

**LONGWOOD UNIVERSITY
BOARD OF VISITORS
EXECUTIVE COMMITTEE MEETING**

Wednesday, February 25, 2015

-Minutes-

Call to Order

The Executive Committee of the Longwood University Board of Visitors met on Wednesday, February 25, 2015 at the offices of the Williams Mullen law firm in Richmond, Virginia. The meeting was called to order at 10:35 a.m. by Rector Colleen Margiloff.

Executive Committee members present were:

Mrs. Colleen Margiloff
The Hon. Robert S. Wertz, Jr.
Mrs. Shelby Walker
Mr. Stephen Mobley
Mrs. Marianne Radcliff

Others Present:

Mrs. Pia Trigiani
Mrs. Eileen Anderson
Mr. Thomas Johnson
President Taylor Reveley
Chief of Staff Justin Pope
Cameron O’Brion, Office of the Virginia Attorney General

Rector’s Welcome and Approval of Resolutions

President Reveley presented drafts of two resolutions, one in honor of Gerald Spates on the occasion of the 40th anniversary of his service as Farmville Town Manager, and one in honor of Nancy Shelton on the occasion of her upcoming retirement as alumni director. Mr. Mobley moved and Mrs. Radcliff seconded, and both were approved unanimously (copies of the resolution are attached as Appendices 1 and 2).

President’s Update

President Reveley gave a progress report on various university endeavors and metrics, including enrollment, which is up 2.7 percent, the second most of any Virginia public university. He provided an update on the process and expected final timetable for the provost search. Three finalists were then contacted in sequence by telephone for a discussion of about 30 minutes each, with principal topics including their general vision for Longwood, strategies for retaining top faculty and decreasing faculty courseloads over time, and leadership style. There was brief discussion about the three candidates, with the President indicating he hopes to reach a decision shortly.

Title IX Policies and Procedures

Following a discussion of issues related to Title IX policies and campus climate pertaining to sexual misconduct, President Reveley presented proposed modifications and clarifications to the University

Sexual Misconduct Policy, which have been reviewed by the President's Advisory Board on campus climate, the executive steering committee, the chief Title IX officer and the Attorney General's Office. Mr. Wertz moved that the policy update be approved, Mr. Mobley seconded, and the policy update was unanimously approved (A copy of the approved policy is attached as Appendix 3).

President Reveley provided an update on the current General Assembly session, and bills on matters including the budget, capital planning and finally campus sexual assault procedures, noting the bills that appear set to become law generally comport with practices already in place at Longwood.

Recess

There being no further business, the Executive Committee meeting recessed for lunch at 1:00 p.m.

*A RESOLUTION HONORING
TOWN MANAGER GERALD SPATES
LONGWOOD UNIVERSITY*

WHEREAS, Gerald Spates has served Farmville as town manager for 40 years, beginning during the presidency of W. Taylor Reveley II at Hampden-Sydney College and continuing into the presidency of his grandson at Longwood, and worked with professionalism, vision and dedication to the community; and

WHEREAS, Longwood recognizes its own prosperity and vibrancy are inextricably connected with that of our home community, and that the palpable energy and momentum in Farmville today are attributable to a considerable degree to Mr. Spates' hard work and vision; and

WHEREAS, he has been a good friend and supporter of Longwood University, and worked with faculty, staff and students over four decades, including seven Longwood presidents, playing an instrumental role in creating and nurturing the positive relationship that today exists between the institution and the town; and

WHEREAS, Longwood is deeply grateful for his friendship and help as we have thrived and grown;

NOW, THEREFORE, BE IT RESOLVED that Board of Visitors commends Gerald Spates and expresses our deep gratitude for his 40 years of service to our community.

This the 25th day of February, 2015.

Colleen M. Margiloff, *Rector*

W. Taylor Reveley IV, *President*

[Longwood Seal/Graphic Logo]

Longwood University

Honors

Nancy B. Shelton

RESOLUTION OF APPRECIATION

WHEREAS, Nancy B. Shelton began her career with Longwood University in 1972, holding positions within the Sociology Department and then dedicated forty two of service to the alumni of Longwood University; and

WHEREAS, Nancy B. Shelton has served as Executive Director of the Alumni Relations Office since 1974; and

WHEREAS, Nancy B. Shelton has been an outstandingly true and loyal employee;

NOW, THEREFORE, BE IT RESOLVED

That we, personally and on behalf of the Longwood University Board of Visitors and Alumni Association Board of Directors, recognize and thank Nancy B. Shelton for her dedication and service to Longwood University, and wish her every blessing in her well-earned retirement.

[Date]

[University Seal]

Colleen Margiloff
Rector, Board of Visitors

Kathleen Early
President, Alumni Association

W. Taylor Reveley, IV
President, Longwood University

Longwood University Sexual Misconduct Policy

Longwood University is committed to providing a healthy living, learning and working environment; an atmosphere that emphasizes the dignity and worth of the individual, which promotes personal integrity, civility and mutual respect, and creates an environment that is free from sexual misconduct and discrimination. Sexual misconduct, sexual discrimination and sexual harassment, are incompatible with Longwood's commitment to diversity and educational equity. Educational training and prevention programs will be provided along with appropriate resources and reporting options. This policy includes all forms of sexual misconduct, including sexual discrimination, sexual harassment, sexual assault, sexual violence, intimate partner violence and stalking by employees, students, or third parties. This policy addresses any sexual misconduct that involves members of the Longwood community regardless of whether the incident occurs during working hours and regardless of whether the incident occurs on or off campus. The intent of this policy is to provide the campus community with information, common definitions, and strategies to report and manage incidents that occur.

Eligibility for Assistance

This policy applies to all Longwood students, staff and faculty in all university programs and activities regardless of location of the incident(s). This policy also applies to individuals who join our community as an affiliate or part of an affiliated program. The University will conduct investigations to the best of their ability that may lead to appropriate criminal, personnel, and Student Conduct actions. All Longwood students, staff and faculty shall be offered immediate resources which may include counseling, medical assistance and living, learning and/or appropriate working environment accommodations.

If the complainant is a Longwood student, staff or faculty member and the accused respondent has no affiliation to Longwood, the complainant shall be offered available resources as appropriate. To the extent possible, the University will address the behaviors defined below towards any member of the Longwood community by non-members, including contractors, alumni, visitors, and any others identified as non-employees or non-students of the University.

If the complainant is a Longwood student, staff or faculty member and the accused respondent is affiliated with Longwood, both the complainant and accused respondent shall be offered available resources as appropriate.

If the complainant is not a Longwood student, staff or faculty member but the accused respondent is affiliated with Longwood, the respondent shall be offered counseling, medical and other resources as appropriate.

Definitions

Sexual Misconduct is a term that encompasses any sexual behaviors that violate Longwood University's Code of Conduct and University Policies. In general, any non-consensual contact of a sexual nature may constitute Sexual Misconduct. Sexual Misconduct may vary in its severity and consists of a range of behaviors or attempted behaviors that may be grounds for student conduct action under University policy. The following policy definitions apply:

1. **Consent:** Effective consent is the basis of the analysis applied to unwelcome sexual contact. Lack of consent is the critical factor in any incident of sexual misconduct and sexual violence. Consent is informed, freely and actively given and requires clear communication between all persons involved in the sexual encounter. Consent is active, not passive. Consent can be communicated verbally or by actions. But in whatever way consent is communicated, it must be mutually understandable. Silence, in and of itself, cannot be interpreted as consent. It is the responsibility of the initiator of sexual contact to make sure they understand fully what the person with whom they are involved wants and does not want sexually. Consent to one form of sexual activity does not imply consent to other forms of sexual activity. Previous relationships or consent does not imply consent to future sexual acts.

Consent cannot be procured by use of physical force, compelling threats, intimidating behavior, or coercion. Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. Effective consent cannot be given by minors, mentally disabled individuals or persons incapacitated as a result of drugs or alcohol. If a person is mentally or physically incapacitated or impaired so that such person cannot understand the fact, nature or extent of the sexual situation or activity, there is no consent; this includes impairment or incapacitation due to voluntary alcohol or drug consumption by the alleged victim, or being asleep or unconscious. Incapacitation is a state where one cannot make a rational, reasonable decision because they lack the ability to understand the who, what, when, where, why or how of their sexual interaction. Use of alcohol or other drugs will never function to excuse behavior that violates this policy.

This policy also covers someone whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the taking of a so-called “date-rape” drug. Possession, use and/or distribution of any of these substances, including Rohypnol, Ketomine, GHB, Burundanga, etc. is prohibited, and administering one of these drugs to another student for the purpose of inducing incapacity is a violation of this policy.

2. **Sexual activity:** includes intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch oneself or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice. Intercourse however slight, meaning vaginal penetration by a penis, object, tongue or finger; anal penetration by a penis, object, tongue; or finger, and oral copulation (mouth to genital contact or genital to mouth contact).
3. **Sexual Discrimination:** includes all forms of: sexual harassment, sexual assault, and sexual violence by employees, students, or third parties against employees, students, or third parties. Students, University employees, and third parties are prohibited from harassing other students and/or employees whether or not the incidents of harassment occur on the Longwood campus and whether or not the incidents occur during working hours.
4. **Unwelcome sexual contact:** includes touching either of the complainant or when the complainant is forced to touch another person's body, directly or through clothing.
5. **Coerced sexual intercourse:** includes rape, attempted rape, sodomy, or other sexual acts or misconduct; or when the complainant is incapable of consent by reason of age, mental incapacity (including unwitting consumption of drugs), or physical helplessness.

6. **Sexual Exploitation:** Sexual Exploitation occurs when an individual 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 the other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:
- prostituting another student;
 - non-consensual video or audio-taping of sexual activity;
 - going beyond the boundaries of consent (such as allowing friends to hide in a closet to watch you having consensual sex);
 - engaging in voyeuristic behavior;
 - knowingly transmitting an STD or HIV to another.
7. **Sexual Harassment:** Sexual harassment is unwanted sexual advances, requests for sexual favors, or visual, verbal, or physical conduct of a sexual nature when: (1) submission to such conduct is made a term or condition of employment or the educational relationship; (2) submission to or rejection of such conduct is used as a basis for employment or education decisions affecting the individual; or (3) such conduct has the effect of unreasonably interfering with a student's or employee's work performance or creating an intimidating, hostile, or offensive working, educational, or living environment. While sexual harassment encompasses a wide range of conduct, some examples of specifically prohibited conduct include:
- Promising, directly or indirectly, a student or employee a reward, if the student or employee complies with a sexually oriented request.
 - Threatening, directly or indirectly, retaliation against a student or an employee, if the student or employee refuses to comply with a sexually oriented request.
 - Denying, directly or indirectly, a student or employee an employment or education related opportunity, if the student or employee refuses to comply with a sexually oriented request. Engaging in sexually suggestive conversation or physical contact or touching another student or employee.
 - Displaying pornographic or sexually oriented materials.
 - Engaging in indecent exposure.
 - Making sexual or romantic advances toward a student or employee and persisting despite the student or employee's rejection of the advances.
 - Physical conduct such as assault, touching, or blocking normal movement.
 - Retaliation for making harassment reports or threatening to report harassment.

Sexual harassment can involve males or females being harassed by members of either sex. Although sexual harassment sometimes involves a person in a greater position of authority as the harasser, individuals in positions of lesser or equal authority also can be found responsible for engaging in prohibited harassment.

Sexual harassment can be physical and/or psychological in nature. The accumulative effect of a series of incidents can constitute sexual harassment even if one of the incidents considered separately would not rise to the level of harassment.

8. **Intimate Partner Violence:** Intimate partners are individuals in, or formerly in, an intimate relationship with each other. An intimate relationship involves physical or emotional intimacy. Physical intimacy is characterized by romantic or passionate attachment or sexual activity. Intimate partner violence is abuse or violence between partners or former partners, characterized by one or more of the following elements:

- a. Intentionally causing bodily injury;
 - b. Purposely or knowingly causing reasonable apprehension of bodily injury;
 - c. Emotional abuse creating apprehension of bodily injury or property damage;
 - d. Repeated telephonic, electronic, or other forms of communication -- anonymously or directly -- made with the intent to intimidate, terrify, harass, or threaten;
9. **Stalking:** includes repeatedly following, harassing, threatening, or intimidating another by telephone, mail, electronic communication, social media, or any other action, device or method that purposely or knowingly causes emotional distress or apprehension of bodily injury or death. Stalking is a course of conduct directed at a specific person that would cause a reasonable person to fear for her, his, or others' safety or to suffer substantial emotional distress.
10. **Retaliation:** is action taken by an accused individual or an action taken by a third party or a group of people against any person because that person has opposed any practices prohibited under this policy or because that person has filed a complaint, testified, assisted, or participated in any manner in an investigation or proceeding under this policy. This includes action taken against a bystander who intervened to stop or attempt to stop discrimination, harassment, or sexual misconduct. Retaliation includes intimidating, threatening, coercing, discouraging or in any way discriminating against an individual because of the individual's complaint or participation in in the complaint process. Action is generally deemed retaliatory if it would deter a reasonable person in the same circumstances from opposing practices prohibited by this policy.

Filing a Sexual Misconduct Complaint

All incidents of sexual misconduct and retaliation should be reported. Longwood University's complaint procedures provide for immediate, thorough, and objective investigation of all claims. The University will take appropriate remedial action that is commensurate with the severity of the offense. The University encourages those who have experienced these types of incidents to immediately report them to both the Title IX Coordinator and Longwood Police. An immediate report to the Longwood Police will enable the preservation of evidence necessary for a successful criminal prosecution. Complainants have the right, however, to choose whether or not to provide a statement to Longwood Police and to choose whether or not to pursue criminal prosecution after such a statement has been made. All University employees, except those designated as Confidential Reporting Options, are designated as "responsible employees." Responsible employees are required to promptly report all incidents and/or knowledge of sexual misconduct, including personally identifiable information of the parties involved, to the University Title IX Coordinator. All reports are treated with the maximum possible privacy.

Title IX Coordinator and Role of Title IX Coordinator

Jennifer Fraley, Director of Student Conduct and Integrity and University Title IX Coordinator
Office: Lancaster G-26;
Office Phone (434) 395-2490, Cell Phone (434) 808-9439
Email: fraleyjl@longwood.edu

Students, staff or faculty who believe they have either witnessed or been subjected to sexual discrimination, sexual harassment, sexual misconduct, intimate partner violence, stalking and retaliation should notify the University Title IX Coordinator.

After the university receives notice of sexual misconduct or retaliation, it will conduct an impartial investigation. For specifics regarding investigations, see investigation procedures below. Student reporters of misconduct will not be charged with alcohol offenses or other minor violations of the Student Conduct Code disclosed during the reporting process. Minor violations are defined as those that have a minimum sanction of letter of admonition. Please see the Code of Conduct Standards and Regulations within the Student Handbook for more information.

When the complainant and the respondent participate in the same educational opportunities, work in the same employment area and/or reside in the same University residence or in proximity to one another, the University will take immediate steps to separate the individuals and prevent contact, if appropriate. The applicable Vice President or designee will make the appropriate determination regarding alternative arrangements. Alternative arrangements may include, but are not limited to: temporary suspension (depending on the severity of the allegations), adjustment of schedule or employment, no contact orders, and/or alternative living arrangements.

The University Title IX Coordinator can assist with all aspects of the process and is responsible for:

- Ensuring that both the individual filing the complaint and the individual responding are aware of the seriousness of the complaint.
- Explaining Longwood University's policy and investigation procedures.
- Exploring various means of resolving the complaint.
- Making referrals to the Counseling Center for counseling or other mental health resources, if appropriate.
- Discussing with the complainant the option of notifying the police if criminal activities are alleged.
- Conducting or arranging for an investigation of the alleged prohibited conduct.
- Arranging support services for the complainant, which could include changes in living arrangements, course schedules, assignments, or tests.
- Arranging interim services to prevent reoccurrence of the alleged prohibited conduct, which could include increased monitoring, supervision, or security at locations or activities where the misconduct occurred and no-contact orders, as necessary.
- Preparing or overseeing any reports, recommendations, or remedial action(s) that are needed or warranted to resolve any prohibited conduct and maintaining all information pertaining to an investigation or complaint in a secure file.
- The University Title IX Coordinator and Deputy Title IX Coordinators will participate in ongoing sexual misconduct training and maintain a high level of knowledge of the policy and procedures.

Longwood University strictly prohibits retaliation against any person for using this reporting process, or for reporting, providing witness, assisting or participating in any manner in any investigation or proceeding involving allegations. Any person who violates this policy will be subject to discipline, up to and including termination if they are an employee, and/or expulsion if they are a student.

Employees who believe they have either witnessed or been subjected to sexual discrimination, sexual harassment, sexual misconduct, intimate partner violence, stalking and retaliation notify the Chief Human Resources Officer (Deputy Title IX Coordinator for Employee Issues).

Della Wickizer, Chief Human Resources Officer
Office: Lancaster 212

Phone: (434) 395-2074

Email: wickizerdh@longwood.edu

Reporting Options

1. Title IX Coordinator: Students, staff or faculty who believe they have either witnessed or been subjected to sexual discrimination, sexual harassment, sexual misconduct, intimate partner violence, stalking and retaliation should notify the University Title IX Coordinator:

Jennifer Fraley, Director of Student Conduct and Integrity and University Title IX Coordinator

Office: Lancaster G-26;

Office Phone (434) 395-2490, Cell Phone (434) 808-9439

Email: fraleyjl@longwood.edu

2. Making a report with Longwood Police: Persons who wish to file a police report may contact Longwood Police at (434) 395-2091. Office: Dorrill Dining Hall, Ground Floor. Online reporting: <http://www.longwood.edu/police/reportacrime.htm>
3. Making a Limited Report: Persons who wish to report an incident and desire that the University take no action to investigate this incident, may speak to a trained Campus Advocate. This option produces a limited report, which includes no generally identifiable information about the complainant. A complainant may later choose to file a complaint with the University Title IX Coordinator and thus have the incident fully investigated to the best of the University's ability. To speak to a Campus Advocate please visit the Student Conduct and Integrity website to view the list of Campus Advocates available: <http://www.longwood.edu/studentconduct>
3. Making a Confidential Report: Persons who wish to report an incident or speak to someone about what happened and desire that the details of the incident be kept confidential, they should speak with staff members of the Counseling Center, Student Health & Wellness Center, or off-campus crisis resources, who will maintain confidentiality. Campus counselors and Student Health & Wellness Center staff are available to help students free of charge. In addition, you may go off campus to speak with clergy and chaplains, who will also keep reports made to them confidential.
 - Counseling Center: Office: Health and Fitness Center, Upper Level; Phone: (434) 395-2409.
 - Student Health & Wellness Center: Office Health and Fitness Center, Upper Level; Phone: (434) 395-2102.
 - Piedmont Crisis Center, Center for Violence Prevention: 24-hour hotline: (888) 819-2926.

Confidentiality

If you would like to report an incident or speak to someone about what happened and if you desire that details of the incident be kept confidential, you should speak with staff members of the Counseling Center, Student Health & Wellness Center or off-campus rape crisis resources, who will maintain confidentiality. All inquiries, complaints, and investigations are treated with utmost discretion. Information can be released as law and policy permit. However, the identity of the complainant is usually revealed to the person(s) accused of such conduct and any witnesses. A complainant can decide after s/he talks to the Title IX Coordinator/Investigators, whether or not to pursue a Title IX Complaint. In addition to the choice of whether or not to pursue a Title IX complaint, complainants may also request confidentiality in terms of not

revealing the complainant's name to a respondent. These requests are evaluated on a case by case basis by the University Title IX Coordinator to determine whether that request can be honored while still providing a safe and nondiscriminatory environment for all students, including the complainant.

Many factors are weighed when determining whether or not to honor a request to withhold the complainant's name from the respondent. These factors include, but are not limited to, when there is a clear and present danger of harm to the complainant or others, when there is knowledge or suspicion of abuse or neglect of minor children or elderly persons, reporting obligations under state law and as otherwise required by law. Additionally, these factors also include circumstances that suggest there is an increased risk of the respondent committing additional acts or there is an increased risk of future acts under similar circumstances, as well as whether the University possesses other means to obtain relevant evidence.

Although a complainant's request to have his or her name withheld from the respondent may limit the University's ability to respond fully to an individual allegation of sexual violence, other means may be available to address the sexual violence. There are steps the University can take to limit the effects of the alleged sexual violence and prevent its recurrence without initiating formal action against the alleged perpetrator or revealing the identity of the complainant.

Federal Statistical Reporting Obligations

Certain campus officials (campus security authorities) have a duty to report sexual misconduct for federal statistical reporting purposes. All personally identifiable information is kept private, but statistical information must be passed along to campus law enforcement regarding the type of incident and its general location (on or off-campus, in the surrounding area, but no addresses are given), for publication in the annual Campus Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime, in order to ensure greater community safety.

Mandated federal reporters (campus security authorities) include student/conduct affairs, campus law enforcement, local police, coaches, athletic directors, residence life staff, student activities staff, human resources staff, advisors to student organizations and any other official with significant responsibility for student and campus activities.

Federal Timely Warning Reporting Obligations

Victims of sexual misconduct should also be aware that University administrators must issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to members of the campus community. The University will make every effort to ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safe decisions in light of the danger.

Procedures

1. The Title IX Coordinator shall provide for the adequate, reliable, and impartial investigation of all complaints:

Investigations of student versus student complaints shall be coordinated by the Director of Student Conduct and Integrity and University Title IX Coordinator and/or designee.

Investigations of student versus employee complaints shall be coordinated by the Chief Human Resources Officer (Deputy Title IX Coordinator for Employee Issues) with support from the Director of Student Conduct and Integrity and University Title IX Coordinator and/or designee.

Investigations of employee versus employee complaints shall be coordinated by the Chief Human Resources Officer (Deputy Title IX Coordinator for Employee Issues) and/or designee.

2. Complainant and/or respondent may each select one support person or advisor, who may also be legal counsel, to accompany them during the investigation process, *Informal Procedures and Formal Procedures*. The support person or advisor may be present with his or her respective party for all meetings, hearings and appeals, but may not actively participate, address the hearing or appeals board, present arguments, question other parties or witnesses.
3. Only trained investigators will conduct an investigation; both parties will have the opportunity to review and provide comments to the investigator about their statements before the investigation report is finalized.
4. The University will conduct an investigation to the extent of the information available. If the University obtains independent corroborating information of the misconduct it may determine it necessary to move forward with the investigation procedures and/or remedial measures without the involvement of a complainant.
5. Criminal investigations, separate from the process outlined in this policy, shall be conducted by the Longwood Police, in parallel with the University's investigation. In cases where students are the subject of a criminal investigation, the University's investigation will commence parallel to or at the conclusion of such investigation.
6. Barring extenuating circumstances the entire process shall be completed within 60 calendar days. Complainants and respondents will be notified if the process cannot be completed within this timeframe.
7. Informal Procedures

Some complaints can be resolved through informal mediation between the parties. The University Title IX Coordinator and/or designee may arrange for, or facilitate mediation between the involved parties and coordinate other informal problem resolution measures.

- a. Once a report has been made, informal resolution procedures shall be pursued within five business days of the initial report.
- b. Informal Resolution Procedures are optional and may be used when deemed appropriate. Informal procedures are never applied in cases involving violence or non-consensual sexual intercourse.
- c. An investigation into the report shall be conducted by the Title IX Coordinator or designee.
- d. Once the informal resolution procedure is complete, written notification of the agreed upon resolution shall be given to both parties by the Title IX Coordinator or designee.
- e. The involved parties will sign a voluntary agreement specifying the behavioral expectations resulting from the mediation. If re-occurrence takes place, those responsible for such behavior will be subject to additional action, with greater penalties, under this policy.
- f. If either party is unsatisfied with the outcome of the informal resolution procedure, the formal resolution procedure may be pursued.

8. Formal Procedures

- a. Once the university has received notice of sexual discrimination, sexual harassment, sexual misconduct, sexual assault, sexual violence, intimate partner violence, stalking and retaliation, an investigation shall commence within five business days.
- b. To ensure a prompt and thorough investigation, the complainant should provide as much of the following information as possible:
 - The name, department, and position of the person or persons allegedly committing the misconduct.
 - A description of the incident(s), including the date(s), location(s), and the presence of any witnesses.
 - The alleged effect of the incident(s) on the complainant's educational opportunities, living situation, position, salary, benefits, promotional opportunities, or other terms or conditions of employment.
 - The names of other students or employees who might have been subject to the same or similar misconduct.
 - Any steps the complainant has taken to try to stop the misconduct, if appropriate.
 - Any other information the complainant believes to be relevant to the misconduct.
- c. The investigator shall determine, by a preponderance of evidence, whether the respondent violated this policy. Preponderance of evidence means that it is more likely than not that a violation occurred. If the investigator determines that the respondent did not violate this policy, the matter will be closed.
- d. At the completion of the investigation, both the respondent and complainant will be informed within five working days, in writing, of the outcome of the investigation.
- ~~e.c.~~ Both the complainant and respondent are entitled to a copy of the investigators' report. The report shall be provided to the complainant or respondent within two working days after the University Title IX Coordinator or designee has received a written request.
- ~~e.f.~~ If it is determined by a preponderance of the evidence that a violation did occur, the respondent may accept findings of the investigation and the sanction/measures to prevent the violation's recurrence; or challenge the findings and request a hearing.
- ~~f.g.~~ The complainant may decide, subsequent to the filing of formal charges against the respondent, to withdraw the complaint. The university will, however; still proceed based on the investigative findings.

Procedures for Hearings on Violations of the Sexual Misconduct Policy

1. The University Hearing Board will conduct hearings regarding alleged violation(s) of this policy.
2. A University Hearing Board hearing will proceed in the following manner:
 - a. Hearings conducted by the University Hearing Board are closed to the public. The only individuals allowed to be present are active participants in the hearing process: the complainant, the respondent, an advisor for each, the University Hearing Board, witnesses, and necessary university administrators. Either the complainant or the respondent may dispute the presence of individuals in the hearing room. The hearing board will make the final decision.
 - b. The hearing board members and all aforementioned participants are introduced.
 - c. Participants state any questions they have concerning rights or procedures.
 - d. The statement of charges is presented.
 - e. The respondent enters a plea of responsible, not responsible or no plea.
 - f. Testimony phase: During the testimony phase of the hearings, cross-examination will be conducted by the hearing board in the presence of the complainant, the respondent and their respective advisors. Witnesses may only be present when actively giving testimony. Advisors may be present with their

respective parties for all testimony, but may not actively participate, address the hearing board, present arguments or question witnesses.

- g. The respondent and the complainant or University, may each present an opening statement and a closing statement before the Board. The respondent and complainant/University may view each other's statements on live video feed.
 - h. The respondent and complainant or University may present evidence and witnesses. Witnesses may be cross-examined by the hearing board in opposing party's presence. The board will privately cross-examine the respondent, the complainant, and any witnesses they deem necessary. The respondent and complainant may view testimony on live video feed.
 - i. The respondent and the complainant or University may each submit a list of questions to the board's chairperson for the board to consider. The past sexual history or sexual character of a party to the complaint, complainant or respondent, with anyone other than each other, will not be admissible. Notwithstanding the above, demonstration of pattern, repeated, and/or predatory behavior by the respondent, in the form of previous findings in any University, judicial or student conduct proceeding will be admissible. The parties will be notified in advance of the hearing if any information addressed by this paragraph is deemed admissible.
 - j. After all of the evidence has been introduced, the parties will be excused from the room so that the board may deliberate.
 - k. The University Hearing Board shall determine, by a preponderance of evidence, whether the respondent violated this policy. Preponderance of evidence means that it is more likely than not that a violation occurred. If the University Hearing Board determines that the respondent did violate this policy, the complainant will be allowed to submit a statement regarding the impact that the misconduct has had on the educational, living and/or working environment of the complainant.
 - l. When the board has made a decision regarding responsibility, the parties will be invited back into the room for a reading of the decision and any recommended sanctions.
3. Both the respondent and complainant will be informed within five working days, in writing, of the outcome of the complaint and the appeal (if an appeal is filed).

Composition of the University Hearing Board

1. A five-member University Hearing Board will be appointed by the University Title IX Coordinator, on a per-case basis from a pool of trained members: no less than 6 faculty and 6 staff. The chair of the hearing board is a non-voting member, except in cases of a tie, who leads the hearings and facilitates discussion among board members. The University Title IX Coordinator will serve as a non-voting advisor to the chair. All Board members are appointed annually and serve from October 1 - September 30.
2. The pool of candidates for the University Hearing Board shall be nominated by:
 - Faculty Senate, Executive Committee (faculty members).
 - Vice President for Student Affairs and Vice President for Finance and Administration (staff).
3. In the case of a faculty respondent, at least three members of the University Hearing Board shall be faculty, in the case of a professional staff respondent; at least three members of the University Hearing Board shall be staff (except in cases where there is not sufficient availability in the pool of trained members).
- 3.1. The complainant and/or respondent can request board members to recuse themselves from the hearing for actual or perceived bias or other conflict of interest. The final decision regarding this request will be made

by the University Title IX Coordinator based on the information provided by the requesting party. Board members may also recuse themselves if they feel they cannot or should not hear a particular case.

4. The University Hearing Board panel will be trained by the University Title IX Coordinator regarding hearing procedures, evaluation of evidence, Title IX requirements and other relevant subjects, as needed.
5. Individuals cannot serve on both the University Hearing Board panel and the University Appeals Board panel during the same academic year.

Appeals

1. Appeals will be heard by the University Appeals Board.
2. Respondents and complainants have the right to one appeal each of the University Hearing Board's decision.
3. Appeals must be filed within three working days of the University Hearing Board's decision. To file an appeal, students and employees must fill out the appeal form provided with written notice of the University Hearing Board's decision.
4. Appeals may only proceed based on one of three reasons:
 - a. Failure to follow policy procedures.
 - b. Additional evidence has come to light that was not available at the time of the University Hearing Board's hearing.
 - c. The sanction received is out of proportion with the offense.

Eligibility for an appeal hearing based on the above reasons will be determined by the Director of Student Conduct and Integrity and University Title IX Coordinator or designee.

5. The University Appeals Board will convene within five working days of the receipt of the appeal. Both parties will receive notice of the time and place of the appeal.
6. The appeal will be non-adversarial and strict rules of evidence will not be applied.
7. The outcome of the appeal and any recommended sanctions will be forwarded to the applicable Vice President or designee immediately following the appeal: The Director of Student Conduct and Integrity in the case of a student respondent, the Provost and Vice President of Academic Affairs in the case of a faculty respondent, and the Vice President of Administration and Finance in the case of a classified staff or administrative employee.
8. Both the respondent and complainant will be informed within five working days, in writing, of the outcome of the appeal and of any sanctions being recommended to the applicable Vice President or designee.

Composition of the University Appeals Board

1. A three-member University Appeals Board will be appointed by the University Title IX Coordinator, on a per-case basis from a pool of trained members: no less than 6 faculty and 6 staff. All Board members are appointed annually and serve from October 1 - September 30.
2. The pool of candidates for the University Appeals Board shall be nominated by:
 - The Faculty Senate, Executive Committee (faculty members).
 - Vice President for Student Affairs and Vice President for Finance and Administration (staff).
3. In the case of a faculty respondent, at least three members of the University Hearing Board shall be faculty, in the case of a professional staff respondent; at least three members of the University Hearing Board shall be staff (except in cases where there is not sufficient availability in the pool of trained members).
- 3.4. The complainant and/or respondent can request board members to recuse themselves from the appeal hearing for actual or perceived bias or other conflict of interest. The final decision regarding this request will be made by the University Title IX Coordinator based on the information provided by the requesting party. Board members may also recuse themselves if they feel they cannot or should not hear a particular case.
- 4.5. The University Appeals Board will be trained by the University Title IX Coordinator regarding hearing procedures, evaluation of evidence, Title IX requirements and other relevant subjects, as needed.
- 5.6. Individuals cannot serve on both the University Hearing Board and the University Appeals Board during the same academic year.

Rights of the Complainant

1. The right to have a support person or advisor throughout the process, who may also be legal counsel.
2. The right to remain present, either in person or via live feed, throughout the entire hearing (not including the deliberative process).
3. The right to attend a pre-hearing meeting with the Title IX Coordinator or designee.
4. The right to have access to existing campus counseling and support services.
5. The right to interim services to prevent reoccurrence of the behavior.
6. The right to freedom from retaliation by the respondent (or supporters of the respondent).
7. The right to be notified of the time, date and place of the scheduled hearing at least 72 hours prior to the hearing.
8. The right to submit a statement of how the misconduct has impacted the educational, living and/or working environment of the complainant.
9. The right to know the outcome of the investigation, the outcome of the hearing, appeal and the sanctions, remedies and corrective actions taken by the University.
10. The right to be informed of the ability to request changes in academic, employment and living situations.
11. The right to request a single appeal of the outcome of the University Hearing Board's decision and recommended sanctions (if necessary).

Rights of the Respondent

1. The right to a support person or advisor throughout the process, who may also be legal counsel.

2. The right to remain present during the entire hearing either in person or via live video feed (not including the deliberative process).
3. The right to attend a pre-hearing meeting with the Title IX Coordinator or designee.
4. The right to have access to existing campus counseling and support services.
5. The right to freedom from retaliation by the complainant (or supporters of the complainant).
6. The right to notice of allegations and the opportunity to testify.
7. The right to be presumed not responsible unless shown responsible by a preponderance of the evidence.
8. The right to a timely hearing.
9. The right to notification of the charges, the specific rule or policy violated, and the time, date and place of the scheduled hearing at least 72 hours prior to the hearing.
10. The right to notification of any information that may be used in the hearing.
11. The right to request a single appeal of the outcome of the University Hearing Board's decision and recommended sanctions (if necessary).

Sanctions, Remedies and Corrective Actions

Violations of this policy will be addressed through the sanctions, remedies and corrective actions listed below. The severity of sanctions, remedies or corrective action depends on the facts and circumstances of the offense and/or any history of past conduct that violates this policy. Sanctions, remedies and corrective actions could include (but are not limited to):

- A requirement not to repeat or continue the conduct.
- Reprimand.
- Reassignment.
- Suspension.
- Termination of employment.
- Expulsion.

Academic Freedom and Free Speech

This policy does not allow censorship of constitutionally-protected speech, which is valued in higher education and by Longwood University. In addressing all complaints and reports of alleged violations of this policy, Longwood University will take all permissible actions to ensure the safety of students and employees while ensuring free speech rights of students and employees. This policy does not in any way apply to curriculum and curriculum decisions or limit the use of particular textbooks or curricular materials.