating in the investigation of allegations of violations of this Policy, to include testifying, assisting or participating in any manner in an investigation pursuant to this Policy and the resolution procedures is strictly prohibited by this Policy. Action is generally deemed adverse if it would deter a reasonable person in the same circumstances from opposing practices prohibited by this Policy. Retaliation may result in disciplinary or other action independent of the sanctions or interim measures imposed in response to the underlying allegations of violations of this Policy.

g. Reporting Incidents.

1. Members of the campus community who believe they have been subjected to crimes should immediately report the incident to campus or local police. All emergencies or any incident where someone is in imminent danger should be reported immediately to local police by dialing 911 and to campus police at 276-964-4357.
2. Whether or not a report is made to law enforcement, members of the campus community should report alleged violations of this Policy to the Title IX Coordinator² during normal business hours. The Title IX Coordinator is solely responsible for overseeing the prompt, fair, and impartial investigation and resolution of complaints filed with the College. To help ensure a prompt, fair, and impartial investigation and resolution, individuals are encouraged to complete a Complaint Form, found in Appendix A. The written complaint will be submitted to the Title IX Coordinator. Although strongly encouraged, a complainant is not required to submit a complaint on the Complaint Form or in writing.

Title IX Coordinator:

Dyan Effler Lester
Dellinger Hall,
room 146 276-
964-7677
Dyan.Lester@sw.edu

After normal business hours, members of the campus community should report alleged violations of this Policy to Campus Police at 276-964-7221 or 276-964-4357, or use the TIPS line at <https://sw.edu>.

3. There is no time limit for filing a complaint with the College. However, complainants should report possible violations of this Policy as soon as possible to maximize the College's ability to respond effectively. Failure to report promptly could result in the loss of relevant evidence and impair the College's ability to respond adequately to the allegations.

h. Handling of Reports and Investigations.

The Title IX Coordinator will assist members of the campus community in reporting incidents to law enforcement authorities upon request. When allowable under Virginia law, the Title IX Coordinator will request the consent of the complainant (or alleged victim if different from the complainant) to report incidents of alleged sexual violence that occur on campus property to law enforcement. Under Virginia law, the College may determine that the disclosure of information to local law enforcement regarding the alleged incident of sexual violence, including personally identifiable information, is necessary to protect the health or safety of the complainant or other individuals. The College also is required to notify the local Commonwealth's Attorney of alleged incidents of sexual violence that constitute a felony.

i. Confidentiality and Anonymous Reports.

1. Individuals may be concerned about their privacy when they report a possible violation of this Policy. The College has a responsibility to end conduct that violates this Policy, prevent its recurrence, and address its discriminatory effects. For this reason, College employees may not keep secret any report of sexual violence, domestic violence, dating violence, or stalking. The College expects employees to treat information they learn concerning incidents of reported violations of this Policy with respect and with as much privacy as possible. College employees must share such information only with those College and law enforcement officials who must be informed of the information pursuant to this Policy.

2. Responsible employees must report all alleged violations of this Policy obtained in the course of his or her employment to the Title IX Coordinator as soon as practicable after addressing the immediate needs of the complainant. Other campus employees have a duty to report sexual assault, domestic violence, dating violence, and stalking for federal statistical reporting purposes (Campus Security Authority (CSA) under the Clery Act). CSAs include student/conduct affairs personnel, campus law enforcement, local police, student activities staff, human resources staff, and advisors to student organizations. Reports received by the College

concerning the abuse of a minor must be reported in compliance with state law.

3. If a complainant wishes to keep the report confidential, it is recommended that he or she reports the alleged conduct to someone with a duty to maintain confidentiality, e.g., mental health counselor or clergy. Full-time employees also may contact the Employee Assistance Program. If the complainant requests that the complainant's identity is not released to anyone else, the College's ability to investigate and take reasonable action in response to a complaint may be limited. In such cases, the College will evaluate the request(s) that a complaint remain confidential in the context of the College's commitment to provide a reasonably safe and non-discriminatory environment. In order to make such an evaluation, the Title IX Coordinator may conduct a preliminary investigation into the alleged violation of this Policy and may weigh the request(s) against the following factors:

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- The seriousness of the allegation(s);
- The complainant's or alleged victim's age;
Whether there have been other similar complaints of against the same respondent;②
The respondent's right to receive information about the allegations if the information is maintained by the College as an
- "education record" under FERPA; and
The applicability of any laws mandating disclosure.

Therefore, the College may pursue an investigation even if the complainant requests that no action is taken and the College will not be able to ensure confidentiality in all cases. The College will notify the complainant in writing when it is unable to maintain confidentiality or respect the complainant's request for no further action.

4. Additionally, upon receiving a report of an alleged act of sexual violence against a student or one that allegedly occurred on property owned or controlled by the College or on public property within the campus, or immediately adjacent to and accessible from the campus, the Title IX Coordinator shall convene the College's review committee within 72 hours to review the information reported and any information obtained through law-enforcement records, criminal history record information, health records, conduct or personnel records, and any other facts and circumstances, including personally identifiable information, related to the alleged incident known to the review committee. The review committee may try to reach a consensus, but it is the law enforcement representative of the review committee that ultimately determines whether the disclosure of the information, including the personally identifiable information, is necessary to protect the health or safety of the alleged victim or other individuals. The College shall disclose such information to the law enforcement agency that would be responsible for investigating the alleged incident immediately. The Title IX Coordinator will notify the alleged victim in writing that such disclosure is being made.

5. If the report of an alleged act of sexual violence would constitute a felony sexual assault, within 24 hours of the first review team meeting, the law enforcement representative of the review committee shall notify the local Commonwealth's Attorney and disclose the

information received by the review committee, including personally identifiable information, if such information was disclosed pursuant to Paragraph I(4). The law enforcement representative usually will make this disclosure; however, any member of the review committee may decide independently that such disclosure is required under state law and within 24 hours of the first review team meeting shall disclose the information to the local Commonwealth's Attorney, including personally identifiable information, if such information was disclosed pursuant to Paragraph I(4). If the Title IX Coordinator is aware of such disclosure, the Title IX Coordinator will notify the alleged victim in writing that such disclosure is being made. In addition, law enforcement will notify the local Commonwealth's Attorney within 48 hours of beginning an investigation involving a felony sexual assault. Either campus police, the local law enforcement agency, or the State Police will notify the Commonwealth's Attorney pursuant to an MAA/MOU.

6. The College will accept anonymous reports, but it will be limited in its ability to investigate and take reasonable action. The College must have sufficient information to conduct a meaningful and fair investigation. A respondent has a right to know the name of the complainant and information regarding the nature of the allegations in order to defend against the complaint. The College, when reasonably available and when requested, may arrange for changes in academic, parking, transportation, or work arrangements after an alleged violation of this Policy. When such accommodations are provided, the College will protect the privacy of the complainant to the extent possible while still providing the accommodation.

J. Amnesty.³

The College encourages the reporting of incidents that violate this Policy. The use of alcohol or drugs should not be a deterrent to reporting an incident. When conducting the investigation, the College's primary focus will be on addressing the alleged misconduct and not on alcohol and drug violations that may be discovered or disclosed. The College does not condone underage drinking; however, the College will extend limited amnesty from punitive sanctioning in the case of drug or alcohol use to complainants, witnesses, and others who report incidents, provided that they are acting in good faith in such capacity. The College may provide referrals to counseling and may require educational options, rather than disciplinary sanctions, in such cases.

K. Timely Warnings.

The College is required by federal law to issue timely warnings for reported incidents that pose a substantial threat of bodily harm or danger to members of the campus community. The College will ensure, to every extent possible, that an alleged victim's name and other identifying information is not disclosed, while still providing enough information for members of the campus community to make decisions to address their own safety in light of the potential danger.

L. Interim Measures.

1. Prior to the resolution of a complaint, the College may suspend or place on disciplinary or

administrative leave the respondent when it is determined that the respondent's continued presence on campus threatens the safety of an individual or of the campus community generally; may hamper the investigation into the alleged misconduct; or is necessary to stop threatening or retaliatory contact against the complainant or complainant's witnesses. The College shall provide advance notice of such measures, except in cases where the individual's presence constitutes a threat. In all cases, however, the College shall notify individuals subject to these interim measure(s) in writing of the specific facts and circumstances that make such interim measure(s) necessary and reasonable. Individuals subject to proposed interim measures shall have the opportunity to show why such measure(s) should not be implemented.

2. Notwithstanding the above, the College may impose a "no contact" order on each party, requiring the parties to refrain from having contact with one another, directly or through proxies, whether in person or by electronic means. The College also will enforce orders of protection issued by courts on all College property to the extent possible.

3. The College may implement other measures for either the complainant or the respondent if requested, appropriate, and reasonably available, whether a formal complaint has been filed or whether an investigation by either campus administrators or law enforcement agencies has commenced. Such measures may include, but are not limited to, course schedule adjustments, reassignment of duty, changing work arrangements, changing parking arrangements, rescheduling class work, assignments, and examinations, and allowing alternative class or work arrangements, such as independent study or teleworking.

m. Sexual and Domestic Violence Procedures.⁴

Anyone who has experienced sexual violence, domestic violence, dating violence, or stalking should do the following:

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- Safely find a place away from harm.
- Call 911 or if on campus, contact campus police/security.
- Call a friend, a campus advocate, a family member or someone else you trust and ask her or him to stay with you.

Go to the nearest medical facility/emergency room. It is important to seek appropriate medical attention to ensure your

- health and well-being, as well as to preserve any physical evidence. If you suspect that you may have been given a drug, ask the hospital or clinic where you receive medical care to take a urine sample. The urine sample should be preserved as evidence. "Rape drugs," such as Rohypnol and GHB, are more likely to be detected in urine than in blood.
- For professional and confidential counseling support, call the Virginia Family Violence & Sexual Assault Hotline at 1-800-838-8238. Help is available 24 hours a day.⁵

You should take steps to preserve any physical evidence because it will be necessary to

prove criminal domestic

violence, dating violence, sexual assault, or stalking, or to obtain a protective order.

- Do not wash your hands, bathe, or douche. Do not urinate, if possible.
- Do not eat, blow your nose, drink liquids, smoke, or brush your teeth if oral contact took place.
Keep the clothing worn when the incident occurred. If you change clothing, place the worn clothing in a paper bag.
- Do not destroy any physical evidence that may be found in the vicinity of the incident by cleaning or straightening the location of the crime. Do not clean or straighten the location of the crime until law enforcement officials have had an opportunity to collect evidence.
- Tell someone all the details you remember or write them down as soon as possible.
Maintain text messages, pictures, online postings, video and other documentary or electronic evidence that may corroborate a complaint.

n. Written Notification of Rights and Options.⁶

Members of the campus community who report incidents of sexual assault, domestic violence, dating violence, or stalking whether the incident occurred on or off campus, shall receive a written explanation of their rights and options, including the (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 resolution 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 victim; (vii) information on contacting available on-campus resources and community resources, including the local sexual assault crisis centers, domestic violence crisis centers, or other victim support services with which the College has entered into a memorandum of understanding; (viii) the importance of seeking appropriate medical attention; and (ix) options related to changes in academic, parking, and working arrangements, when requested and when reasonably available.

o. Support Services.⁸

1. All students and employees will receive information in writing of available counseling, health, mental health, victim advocacy, legal assistance, and other services available in the community and on campus. **SWCC has embedded that information in this policy.**

2. Available Resource Contact Information:

Mental Health/Crisis Intervention Services

Agency	Contact Information	Services Provided
National Alliance on Mental Illness	1-800-950-6264	General Crisis Services
24-Hour Crisis Hotline	1-716-834-3131	General Crisis Services
National Crisis Hotline	1-775-784-8090 Or text ANSWER to 839863	General Crisis Services
National Suicide Prevention Hotline	1-800-273-8255	Suicide Prevention
Pinehaven Homeless Shelter	Beckley, WV 1-304-255-9340	Shelter taking men and women together
ACCESS Counseling	Grundy 276-244-1380 276-210-4618	Mental health and life enrichment services for those who “seek to improve their personal life and find a brighter tomorrow.”
	Lebanon 276-415-9995	
Clinch Mountain Recovery House	Lebanon 276-889-1384	Psychosocial Rehabilitation Program

Healing Waters Counseling Center	Cedar Bluff 276-963-0111	Counseling services
Bristol Crisis Center	Bristol 276-466-2312	24/7 Hotline Services

Mental Health/Crisis Intervention Services, continued

Agency	Contact Information	Services Provided
Cumberland Mountain Community Services	Main 1-800-286-0586	Crisis services available 24- hours/7 days per week including holidays. Mental Health services, substance abuse services, and I.D. services offered as well.
	Cedar Bluff 276-964-6702	
	Tazewell 276-988-7961	
	Russell Co. 276-889-3785	
	Buchanan Co. 276-935-7154	
Providence House	Cedar Bluff 276-964-0410	Psychosocial Rehabilitation Program
OUR House	Grundy 276-935-7489	Psychosocial Rehabilitation Program
The Laurels	Lebanon 1-888-403-3869	Rehabilitation Center
Behavioral Health Pavilion	Bluefield, WV 1-304-325-4673	Mental Health Clinic
Norton Family Crisis Services	Norton 276-679-6709	Shelter taking men and women together

Domestic Violence Resources

Agency	Contact Information	Services Provided
RAINN	1-800-656-4673	National Sexual Assault Hotline
Family Violence & Sexual Assault Hotline	1-800-838-VADV	24-hour hotline offering immediate counseling and support.
Clinch Valley Community Action Family Crisis Services	200 East Riverside Drive, N. Tazewell, VA 24630 Main 276-988-5583 Hotline 276-979-8959	Services for victims of domestic violence and sexual assault. Female and male shelters available in Tazewell. They are separate facilities. CVCA serves domestic violence and sexual assault victims in Tazewell County and sexual assault victims only in Russell County. Domestic Violence victims in Russell County must contact People Incorporated.
People Incorporated	Abingdon 276-623-9000 Lebanon 276-889-8485 276-889-0178 Grundy 276-935-5485 276-935-5485	Temporary emergency shelter, supportive services, and advocacy for victims of domestic violence and sexual assault.

p. Education and Awareness.⁹

1. The College conducts a program to educate students and employees about this Policy and its procedures. The education and awareness program is designed to promote awareness of sexual violence, domestic violence, dating violence, and stalking.

2. The program, at a minimum, shall include:

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- A statement that the College prohibits the offenses of domestic violence, dating violence, sexual assault, and stalking;
- The definition of domestic violence, dating violence, sexual assault, and stalking;
- The definition of consent;
Safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other
- than such individual;
- Information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks; Information on possible sanctions, procedures to follow after an incident of sexual violence, domestic violence, dating
- violence or stalking, disciplinary procedures, and the protection of confidentiality; and
Written notification about available resources and services, and options for academic and work accommodations, if requested and reasonably available.

3. The College offers the prevention and awareness program to all new and existing students, and requires it of all employees.

q. Resolution of Complaints.

1. The College has an obligation to the entire College community. Accordingly, the College may pursue an investigation even if the complainant requests that no action is taken and the College will not be able to ensure confidentiality in all cases. The College will notify the complainant in writing when it is unable to maintain confidentiality or respect the complainant's request for no further action.

2. The College must provide a prompt, fair, and impartial investigation and resolution of alleged violations to this Policy and is committed to so doing. Title IX Coordinator(s), investigators, and hearing officials must receive annual training on sexual violence, domestic violence, dating violence, and stalking, and the conduct of investigations and hearings. The College may resolve complaints either by an informal or formal resolution process.

3. Suspending an Investigation. The College will comply with all requests for cooperation by

the campus police or local law enforcement in investigations. The College may be required to suspend the Title IX investigation while the campus police or the local law enforcement agency gathers evidence. The College will resume its Title IX investigation as soon as the campus police or local law enforcement agency has completed gathering evidence. Otherwise, the College's investigation will not be precluded or suspended on the grounds that criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

4. The parties may agree to proceed under the informal resolution process in matters not involving sexual violence, domestic violence, dating violence, or stalking. The formal resolution process will be applied (i) when any party that participated in the informal resolution process chooses to terminate the process, and (ii) to all matters that are not eligible for informal resolution.

R. Formal Resolution Process.

1. Complainant's Initial Meeting with the Title IX Coordinator.¹⁰ As soon as is practicable, the Title IX Coordinator will contact the complainant to schedule an initial meeting. If the complainant is not the alleged victim, the Title IX Coordinator also will contact the alleged victim as soon as possible to schedule an initial meeting. The Title IX Coordinator shall inform the complainant that he or she may be accompanied by an advisor of his or her choosing at the meeting. At this initial meeting, the Title IX Coordinator will:

- a. Provide the complainant a copy of this Policy;
- b. Provide the complainant with a Complaint Form, if necessary;
- c. Provide a written explanation of the complainant's rights and options related to changes in academic, parking, and working arrangements;
- d. Explain avenues for formal resolution and informal resolution of the complaint;
- e. Explain the steps involved in an investigation;
- f. Discuss confidentiality standards and concerns with the complainant;

- g. Determine whether an informal resolution is permissible, and whether the complainant wishes to pursue a resolution (formal or informal) through the College or no resolution of any kind;
- h. Refer the complainant to campus and community resources, including the local sexual assault crisis center, domestic violence crisis center, or other victim support service with which the College has entered into a memorandum of understanding;
- i. Discuss with the complainant, as appropriate, possible interim measures that may be taken or provided when necessary during the pendency of the investigative and resolution processes;
- j. Discuss the right to a prompt, fair, and impartial resolution of the complaint
- k. Discuss the College's obligation to disclose information about the complaint, including personally identifiable information, to campus/local law enforcement or to the local Commonwealth's Attorney, or both, under certain conditions.

2. Respondent's Initial Meeting with the Assigned Title IX Coordinator.¹¹ As soon as is practicable, the Title IX Coordinator will schedule an initial meeting with the respondent. The Title IX Coordinator shall inform the respondent that he or she may be accompanied by an advisor of his or her choosing at the meeting. During the initial meeting with the respondent, the Title IX Coordinator will:

- a. Provide the respondent, in writing, sufficient information to allow him or her to respond to the substance of the allegation;
- b. Provide the respondent a copy of this Policy;
- c. Provide a written explanation of the respondent's rights and options related to changes in academic, parking, and working arrangements;
- d. Explain the College's procedures for formal resolution and informal resolution of the complaint;
- e. Explain the steps involved in an investigation;
- f. Discuss confidentiality standards and concerns with the respondent;
- g. Discuss non-retaliation requirements;
- h. Inform the respondent of any interim measures that may be imposed on the respondent;
- i. Refer the respondent to campus and community resources, as appropriate;
- j. Discuss with the respondent, as appropriate, possible interim measures that can be provided to the respondent during the pendency of the investigative and resolution processes;
- k. Discuss the respondent's the right to due process and a prompt, fair, and impartial resolution of the complaint; and
- l. If the respondent is a student and the complaint involves an alleged act of sexual violence, explain to the respondent

that the College will include a notation on the academic transcript if the respondent is suspended or dismissed after being found responsible, or if the respondent withdraws while under investigation, that the investigation may continue in the respondent's absence, if possible while being afforded notice of the charges (and hearing, if applicable) and an opportunity to respond to all the evidence.

3. Title IX Coordinator's Initial Determination.

a) The College shall conduct an investigation of the complaint unless (i) the complainant does not want the College to pursue the complaint and the Title IX Coordinator has determined that the College can honor the request; (ii) it is clear on its face and based on the Title IX Coordinator's initial meetings with the parties that no reasonable grounds exist for believing that the conduct at issue constitutes a violation of this Policy. The Title IX Coordinator will consider the following factors in determining whether it is reasonable to investigate the complaint: the source and nature of the information; the seriousness of the alleged incident; the specificity of the information; the objectivity and credibility of the source of the information; and whether the individuals allegedly subjected to the conduct can be identified.

b) In the event that the Title IX Coordinator determines that an investigation of the complaint should not be conducted, he or she will document (in consultation, as necessary, with the complainant, respondent, and other College officials) the appropriate resolution of the complaint and inform the parties of the same. The Title IX Coordinator shall provide specific and clear written reason(s) why an investigation should not be conducted. The Title IX Coordinator shall provide the determination that the College will not investigate the matter to the complainant and the respondent, concurrently, within five (5) workdays of the completion of the initial meetings. This decision is final.

4. Appointment of the Investigator and Conduct of the Investigation.

a) If the Title IX Coordinator determines that an investigation should be conducted, he or she will appoint an investigator within five (5) workdays of the completion of the initial meetings. The Title IX Coordinator will share his or her name and contact information with the complainant and respondent and will forward the complaint to the investigator. Within three (3) workdays of such appointment, the investigator, the complainant or the respondent may identify to the Title IX Coordinator in writing any potential conflict of interest

posed by assigning such investigator to the matter. The Title IX Coordinator will consider such statements and will assign a different individual as investigator if it is determined that a material conflict of interest exists.

b) The investigator will contact the complainant and respondent promptly. In most cases, this should occur within three (3) workdays from the date of the investigator's appointment or the conclusion of the informal resolution process, whichever is later. The investigator will schedule meetings with the parties. The parties may provide supporting documents, evidence, and recommendations of witnesses to be interviewed during the course of the investigation. Each party may have one advisor present during any meeting with the investigator; however, the advisor may not speak on the party's behalf.

c) In the conduct of the investigation, the investigator should weigh the credibility and demeanor of the complainant, respondent, and witnesses; the logic and consistency of the evidence, motives, and any corroborating evidence.

d) The investigation of any alleged violation of this Policy should be completed within 60 calendar days of the filing of the complaint or the date on which the College becomes aware of the alleged violation, unless good cause exists to extend the timeframe. The 60- calendar day timeframe refers to the entire investigation process, which includes conducting the fact-finding investigation, holding a hearing or engaging in another decision-making process to determine whether the alleged incident occurred, and determining what actions the College will take in response, including the imposition of sanctions. The 60-calendar day timeframe does not include appeals. If the process must be suspended or delayed for any reason and more time is necessary, the Title IX Coordinator will notify the parties in writing and give the reason for the delay and an estimated time of completion.

e) Both complainant and respondent will have the opportunity to review and respond to evidence obtained during the investigation. Each party also will have the opportunity to review and comment on the written investigative report within seven (7) workdays of receiving the report. The final written investigative report and the parties' responses thereto shall be part of the record.

f) The investigator will complete a written investigative report that includes summaries of all interviews conducted, photographs, descriptions of relevant evidence, the rationale for credibility determinations, summaries of relevant electronic records, and a detailed report of the events in question. The written investigative report shall include at minimum, the following information:

☐

- The name and gender of the complainant and, if different, the name and gender of the person reporting the allegation; A statement of the allegation, a description of the incident(s), and the date(s) and time(s) (if known) of the alleged
- incident(s);
- The date that the complaint or other report was made;

- The date the respondent was interviewed;
- The names and gender of all persons alleged to have committed the alleged violation;
- The names and gender of all known witnesses to the alleged incident(s);
- The dates that any relevant documentary evidence (including cell phone and other records as appropriate) was obtained;
- Any written statements of the complainant or the alleged victim if different from the complainant;
- The date on which the College deferred its investigation and disciplinary process because the complainant filed a law enforcement complaint and the date on which the College resumed its investigation and disciplinary process (if applicable).

g) The investigator will forward the written investigative report to the Title IX Coordinator.

h) The withdrawal of a student from the College while under investigation for an alleged violation of this Policy involving an act of sexual violence in most cases should not end the College's investigation and resolution of the complaint. The College shall continue the investigation if possible as set forth under this Policy. The College shall notify the student in writing of the investigation and afford the student the opportunity to provide evidence, to review and respond to all the evidence against the student, and to the written investigative report prior to making a final determination. The student also shall receive notice in writing of any hearing, including the day, time, and location. Upon the student's withdrawal, the College shall place a notation on the student's academic transcript that states, "*Withdrew while under investigation for a violation of SWCC's sexual misconduct policy.*" After the College has completed its investigation and resolution of the complaint, the College shall either (1) remove the notation if the student is found not responsible or (2) change the notation to reflect either a suspension or dismissal for a violation of the Policy if either was imposed. The College shall end the investigation and resolution of the complaint if the College cannot locate the respondent and provide him or her notice and the opportunity to respond. In such cases, the College shall maintain the withdrawal notation on the student's academic transcript. Upon a final determination, the Title IX Coordinator immediately shall notify the registrar and direct that the appropriate notation is made.

s. Determination of Title IX Coordinator and Corrective Action Report.

1. The Title IX Coordinator will determine whether there is a preponderance of the evidence to find that the respondent violated this Policy as alleged. In most cases, this should occur within five (5) workdays of receiving the written investigative report from the investigator. The "preponderance of the evidence" standard requires that the weight of the evidence, in totality, supports a finding that it is more likely than not that the alleged violation occurred.
2. If the Title IX Coordinator finds that the evidence does not prove by a preponderance of the evidence that the respondent committed the alleged violation, the matter will be closed. The Title IX Coordinator will make the determination in writing and distribute the written investigative report with such finding to the complainant and the respondent concurrently. All parties to whom the written investigative report is distributed pursuant to this Policy should maintain it in confidence. Both the complainant and the respondent may appeal the finding under the procedure described below.
3. If the Title IX Coordinator finds by a preponderance of the evidence that a violation of this Policy did occur, the Title IX Coordinator will make the determination in writing and distribute the written investigative report with such finding to the complainant and the respondent concurrently. All parties to whom the written investigative report is distributed pursuant to this Policy should maintain it in confidence. Both the complainant and the respondent may appeal the finding under the procedure described below.
4. When the Title IX Coordinator finds that a violation has occurred, he or she also shall write a separate written corrective action report that will contain recommendations for steps that should be taken to prevent recurrence of any such violation and to remedy any discriminatory effects. If interim measures as described above have been taken, the written corrective action report shall include a recommendation regarding continuation, suspension or modification of any such interim measures. The Title IX Coordinator shall distribute the written corrective action report to the complainant and respondent concurrently. In most cases, the written corrective action report should be completed within five (5) workdays after the distribution of the written investigative report. The written investigative report and the corrective action report may be submitted concurrently. The Title IX Coordinator also shall provide the written investigative report and the written corrective action report to the appropriate College official, as described below.
5. If the respondent is a student, the Title IX Coordinator will forward the reports to the Vice President, Academic and Student Services. Within ten (10) workdays, the Vice President, Academic and Student Services shall determine and impose appropriate sanctions, with notification to the President, as described below. The respondent and the Title IX Coordinator shall receive written notification of sanction(s). When the respondent is a student, within five (5) workdays of receipt, the Title IX Coordinator may disclose to the complainant the sanctions imposed on the respondent that directly relate to the complainant as permitted by state and federal law, including the Federal Educational Rights and Privacy Act (FERPA) and the Virginia Freedom of Information Act, when such disclosure is necessary to ensure the safety of the

complainant. The Title IX Coordinator also may disclose in writing to the complainant the final results of a disciplinary proceeding involving the respondent with regard to an alleged forcible or non-forcible sex offense, act of stalking, domestic violence or dating violence on the complainant, as permitted by state and federal law including FERPA and the Virginia Freedom of Information Act. The disclosure of final results must include only the name of the student, the violation committed, and any sanction imposed by the College against the student.

6. If the respondent is an employee, the Title IX Coordinator will forward the reports to the Vice President, Finance & Administration. Within ten (10) workdays, the Vice President, Finance & Administration shall determine and impose appropriate sanctions, with notification to the President, as described below. The respondent and the Title IX Coordinator shall receive written notification of sanction(s).¹²

7. If the respondent is a third party, the Title IX Coordinator will forward the reports to the SWCC Chief of Police. Within ten (10) workdays, the SWCC Chief of Police shall determine and impose appropriate sanctions, with notification to the President, as described below. The respondent and the Title IX Coordinator shall receive written notification of sanction(s). The Title IX Coordinator may disclose to the complainant information as described above.

8. The Title IX Coordinator will advise the complainant and the respondent of their right to appeal any finding or sanction in writing. The written notification also shall provide information on the appeals process. If the complainant or respondent does not contest the finding or recommended sanction(s), he or she shall sign a statement acknowledging such. The signed statement shall be part of the record.

τ. Informal Resolution.

1. After receiving a request from both parties to resolve the complaint with the informal resolution process, the Title IX Coordinator will appoint a College official to facilitate an effective and appropriate resolution. Within three (3) workdays of such appointment, the College official, the complainant or the respondent may identify to the Title IX Coordinator in writing any potential conflict of interest posed by assigning such official to the matter. The Title IX Coordinator will consider such statements and will assign a different

individual to facilitate if it is determined that a material conflict of interest exists. Within five (5) workdays of the appointment, the College official will request a written statement from the parties to be submitted within ten (10) workdays. Each party may request that witnesses are interviewed. Within ten (10) workdays of receiving the written statements, the College official will hold a meeting(s) with the parties and coordinate informal resolution measures. The College official shall review the information that is covered in the initial meeting under the formal process, as provided in Paragraphs R1 and R2. The College official shall document the meeting(s) in writing. Each party may have one advisor of his or her choosing during any meeting; however, the advisor may not speak on the party's behalf.

2. The informal resolution process should be complete within thirty (30) days in most cases, unless good cause exists to extend the timeframe. The parties will be notified in writing and given the reason for the delay and an estimated time of completion. Any party may request in writing that the informal resolution process be terminated at any time, in which case the formal resolution process will commence.

3. Any resolution of a complaint through the informal process must address the concerns of the complainant and the responsibility of the College to address alleged violations of the Policy, while also respecting the due process rights of the respondent. Informal resolution remedies might include mandatory education, counseling, written counseling by an employee's supervisor, or other methods. The College official will provide the complainant and respondent with a copy of the final written report concurrently. The final written report shall include the nature of the complaint, a meeting(s) summary, the informal resolution remedies applied, and whether the complaint was resolved through the informal resolution process.

4. Either party can pursue formal resolution if he or she is dissatisfied with the proposed informal resolution.

u. Sanctions & Corrective Actions.

1. The College will take reasonable steps to prevent the recurrence of any violations of this Policy and to correct the discriminatory effects on the complainant (and others, if appropriate). Sanctions for a finding of responsibility depend upon the nature and gravity of the misconduct, any record of prior discipline for similar violations, or both.

2. The range of potential sanctions and corrective actions that may be imposed against a student includes but is not limited to the following: required discrimination or harassment education, a requirement not to repeat or continue the discriminatory, harassing, or retaliatory conduct, verbal or written warning, a no-contact order, written or verbal apology, verbal or written warning, probation, suspension, and dismissal from the College.

a. If a student is found responsible for an act of sexual violence under this Policy and is suspended or dismissed, the student's academic transcript shall be noted as follows: *"Suspended/Dismissed for a violation of SWCC's sexual misconduct policy."* In the case of a

suspension, the College shall remove such notation immediately following the completion of the term of suspension and any conditions thereof, and when the student is considered to be in good standing. The student shall be considered to be in good standing for the purposes of this section following the completion of the term of suspension and satisfaction of all conditions thereof. Upon completion of the suspension, the Title IX Coordinator (or designee) shall meet with the student to confirm completion of the conditions and upon such confirmation, direct the registrar to remove the notation from the student's academic transcript.

b. If a student withdraws from the College while under investigation involving an act of sexual violence under this Policy, the student's academic transcript shall be noted as follows:

"Withdrew while under investigation for a violation of SWCC sexual misconduct policy."

Students are strongly encouraged not to withdraw from the College.

c. The College shall immediately remove the notation from the student's academic transcript upon a subsequent finding that the student is not responsible an offense of sexual violence under this Policy. Upon such a finding, the Title IX Coordinator (or designee) shall direct the registrar to remove the notation from the student's academic transcript.

d. Notations on academic transcripts regarding suspensions and dismissals shall be placed on the student's academic transcript after resolution of all appeals.

3. Sanctions for faculty and staff shall be determined in accordance with the VCCS Policy Manual and the Department of Human Resource Management Standards of Conduct, respectively. Possible sanctions and corrective actions include required discrimination or harassment education, informal or formal counseling, reassignment, demotion, suspension, non-reappointment, and termination from employment.

4. Third parties, e.g., contractors, will be prohibited from having access to the campus. Depending on the violation, this prohibition may be permanent or temporary.
5. Title IX Coordinator will determine the final accommodations to be provided to the complainant, if any.
6. Sanctions imposed do not take effect until the resolution of any timely appeal. However, sanctions may take effect immediately when the continued presence of an individual on campus may threaten the safety of an individual or the campus community, generally. Sanctions will continue in effect until such time as the appeal process is exhausted in such cases.

v. Appeals.

Either the complainant or the respondent has the opportunity to appeal the outcome of the written investigative report or the sanction(s) recommended. Appeals shall be conducted in accordance with the applicable grievance procedures described in the Student Handbook, VCCS Policy Manual, and the Grievance Procedure Manual of the Department of Human Resource Management. Third parties may request that the College reconsider its decision in writing to the President.¹⁶

w. Academic Freedom and Free Speech.¹⁷

1. This Policy does not allow censorship of constitutionally protected expression. As a "marketplace of ideas," the College encourages intellectual inquiry and recognizes that such inquiry may result in intellectual disagreements. Verbal or written communications constitute sexual harassment only when such communications are sufficiently severe, pervasive, and objectively offensive that they undermine and detract from an employee's work performance or a student's educational experience. Verbal or written communications, without accompanying unwanted sexual physical contact, is not sexual violence or sexual assault.
2. In addressing all complaints and reports of alleged violations of this Policy, the College will take all permissible actions to ensure the safety students and employees while complying with any and all applicable guidance regarding free speech rights of students and employees. This Policy does not apply to curriculum, curricular materials, or abridge the use of particular textbooks.

x. False Allegations.¹⁸

Any individual who knowingly files a false complaint under this Policy, who knowingly provides false information to College officials, or who intentionally misleads College officials who are involved in the investigation or resolution of a complaint may be subject to disciplinary action, up to and including dismissal for students and termination of employment for faculty and staff. An allegation that cannot be proven by a preponderance of the evidence is not necessarily

proof of knowingly filing a false complaint.

v. Consensual Relationships.¹⁹

Pursuant to VCCS Policy 3.14.2, consenting romantic or sexual relationships between employees and students for whom the employee has a direct professional responsibility are prohibited. Consenting romantic or sexual relationships between employees where one employee has a direct professional responsibility also are prohibited. Consenting romantic or sexual relationships between other employees (not in a supervisory position), or with students for whom the employee does not have a direct professional responsibility, although not expressly forbidden, are unwise and are strongly discouraged. The relationship may be viewed in different ways by each of the parties, particularly in retrospect. Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome.

z. Record Keeping.

The Title IX Coordinator shall maintain, in a confidential manner, for at least five (5) years, paper or electronic files of all complaints, witness statements, documentary evidence, written investigative reports, review committee records, written corrective action reports, sanctions, appeal hearings and associated documents, the responses taken by College personnel for each complaint, including any interim and permanent steps taken with respect to the complainant and the respondent, and a narrative of all action taken to prevent recurrence of any harassing incident(s), including any written documentation.

AA. All community colleges of the Virginia Community College System shall use this template.

[1] Colleges must use the definitions set out in this Policy. The Campus SaVE Act states that the definitions of sexual assault, domestic violence, dating violence, stalking, and consent must be of the applicable jurisdiction.

[2] If colleges have different Title IX Coordinators for students, staff, and faculty, the policy should indicate clearly to which Title IX Coordinator reports should be made.

[3] This provision is optional, but recommended.

[4] This is required to be addressed in the policy under the Campus SaVE Act.

[5] Colleges may use the local area's domestic violence/sexual assault hotline number.

[6] This is required to be addressed in the policy under the Campus SaVE Act and Virginia law.

[7] The information required by the Campus SaVE Act is included in this Policy: (a) possible sanctions or protective measures that the College may impose following a final determination of a disciplinary procedure regarding sexual violence, domestic or dating violence, or stalking (b) procedures individuals should follow if sexual violence, domestic or dating violence, or stalking has occurred; (c) procedures for disciplinary action in cases involving sexual violence, domestic or dating violence, or stalking, including a clear statement that the College's proceedings shall provide a prompt, fair, and impartial investigation and resolution; (d) information about how the College will protect the confidentiality complainants; (e) written notification of students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, and other services available for victims both on-campus and in the community; and (f) written notification about options for, and available assistance in, changing academic, living, transportation, and working situations, if so requested and if such accommodations are reasonably available, regardless of whether the complainant chooses to report the crime to campus police or local law enforcement. Therefore, Colleges may fulfill this requirement by providing anyone who makes a report a copy of this Policy.

[8] Required by the Campus SaVE Act.

[9] Required by the Campus SaVE Act.

[10] The College may request a meeting with a third party complainant, but it may not require his or her attendance.

[11] The College may request a meeting with a third party respondent, but it may not require his or her attendance.

[12] The complainant shall not receive information that would constitute personnel records; however, the College will take appropriate steps as necessary to protect the safety of the complainant while also complying with state law and policy.

[13] Colleges may not deny the procedural rights afforded by law to classified employees. The procedural rights afforded to faculty under the VCCS Policy Manual still apply unless and until the VCCS Policy Manual is revised by the State Board. Therefore, if a college's process includes a formal hearing under this Policy, it still must provide staff and faculty the right to grieve any disciplinary sanction imposed against them under the applicable grievance process. With respect to students, colleges should clearly indicate whether the complaint resolution procedures outlined in its sexual misconduct policy supersede the regular student grievance procedures.

[14] This is optional. Colleges may confer a right to an appeal in all cases.

[15] Colleges may choose the composition of the hearing committee and the selection

thereof. All members of the committee must receive training on how to conduct a hearing.
[16] Each party could file a grievance and the college would handle each grievance separately. Grievances involving classified staff may use the expedited process or proceed immediately to a formal hearing when applicable.

[17] This section is optional, but recommended.

[18] This section is optional.

[19] This policy was approved by the State Board on May 21, 2015.

Sex Offender Registry

The Virginia State Police maintains an online registry of sex offenders. The registry is searchable and includes both those offenders who are incarcerated and those who are not. To utilize the registry, visit <http://sex-offender.vsp.virginia.gov/sor/>.

Section 23-2.2:1 of the Code of Virginia requires that the VCCS send enrollment information to the Virginia State Police concerning applicants to institutions of higher education. This information is transmitted electronically and compared against the Virginia Criminal Information Network and National Crime Information Center Convicted Sexual Offender Registry. Language on the web application informs applicants that their information is being transmitted to the state police.

In the event that the state police determine that an applicant to Southwest Virginia Community College is listed on the Sex Offender Registry, the state police will notify SWCC. When the college receives such a notification, the following procedures apply:

- A. The applicant will be denied admission to SWCC in accordance with its admission policy as published in its catalog: Admission Denied/Revoked: Admission to the college, or to college functions or activities, may be denied or revoked to individuals who are unable to demonstrate safe and/or non-disruptive conduct.
- B. If the applicant registers for classes and becomes a student before the college receives notification from the state police, the student will be immediately informed that he/she is being administratively withdrawn from classes and will receive a refund.
- C. An applicant may invoke his/her right to an appeal process.

Appeal Process for Denial of Admission or Withdrawal for Convicted Sex Offender

When a convicted sex offender is denied admission to or is administratively withdrawn from classes at Southwest Virginia Community College, he/she may invoke the following appeal process:

- A. The applicant or withdrawn student will receive a letter from the dean of student success stating his/her denial of admission or administrative withdrawal.
- B. The applicant/withdrawn student may write a letter of appeal to the dean of student services in which he/she provides the following information:
 - 1. Disclosure of the nature of the offense for which he/she has been convicted;
 - 2. Justification for consideration of admission/reinstatement;
 - 3. Statement acknowledging his/her understanding that his/her identity and status as a convicted sex offender will be publicized on the college campus in accordance with federal and state law if he/she is admitted or reinstated.

Note: If a student is appealing a denial of admission or an administrative withdrawal, he/she must submit the letter of appeal to the dean of student success within seven (7) calendar days of the administrative withdrawal

- C. A panel of three (3) full-time faculty or administrators will review the information submitted and make a decision by a simple majority vote within fourteen (14) calendar days of receiving the letter of appeal. The dean of student services will serve as the convener of the panel and will be a member of the panel.
- D. The dean of student services will inform the applicant/withdrawn student by letter of the decision of the appeals panel. The decision of the appeals panel shall be final.

Substance Abuse Policy

Consistent with the guidelines provided by the Virginia State Council of Higher Education, it shall be the policy of Southwest Virginia Community College to find intolerable the illegal possession, use, manufacture, or distribution of drugs or other controlled substances by students or employees of the college. All actions consistent with the law and individual privacy rights will be taken by SWCC to eliminate the illegal use or abuse of drugs and alcohol on

campus and to deal firmly, though fairly, with individuals found in violation of Virginia's statutes and federal laws pertaining to such substances.

The use or sale of illegal substances is a crime. The sale or distribution of alcoholic beverages to persons under 21 is prohibited. SWCC will cooperate with law enforcement authorities in enforcing current statutes. Students are further warned that illegal involvement with drugs or alcohol on campus will result in disciplinary action by the college above and beyond any criminal penalties. The disciplinary action may include suspension or dismissal from the college.

The college's established procedure for student discipline would be applied to any student suspected of violating this drug and alcohol policy. If a suspected student is found guilty of the offense, the students would be subject to the following action(s):

- Dismissal from college for being found guilty or selling illegal substances on campus;
- Suspension for being found guilty of the possession of illegal drugs on campus;
- Suspension for a student found guilty of the unauthorized possession of alcohol on campus;
- Suspension or probation period to be determined by the Judiciary Panel for a student who is in possession of alcohol on campus and/or exhibits unruly or disorderly conduct on the campus.

Appropriate action will be taken when a student receives due process through the SWCC judiciary system.

Substance Abuse and Sexual Assault Education

In addition, the college has implemented an online training program for faculty and staff related to sexual assault prevention, bystander intervention, and Violence Against Women Act (VAWA) provisions that must be completed annually. Full-time college employees have access to the Commonwealth of Virginia's Employee Assistance Program for substance abuse awareness, prevention, and treatment. Guidance for educating students regarding these policies is located in the SWCC Student Handbook located here: <https://sw.edu/catalogs/student-handbook/>.

Testing Emergency Response Procedures

At least annually, SWCC will test some element of its emergency response plan. The test may include a simulation or may be combined with an actual emergency. For example, evacuation and emergency notification procedures are often tested in conjunction with a sudden weather event.

Tests of the emergency response plan may be announced or unannounced. The college makes every effort to issue reminders of relevant procedures prior to any announced test.

Furthermore, each test is documented and reviewed for appropriate corrective action or improvements.

Weapons Policy

A. Purpose

The purpose of this policy is to promote a safe learning and working environment for all college locations by minimizing the risk of violence by use of a weapon. This policy provides rules and procedures for the possession of weapons on campus grounds, in campus buildings, and at campus events. It is consistent with the Regulation of Weapons (Appendix C) adopted by the State Board for Community Colleges, Policy 3.14.6, Workplace Violence Prevention and Threat Assessment Policy Guidelines of the Virginia Community College System, and the laws and regulations of the Commonwealth of Virginia.

B. Application

This policy applies to all faculty, staff, students, contractors, and visitors entering campus buildings or attending college-sponsored events.

C. Authority

The State Board for Community Colleges is authorized by Virginia Code §§ 23-215 and 23-217(g) to promulgate regulations for carrying out its responsibilities. State Board for Community Colleges Regulation 8VAC95-10-10 et seq. (Appendix A) sets out prohibitions for weapons possession on all college campuses within the VCCS. College boards may approve policies consistent with guidelines set by the State Board for Community Colleges.

D. Definitions

1. "Police officer" means law-enforcement officials appointed pursuant to Article 3 (§ 15.2-1609 et seq.) of Chapter 16 and Chapter 17 (§ 15.2-1700 et seq.) of Title 15.2, Chapter 17 (§ 23-232 et seq.) of Title 23, Chapter 2 (§ 29.1-200 et seq.) of Title 29.1, or Chapter 1 (§ 52-1 et seq.) of Title 52 of the Code of Virginia or sworn federal law-enforcement officers.
2. "College property" means any property owned, leased, or controlled by a member college of the Virginia Community College System and the administrative office of the Virginia Community College System.
3. "Weapon" means (i) any pistol, revolver, or other weapon designed or intended to propel a missile of any kind by action of an explosion of any combustible material; (ii)

any dirk, bowie knife, switchblade knife, ballistic knife, machete, razor, slingshot, spring stick, metal knucks, or blackjack; (iii) any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nun chuck, nunchaku, shuriken, or fighting chain; (iv) any disc, of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart; or (v) any weapon of like kind, to include but not limited to, tasers.

"Weapon" does not mean knives or razors used for domestic purposes, pen or folding knives with blades less than three inches in length, or knives of like kind carried for use in accordance with the purpose intended by the original seller.

E. Policy

1. Possession or carrying of any weapon by any person, except a police officer, is prohibited on college property in academic buildings, administrative office buildings, student centers, child care centers, dining facilities and places of like kind where people congregate, or while attending any college-sponsored sporting, entertainment or educational events. Entry upon the aforementioned college property in violation of this prohibition is expressly forbidden.
2. Faculty, staff, and students may not possess or carry any weapon anywhere on college property except as outlined in Section F of this policy.

F. Exceptions

1. Current sworn and certified local, state, and federal law enforcement officers with proper identification, may possess or carry a weapon on college property, inside all campus buildings, and at all campus events.
2. The college president may authorize in writing a person to possess, store, or use a weapon: (i) when used for educational or artistic instruction, display, parade, or ceremony sponsored or approved by the college (unloaded or disabled only and with other specified safeguards, if appropriate); or (ii) for any college-approved training, course, or class.

G. Procedures

1. If campus police observes or receives a report of a violation of this policy, campus police will direct the individual to leave the campus building or event immediately. The individual may secure the weapon inside his or her vehicle and return. In the event the individual fails to comply campus policy will take appropriate action, including contacting local police.

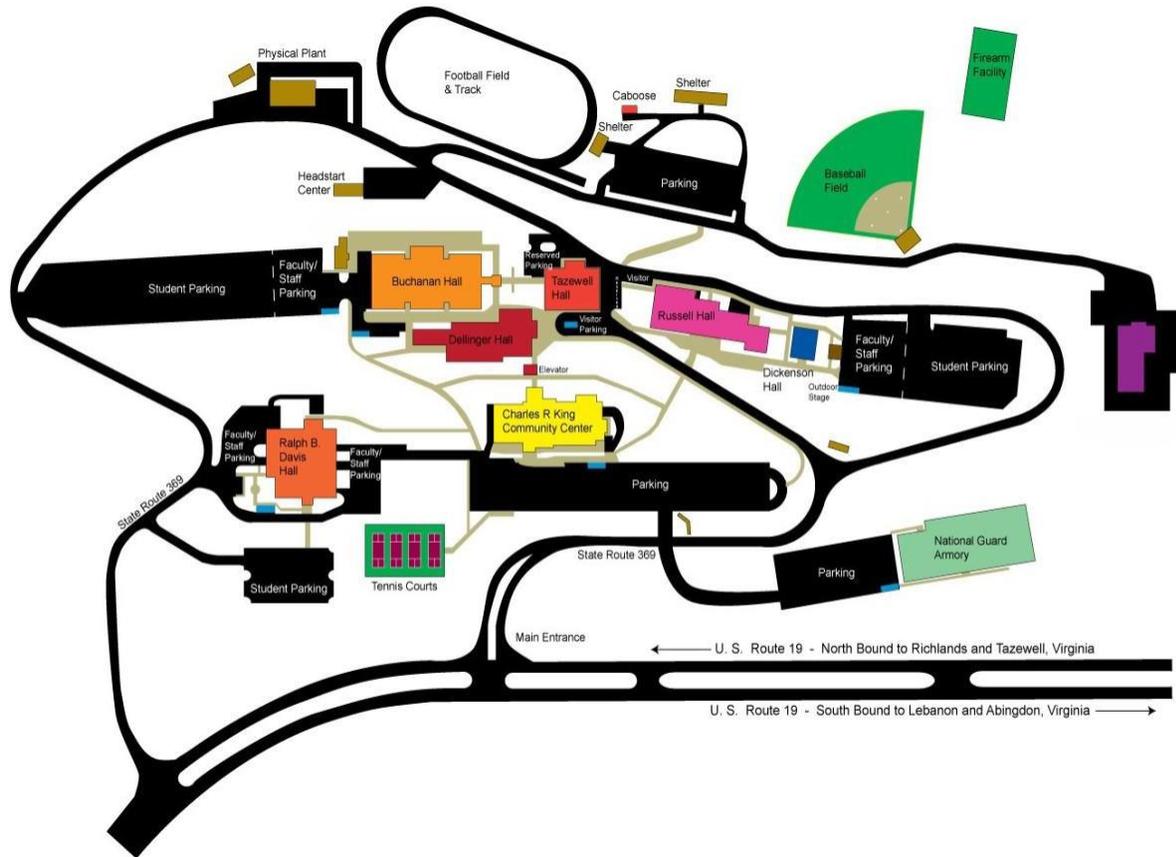
2. In cases involving an immediate threat of violence, members of the campus community are encouraged to call 911. Campus police will take appropriate action, to include contacting appropriate area law enforcement.
3. Persons observed on the open grounds of campus (streets, sidewalks, and other open areas on college property) may be asked by campus police to identify his or her relationship with the college to confirm whether a violation of this policy has occurred, (i.e., determine whether the individual is a student, employee, or visitor). If the individual is a visitor who intends to enter a campus building or event where weapons are prohibited, campus police shall advise that, pursuant to regulation (Appendix A), it is unlawful to enter such places while possessing or carrying a weapon. The individual shall be advised to secure the weapon inside his or her vehicle prior to entering the building or event.

H. Violation of Policy

1. Students who violate this policy will be subject to disciplinary action under the student conduct code up to and including, dismissal.
2. Employees who violate this policy will be subject to disciplinary action up to and including termination, using existing policies and procedures including Section 3 of the VCCS Policy Manual or DHRM Policy 1.60, Standards of Conduct.
3. Pursuant to the Regulation of Weapons (see Appendix C), visitors and contractors in violation of the prohibitions on the possession of weapons are subject to arrest and may be barred from the campus.

Appendix A – Maps

SWCC Main Campus Map



SWCC Booth Center Map



SWCC Center for Education and Training Map



**SWCC Threat Assessment Team
2019-2020**

Jerry Stinson Chair
Dyan Lester Dean of Student Success
Jereial Fletcher Dean of Mathematics, Science and Health Technologies
Dr. Michael Henry Director of Student Support Services
Kim Steiner Associate Vice President of Human Resources
Justin McCulley. Chief of Police

STATE BOARD FOR COMMUNITY COLLEGES

Weapons Regulations

CHAPTER 10

REGULATION OF WEAPONS

8VAC95-10-10. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Police officer" means law-enforcement officials appointed pursuant to Article 3 (§ 15.2-1609 et seq.) of Chapter 16 and Chapter 17 (§ 15.2-1700 et seq.) of Title 15.2, Chapter 17 (§ 23-232 et seq.) of Title 23, Chapter 2 (§ 29.1-200 et seq.) of Title 29.1, or Chapter 1 (§ 52-1 et seq.) of Title 52 of the Code of Virginia or sworn federal law-enforcement officers.

"College property" means any property owned, leased, or controlled by a member college of the Virginia Community College System and the administrative office of the Virginia Community College System.

"Weapon" means (i) any pistol, revolver, or other weapon designed or intended to propel a missile of any kind by action of an explosion of any combustible material; (ii) any dirk, bowie knife, switchblade knife, ballistic knife, machete, razor, slingshot, spring stick, metal knucks, or blackjack; (iii) any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nun chuck, nunchaku, shuriken, or fighting chain; (iv) any disc, of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart; or (v) any weapon of like kind, to include but not limited to, tasers.

"Weapon" does not mean knives or razors used for domestic purposes, pen or folding knives with blades less than three inches in length, or knives of like kind carried for use in accordance with the purpose intended by the original seller.

8VAC95-10-20. Possession of weapons prohibited.

A. Possession or carrying of any weapon by any person, except a police officer, is prohibited on college property in academic buildings, administrative office buildings, student centers, child care centers, dining facilities and places of like kind where people congregate, or while attending any sporting, entertainment, or educational events. Entry upon the aforementioned college property in violation of this prohibition is expressly forbidden.

B. Any individual in violation of this prohibition will be asked to remove the weapon immediately. Failure to comply may result in a student conduct referral, an employee disciplinary action, or arrest.

8VAC95-10-30. Exceptions to prohibition.

A. The prohibition in 8VAC95-10-20 shall not apply to current sworn and certified local, state, and federal law enforcement officers with proper identification, nor shall it apply to possession of a weapon when stored securely inside the vehicle of properly permitted students and employees.

B. The chief of the college police department or head of security department, or his designee, may authorize in writing a person to possess, store, or use a weapon: (i) when used for educational or artistic instruction, display, parade, or ceremony sponsored or approved by the college (unloaded or disabled only and with other specified safeguards, if appropriate); or (ii) for any college-approved training, course, or class.

8VAC95-10-40. Person lawfully in charge.

Campus police officers and other police officers acting pursuant to a mutual aid agreement or by concurrent jurisdiction, are lawfully in charge for the purposes of forbidding entry upon or remaining upon college property while possessing or carrying weapons in violation of this chapter.

Appendix D – MEMORANDA OF UNDERSTANDING (MOUs)

The college has MOUs with:

- Lebanon Police Department
- Richlands Police Department
- Buchanan Sheriff's Department
- Cedar Bluff Police Department
- Russell County Sheriff's Department
- Tazewell County Sheriff's Department
- Virginia State Police

These MOUs are housed with the SWCC Chief of Police.

In addition, the college has a MOU with Cumberland Mountain Community Service Board and this MOU is housed with the SWCC Chief of Police.