

## CAMPUS SAFETY, SECURITY, AND CRIME POLICIES AND PROCEDURES

### POLICY

Eastern Virginia Career College (EVCC) prioritizes the safety and security of its campus community, and publishes this Campus Safety and Security Report in compliance with the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* (485 [f] HEA), also known as the *Clery Act*, and the *Violence Against Women Reauthorization Act of 2013* [VAWA] (Public Law 113-114).

### PURPOSE

In addition to the required annual disclosure of campus crime statistics for the previous three years, this report includes information, policies, and/or procedures regarding:

Current measures undertaken for campus safety and security:

- **Education programs** for students and staff to raise awareness of crime and/or sexual misconduct, encourage prevention of crime and/or sexual misconduct, raise awareness of and drug and alcohol abuse, and provide Bystander Intervention Training;
- **Emergency Alert and Evacuation Procedures** and practices;
- **Procedures and policies regarding campus safety and timely warning alerts** in times of emergency or threat;
- **How to report crimes** and/or incidents of sexual harassment or sexual misconduct occurring on campus or at campus sponsored events;
- **Definition of Campus Security Authorities (CSA)** and their role in reporting crimes and/or incidents of sexual misconduct or sexual assault;
- **Definitions of Clery Act defined crimes** and VAWA defined incidents of sexual misconduct or sexual assault;
- **Policies and procedures of EVCC Administrative Disciplinary Proceedings** stemming from formal complaints regarding alleged acts of crime, sexual misconduct, or other infractions of student conduct policies (see *Course Catalog and Student Handbook* for other non-criminal or non-sexual misconduct conduct policies) reported to Campus Security Authorities;
- **Potential sanctions** against those found to have violated such crime, sexual misconduct or assault, and conduct policies;
- **The range of protective measures that EVCC may provide** to a victim of specific crimes and/or incidents of sexual misconduct;
- **Information regarding available counseling for victims** of sexual misconduct/assault;
- **Virginia State Police Sex Offender Registry (SOR)** database information;
- **Policies on Drug and Alcohol violations** and Standards of Conduct;

### **Introduction**

Eastern Virginia Career College takes the safety, security, and well-being of the campus community seriously. In addition to the required annual disclosure of campus crime statistics for the previous three years, this report provides important information, guidance, instructions, policies and procedures for all members of the EVCC community in regard to campus safety and security.

The processes for preparing the annual Campus Safety and Security Report crime statistics are as follows:

- The Title IX Coordinator or other Administration official as designated by the Campus Director or President contacts the Spotsylvania County Sheriff's Office department of public

records to request statistics for the campus and for properties adjacent to the campus as defined by the Clery Act.

- The sheriff's office provides a record of all incidents at the street addresses specified in the request. The Title IX Coordinator or designee will review the report sent in order to identify all incidents that may be considered as having occurred on campus, as defined by the Clery Act. Of those, the Title IX Coordinator or designee will determine which incidents may be considered crime statistics as defined by the Clery Act.
- The Virginia State Police will similarly be contacted for the same data. Data provided will be assessed in the same manner as the data provided by the sheriff's office or, in lieu of data, any formal response from the Virginia State Police resulting from EVCC's request will be documented to demonstrate EVCC's compliance with Clery Act requirements.

### **Campus Safety and Security Measures**

EVCC has undertaken several measures to help keep the campus community safe. Access to the 4<sup>th</sup> floor campus suite can only be gained via the building elevators and the emergency stairs. The suite doors are kept unlocked between 7:30 a.m. and 6:00 p.m. During normal business hours, all campus visitors must sign in at the front desk. During this time, access to other parts of the campus will only be permitted when the visitor is accompanied by a campus official or is previously known to members of the staff.

Prior to and after normal business hours EVCC implements a secure Access Control System, which controls access to the entire campus suite from a centralized electronic automatic lock management system. After hours, access to the suite is granted through the use of electronic cards and/or fobs programmed with various schedules for locking and unlocking the doors as appropriate. The system is tied to the fire alarm system in accordance with county code.

Other security measures include:

- A video surveillance system consisting of 20 cameras positioned throughout the suite to monitor and record what is going on in the suite at all times.
- Photo ID badges are required to be worn at all times while on campus in order to recognize anyone who may not belong in the suite. This includes both staff and students.
- Portable two-way radios which are distributed to certain key staff members, all of whom are scheduled to be present at various times, in order to provide full coverage during business hours. This radio system allows continual contact, if necessary, for a rapid response in the event an emergency situation occurs on campus.
- The faculty work spaces and employee lounge are only accessible through doors fitted with access code locks.

EVCC does not provide campus housing facilities or trained security personnel, nor does EVCC formally recognize any student organizations that meet at non-campus locations.

### **Emergency Notifications, Evacuations and Timely Warnings**

Health, safety, and security at EVCC is undertaken in accordance with relevant institutional and governmental regulations and policies in order to promote a safe, secure, and healthful learning and work environment.

Every member of the campus community has the responsibility to observe and adhere to institutional policies and procedures relating to student conduct and campus wide health, safety, and security. Students as well as staff members are responsible for the personal safety and the safety of others in the classroom, laboratory, or common areas and for immediately reporting any health or related safety concerns to an instructor, staff member, or CSA as appropriate.

All health and related safety incidents will be recorded in an Occurrence Report, which allows EVCC to document the incident, evaluate the response, and determine if further action is required.

**Emergencies:** Emergencies may be reported at any time to the Spotsylvania County Sheriff's Office by calling 911.

**Emergency Notification, Response, and Evacuation:** In cases of emergency that pose an immediate threat to the health and safety of the campus community, students and staff will be notified on their mobile phones via a Short Messaging Service (SMS) system. Depending on the nature and severity of the emergency or dangerous situation, one or more pre-determined text messages that convey to recipients the actions they must take, or the nature of the emergency, will be sent.

**Activation of the SMS system** will be made by the following positions within EVCC. If the leading staff member is unavailable, the responsibility automatically devolves to the next position in the list, and so on.

1. Director of Operations
2. Campus Director
3. Academic Director
4. Director of Career Services
5. Online Learning Platform Technician
6. Director of Compliance/Title IX Coordinator
7. Director of Nurse Education

**Confirmation of a significant emergency or dangerous situation** occurring on campus that poses an immediate threat to the campus community will be verified, to the extent possible, through visual confirmation, eye witness reports of students, faculty, or staff; or receipt of communication from an authority outside of campus. This information will be assessed and confirmed to the extent possible by the above named positions using the same hierarchical order. Once a threat has been verified and/or confirmation of an emergency has been made, the campus will be notified of the nature of the threat or emergency and advised to take steps to evacuate or take shelter as appropriate.

**Groups notified in the event of an emergency or dangerous situation:** Depending on the nature and severity of the emergency or dangerous situation, based on the judgment of the individual responsible for confirmation of the event and the nature of the text message, the following groups will be notified collectively:

- Members of the administration and program directors;
- Members of the administration, program directors, *and* staff and faculty;
- Members of the administration, program directors, staff and faculty, *and* students
- Members of the administration, program directors, staff and faculty, students, *and* emergency responders;
- Members of the administration, program directors, staff and faculty, *and* emergency responders.

**In situations where law enforcement officials judge or perceive an increased risk of danger to individuals on campus if an emergency notification is made to the entire campus, EVCC officials will withhold such notification until law enforcement officials advise an emergency notification be issued.**

**Evacuation:** Evacuation routes are posted in every classroom, laboratory, office, and common area. Evacuate the building following the route shown on the evacuation maps posted in each room. DO NOT USE THE ELEVATORS. Once evacuated, assemble on the far side of the west parking lot (nearest to Golden Corral restaurant). Faculty members are responsible for the evacuation of their students, and should conduct a head-count at the assembly point. Oversight and enforcement of evacuation will be conducted by the following positions:

- Director of Operations
- Campus Director
- Academic Director
- Director of Career Services
- Online Learning Platform Technician
- Director of Compliance/Title IX Coordinator
- Director of Nurse Education

**Tests of the emergency notification system, including drills:** Drills or tests of the emergency notification system and evacuation procedures will take place at least annually. For all-campus evacuation drills, which will be publicized at least 24 hours in advance of the drill, a text will be sent to the entire campus community. This will trigger a drill evacuation to be documented and assessed by the above noted campus officials. A separate drill, to test the SMS notification system, will be scheduled approximately six months after the evacuation drill. In this drill, all staff and faculty will be notified of the upcoming drill at least 24 hours prior to the event. In this drill, faculty and staff will be sent a text via SMS system. Students will not be notified of the drill, nor will they receive the text message. All recipients of the text should respond immediately via text or, if unable to do so immediately, within 12 hours after the drill. A log will be kept of who responded and when they responded, by way of documenting the test. Drills will be initiated and documented by the Director of Operations or by other staff members, as assigned.

**Fire:** In case of fire, immediately inform an instructor or staff member and activate the fire alarm when possible. When you hear the fire alarm, evacuate the building following the route shown on the evacuation maps posted in each room. DO NOT USE THE ELEVATORS. Call 911. Fire extinguishers are stationed in each hallway. Faculty and staff should secure the building if possible. **Fire drills are held twice a year. Follow evacuation procedures.**

**Medical and Health Emergencies:** Report medical or health emergencies to a faculty or staff member. Make the ill or injured person comfortable. Seek a qualified healthcare professional on the campus, if possible. This person will assess the situation and take appropriate measures. If no qualified healthcare professional is available, call 911.

If an accident or illness occurs that requires a student, employee, or guest to be sent to a doctor or hospital, the immediate family will be notified. If unable to notify the family, emergency vehicles will be summoned at the student's, employee's, or guest's expense.

**Safety Resources:** Safety resources such as sharps disposal, eye wash equipment, and Emergency Kits are located in laboratory classrooms as appropriate. First aid kits are located in every laboratory and at the front desk in the fourth floor lobby.

**Earthquake:** Take cover under a sturdy desk, table, or in a doorway. If that is not possible, stand as close to a wall in a hallway as possible. Stay away from windows. Remember to wait for TWO MINUTES after tremors stop then evacuate as per evacuation instructions. Remember, DUCK, COVER, HOLD, and DON'T PANIC.

**Tornado:** Immediately move away from windows and glass and move into the stairwells or hallways. Crouch down facing the wall, with your hands locked over your head. Wait until high winds die down then evacuate the building as per evacuation instructions. Remember, STAY AWAY FROM GLASS, PROTECT YOUR HEAD, and DON'T PANIC.

**Biohazard (Blood):** If blood has been spilled onto the floor or other surfaces, immediately alert a faculty or staff member. Do not attempt to clean up the blood and do not allow another student to do so. For skin or open wound exposure to another person's blood, wash area thoroughly with soap and water. For blood splashed into eyes, nose, or mouth, rinse repeatedly with tap water. Instructors should refer to the Exposure Control Plan.

**Environmental Hazard:** Hazardous materials or substances can be in the form of chemical spills, gas leaks, or other materials. If you see or smell a substance that you believe may be hazardous, stay away from the substance and alert an instructor or staff member immediately. Direct others away from the immediate area. Do not touch or attempt to clean up an unidentified substance. If evacuation is necessary, a faculty or staff member will initiate the notification system or activate the fire alarm, depending on the gravity of the incident. Evacuate the building as per evacuation instructions.

**Timely Warning:** In the event that a crime or alleged crime occurs, either on or off campus, that, in the judgment of EVCC Administration, constitutes a serious criminal event or an ongoing or continuing threat, a campus-wide "Timely Warning" will be issued by the Academic Director, the Operations Director, or designee. The warning will be provided via bulletins posted throughout campus.

**Behavioral Disturbance or Assault:** A behavioral disturbance can be verbal or physical (assault). When a behavioral disturbance or suspicious behavior is observed, alert the nearest CSA, instructor, or staff member who will alert EVCC Administration who will assess the nature of the incident, determine the level of threat, and initiate appropriate notification measures if necessary. If no staff member can be found and you believe the threat to be dangerous, call 911.

**Internal Threat:** If you observe someone threatening with a weapon or other dangerous device, or hear a possible gunshot, inform EVCC Administration immediately. EVCC Administration will confirm the threat and alert the local authorities. EVCC will, without delay and taking into account the safety of the campus community, issue an emergency alert unless such an alert would, in the judgment of responsible authorities, compromise the efforts to assist victims, or to contain, respond to, or otherwise mitigate the emergency.

An evacuation may be ordered, depending on the nature of the emergency. If you cannot get out, move to a room where you can hide. Lock the door if possible. Make sure lights are turned off and

stay clear of doors and windows. Silence, but do not turn off, all cell phones. Remain inside the room until you receive instructions from EVCC staff or first responders.

When the police arrive, follow all instructions and keep your hands visible. When evacuating the building, take all necessary items including keys. The building may be sealed as a crime scene and no one will be allowed in for several hours.

### **Procedures For Reporting Criminal Actions, Sexual Misconduct/Assault, or Other Emergencies Occurring on Campus**

Any member or guest of the EVCC campus community may report a crime, incident of sexual misconduct/assault, or other emergency to any Campus Security Authority (CSA). A CSA is scheduled to be on campus from 8:00 a.m. to 7:00 p.m., Monday through Friday. CSAs are trained to assess the nature and threat of an incident being reported, and will take a statement or report unless the individual reporting the incident chooses not to make a statement or report.

Victims of sexual assault, dating violence, domestic violence, sexual assault, stalking, or other crimes of a violent nature should be aware of the importance of preserving evidence that may assist in proving that the alleged offence occurred or that may be helpful in obtaining a protection order. For this reason, victims of sexual violence, in particular, are encouraged to seek medical attention as soon as possible.

### **Crime and Sexual Assault Awareness and Prevention Education**

EVCC provides education to students and staff to raise awareness of, and for the prevention of, crime and sexual misconduct, including dating violence, domestic violence, sexual assault, and stalking. Included in every student orientation is an educational program regarding awareness of sexual misconduct; abusive relationships, dating and domestic violence, sexual assault, stalking, and other crimes. Safe bystander intervention is emphasized. The awareness education for students includes a discussion of the topics and a presentation of informational documents as well as a comprehensive review of the most recent EVCC Annual Security Report. The review places emphasis on the definitions of specific crimes, dating violence, domestic violence, sexual assault, and safe bystander intervention, as well as the process through which students may report such incidents. The Annual Security Report, including policies and procedures, is available online to students, staff, and the public, on the EVCC website.

Staff member education involves providing staff members with a copy of the most recent Annual Security Report upon hire and an annual distribution of the policy to each staff member thereafter. In addition, in-service training on awareness and prevention of crime, dating violence, domestic violence, sexual harassment, sexual assault, stalking, and safe bystander intervention are provided to employees at least annually.

The effectiveness of the training provided to EVCC staff, faculty, and students will be evaluated through feedback elements such as surveys.

### **Safe and Positive Options for Bystander Intervention**

It is EVCC policy that concepts and strategies of Safe Bystander Intervention will be taught.

**The 4 Ds of Bystander Intervention**

- **Direct:** Be direct in confronting a situation where someone is at risk for being harmed, or is actively being harmed. Ask if everything is alright. Or ask others if the situation is uncomfortable for them. If you believe someone is in danger of self-harm, ask if you can sit with them while they contact an appropriate resource or counselor.
- **Distract:** Interrupt the harmful behavior. Distract the parties or party from risky or harmful behavior. Allow them to cool off. Talk to friends with mental health concerns and encourage them to seek help look at their situation from another perspective. Interrupt
- **Delegate:** Look for others to back you up. Ask for help, notify a person of authority. This can create a shared sense of responsibility, making you feel safer and providing a sense of “strength in numbers.”
- **Delay:** When it’s not possible to intervene in the moment, or if you are a member of a socially disadvantaged or excluded group, check in with the person at a later time. Follow up and ask if that person is doing any better, or if they need assistance after the fact. It’s important to let people know that they have support.

**Risk Reduction**

- When going out for social events, go with friends. Check in with each other often, and leave the event with them—do not leave alone or with someone you barely know. If you must meet a stranger, meet them in a coffee shop or other crowded spot where people will notice if you are in distress.
- Watch out for your friends; they need you to have their backs when they may not.
- Trust your instincts. You may not know exactly what is sending you mixed or negative signals, but do not ignore them. Your subconscious may understand better than your conscience. Listen to it!
- Don’t accept drinks from strangers; do not leave your drink unattended; do not drink from punch bowls when at a party attended by or hosted by people you don’t know well.

Do not walk alone at night.

**CAMPUS SECURITY AUTHORITIES (CSAs) and Title IX Coordinator**

- Dana Cornett, Director of Operations
- Abdullah Johnson, Campus Director/Director of Admissions
- Brian Terrill, Academic Director
- Cindy Rothell, Director of Career Services
- Cisco Arnold, Massage Therapy Program Director
- Heather Burnham, Title IX Coordinator/Director of Compliance

CSAs are required to make a record of, report, and assess any ongoing threat to an individual or the campus as a whole regarding any crimes or incidents of sexual misconduct reported to them. These reports are submitted to the Title IX Coordinator within 24 hours or the start of the next business day, whichever comes first.

In order to ensure the safety of victims or witnesses of domestic violence, dating violence, sexual assault, or stalking, and their families, EVCC will provide victims or witnesses of sexual or domestic violence the option of confidentiality and privacy, upon request from the victim or witness, when reporting an incident. Victims or witnesses who choose to file an anonymous report should be aware that EVCC cannot initiate disciplinary proceedings against an alleged perpetrator without the

identity of the reporter. Criminal complaints may be filed with law enforcement officials by a reporting party at any time.

Identifying information will not be included when EVCC completes mandatory reporting of crimes and statistics of incidents of sexual misconduct to governmental agencies. Confidentially protected information includes:

- First and last name;
- Home or other physical address;
- Contact information (including postal, email, or Internet protocol address);
- Telephone or fax number;
- Social security number, driver's license number, passport number, or student identification number;
- Any other information including date of birth, racial or ethnic background, or religious affiliation that would serve to identify any individual.

EVCC may, in certain circumstances, disclose some or all identifying information of a victim or witness if doing so allows for necessary accommodations for the victim or witness. The Title IX Coordinator will make this determination should the need arise. EVCC is obligated to provide written notice to victims of alleged sexual offenses regarding options for a student's reasonable request for changes to academic accommodation following an alleged sex offense.

EVCC may, in certain circumstances, disclose some or all identifying information of a victim or witness when requested by law enforcement officials. Under such circumstances, EVCC will provide necessary accommodations or protective measures for the victim or other necessary parties to the extent possible. The Academic Director and/or Title IX Coordinator will make this determination should the need arise. At that time the victim or witnesses whose identifying information is provided will be notified in writing of when the identifying information is provided, and why it was provided.

Victims or witnesses who choose to file a report with local law enforcement agencies will be brought to the agency's facility by an official of the agency. There, the victim or witness will be asked to make a formal statement. An official of the law enforcement agency will provide the victim or witness with information as to what the agency will do to follow up in regard to the victim or witness, or in regard to the incident itself.

Victims and/or witnesses to Clery Act crimes that voluntarily report such crimes to law enforcement officials may apply to the Virginia Courts to maintain the confidentiality of their address and phone number during court proceedings, to the extent permitted by law. EVCC cannot guarantee that the reporting of such crimes to law enforcement officials will be kept confidential. However, when working with law enforcement officers, EVCC will maintain discretion in identifying victims or witnesses to the extent permitted by law.

EVCC is obligated to provide written notice to victims of alleged sexual offenses regarding options for a student's reasonable request for changes to academic accommodation following an alleged sex offense. EVCC does not provide confidential pastoral or professional counseling.

All reports of criminal acts or incidents of sexual misconduct are securely maintained in the office of the Title IX Coordinator. It is the policy of EVCC that all records of emergencies, reports of criminal acts, reports of sexual misconduct, or reports of alcohol or drug violations be reported to law enforcement officials as required by law.

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**AID AND ASSISTANCE FOR VICTIMS AND WITNESSES OF CRIMES**

*A comprehensive list of providers of aid and assistance appears at the end of this policy section.*

**Sex Offender Registry**

EVCC is required to advise the campus community where information regarding the Virginia State Police Sex Offender Registry may be found online. This site provides information on sex offenders registered in the state of Virginia by geographical area, including the area in which EVCC is located. The Virginia State Police Sex Offender Registry online database can be found at <http://sex-offender.vsp.virginia.gov/sor/>

**Definitions of Crimes**

*EVCC prohibits the crimes listed below:*

**-Murder/Non-negligent Homicide**

The willful (non-negligent) killing of a human being by another.

**-Negligent Manslaughter**

The killing of another person through gross negligence.

**-Robbery**

The taking of personal property in the possession of another, from his/her immediate presence, and against his/her will, accomplished by means of force or fear (includes attempts).

**-Armed Robbery**

Robbery in which a weapon is used to intimidate victim. Includes acts commonly known as stickup, holdup, hijacking, heist, carjacking, etc.

**-Burglary**

The unlawful entry (or attempt to enter) into a defined structure with the intent to commit a theft or any felony (excludes vehicle burglary).

**-Motor vehicle theft**

The taking of a motor vehicle without the consent of the owner with the intent to either permanently or temporarily deprive the owner of the vehicle (includes attempts).

**-Aggravated Assault**

An unlawful assault upon the person of another for the purpose of inflicting severe or aggravated bodily injury (includes attempts and whether or not an injury occurred).

**-Arson**

The willful or malicious burning or attempt to burn (without the intent to defraud) a dwelling, house, public building, motor vehicle or aircraft, or personal property of another (includes attempts).

**-Drug/Narcotic Violation**

The unlawful possession, distribution, use, transportation, cultivation or manufacturing of controlled substances and illicit drugs, as defined by the Virginia Drug Control Act, are prohibited.

**-Alcohol Violation**

The unlawful possession, sale, transportation, manufacturing, or furnishing of alcohol to a minor (under 21 years), or maintaining an unlawful drinking place (alcohol violations will be referred for campus disciplinary action under the Standards of Conduct found in the *Course Catalog and Student Handbook*).

**-Weapons Violation**

The unlawful possession or control of any firearm, deadly weapon (including nunchucks or billy club), illegal knife, or explosive device while on the campus (as defined above) of EVCC, except as required in the lawful course of business or by authorized law enforcement officials.

**Definitions of Hate Crimes**

In addition to the crimes listed above, incidents that include the following crimes in conjunction with those above may be regarded as Hate Crimes when there is evidence that the victim was intentionally selected because of the perpetrator's bias against the victim based on race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, and/or disability.

**-Larceny/Theft**

Theft where owner of the property is unaware of, or not present for, incident. Includes acts such as pocket-picking, theft from unoccupied room or vehicle, purse-snatching.

**-Simple Assault**

To attempt or threaten to inflict bodily harm upon another, accompanied by the apparent ability of the perpetrator to carry out the attempt or threat if not prevented.

**-Intimidation**

To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, without weapons or actual physical attack.

**-Destruction/Damage/Vandalism of Property**

To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without consent of owner, custodian, or individual(s) controlling the property.

**Administrative Disciplinary Procedures**

These disciplinary hearing procedures cover conduct violations of alleged criminal acts, incidents of sexual misconduct/assault, substance abuse policies, weapons policies, and other conduct related rules and regulations as defined in the *EVCC Course Catalog and Student Handbook* and/or any applicable program student handbook. These procedures are not a substitute for any criminal complaints filed or hearings resulting from criminal proceedings.

**Investigation of Incident:** Within ten (10) business days after an alleged violation is reported to a CSA, the CSA shall complete a fact finding investigation into the alleged violation. Upon conclusion of the investigation, the reporting CSA shall refer the incident to the Academic Director for an Administrative Conference or Disciplinary Hearing, as appropriate.

In cases where the alleged violator is a current student and there is evidence to support, or clear reason to believe, the alleged violator poses a potential threat to the campus community or to the public, the alleged violator may be suspended immediately from campus and classes by the CSA until a disciplinary hearing in the matter is convened within ten (10) business days from the date of suspension. In such proceedings, the alleged violator may present a defense against the complaint.

**Administrative Conference or Disciplinary Hearing:** Based on review of the alleged violations, the reporting CSA shall determine whether the case shall be resolved by an Administrative Conference or by means of an Administrative Disciplinary Hearing. Alleged violations resulting in suspension of the alleged student violator must result in a hearing as prescribed above.

**Administrative Hearing**

The reporting CSA shall meet with the student involved in the alleged violation along with the student's program director. If the reporting CSA is also the student's director, the reporting CSA will meet with the alleged student violator and the Academic Director. The student shall be provided with written notification of the allegations against him or her and will be informed of the basis for the allegations at that time. Based on the information produced in this meeting, the reporting CSA will make a determination to dismiss the complaint as groundless or take administrative disciplinary action in one or more of the following forms:

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Counseling of the student regarding behavior/incident;

- Place the student on disciplinary probation;
- Require the student to formulate an improvement plan;
- Be suspended from the academic program, the length of suspension to be determined by an Administrative Disciplinary Hearing;
- Be dismissed from the academic program (this action automatically triggers an Administrative Disciplinary Hearing)

The student may request an Administrative Disciplinary Hearing regarding the complaint at any point in the process.

### **Administrative Disciplinary Hearing**

Once a determination has been made by the reporting CSA to refer the complaint for an Administrative Disciplinary Hearing or, upon request of the student filing the complaint, a notice shall be sent to the accused student specifying date, time and place of the scheduled hearing. The notification shall also include the charges against the student, and the date, time and location that any available evidence may be inspected by the accused student. A copy of the hearing procedures shall also be enclosed for review by the accused student. In cases where the alleged violation was violently perpetrated upon another student or staff member, the student or staff member harmed shall receive simultaneous notification of the hearing and a copy of the hearing procedures.

### **Administrative Disciplinary Council**

An Administrative Disciplinary Council, which will oversee the hearing and deliver a judgment on the complaint, shall be comprised of the following members:

- An academic program director (other than the reporting CSA and the accused student's program director);
- Two faculty members selected from a pool of volunteers;
- A member of the administrative staff selected from a pool of volunteers, and;
- The Title IX coordinator who will be present to ensure the proper process is followed.

Disciplinary proceedings will be conducted with transparency to the accuser and the accused. No one shall sit on the council who is personally involved in the situation or who cannot act in an unbiased manner. The student accused of the violation(s) shall have the right to request the list of the council members and challenge any member for bias or other reasonable causes. The Academic Director shall determine whether cause for disqualification of a council member exists. In the event of a disqualification, the council shall appoint a new member from the appropriate pool of volunteers.

The Administrative Disciplinary Council's task is to weigh the evidence presented at the hearing and to deliver a disciplinary recommendation to the convening program director to be carried out within five (5) business days, to allow for student appeal.

Provisions for the extension of the timeframes for disciplinary proceedings may be made by the Administrative Disciplinary Council for good cause, with written notice to the accuser and the accused regarding the reason for the delay.

### **The Hearing Process**

**Selection of Chairperson:** Prior to the hearing beginning, the Administrative Disciplinary Council shall elect a Chairperson who shall preside over the hearing.

**Absence of the Accused:** The hearing shall proceed in the absence of the student.

**Overview of the Process:** The Title IX Coordinator will read out a brief overview of the process so that everyone present may have an understanding of the process. The Title IX Coordinator shall act to ensure the process is adhered to throughout the proceedings.

**Reading of the charges:** The elected Chairperson shall read out the alleged violations against the student prior to testimony or presentation of evidence.

**The plea:** The accused student, if present, shall enter their plea of admitting the charges or denying them. If the student is not present the plea of denial shall be entered to protect the rights of the accused and guarantee a full and comprehensive hearing. If the accused student enters an admission of all charges and does not wish to present evidence of mitigating circumstances, the Council will excuse the accused student from the proceeding and retire to deliberate a decision.

**Evidence:** Formal rules of evidentiary process do not apply. All applicable and relevant information may be admitted as evidence for either side. This may include, but need not be limited to, witness testimony, police or security reports, other documents, physical evidence, and security camera footage. All presented information shall be entered for the record and the Administrative Disciplinary Council shall have the opportunity to examine the evidence and determine its weight and veracity in the matter.

**Advisors to Accuser and Accused:** EVCC will provide the accuser and the accused, whether either party is a student or an employee, the opportunity to be accompanied to hearings and proceedings by an advisor of their choice. This policy applies equally to the accused and the accuser. An advisor may be any individual who provides the accuser or the accused with support, guidance, or advice. The accuser or the accused must provide the Administrative Disciplinary Council with written notice of a request to include an advisor at the proceedings. Such notice will include identification of the requested advisor. EVCC is prohibited from limiting the choice of an advisor, or an advisor's presence, for either the accused or the accuser in any meeting or institutional disciplinary proceeding.

EVCC may limit the role of any such advisor as it deems necessary. Such limits may include, but are not limited to, speaking, questioning witnesses, or addressing EVCC officials involved in the proceedings. Advisors who become disruptive or who do not abide by restrictions placed on their participation may be removed from the proceeding. , EVCC will provide notification to all parties of any such limitations regarding an advisor's participation prior to scheduling a proceeding.

**Witnesses and Observers:** The accused student is allowed to have one silent observer present during the proceedings. A present accuser is entitled to have a silent observer present during their testimony. Witnesses shall only be present inside the hearing while giving testimony. As these hearings are an internal process there shall be no legal counsel allowed to represent participants at any time during the process.

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The hearing shall be recorded with the college maintaining the only copy of the recording. Any witnesses not willing to be recorded shall be excluded from providing testimony as the recording will become part of the permanent record of the process and serve as evidence in any appeal.

**The Deliberation:** the Administrative Disciplinary Council shall deliberate in a private closed session and shall arrive at a decision based solely on the evidence and testimony given in the matter. The council shall deliver their decision to the reporting CSA, Title IX Coordinator, and the accused student's program director. The decision shall include a recommended disciplinary action.

### **Notification of Decision**

Within three (3) days of the decision being reached by the Administrative Disciplinary Council, the accused student's program director will issue a written notification of the decision to the accused including the disciplinary action recommended. Within the same time frame, the Title IX Coordinator will issue a notification to the accuser of the Administrative Disciplinary Council's determination and disciplinary action. Both the accuser and the accused have five (5) business days from the date of notification to submit a written appeal to the Academic Director.

### **Appeal to the Academic Director**

An appeal of the Administrative Disciplinary Council's decision to the Academic Director may only occur if it addresses the due process of the hearing or if new information is discovered that was not available at the time of the hearing. The Academic Director shall evaluate the appeal within five (5) business days and, upon reaching a decision, shall notify the appealing student, the Title IX Coordinator, the reporting CSA, and the accused student's program director.

### **The Decision and Recommendation for Appeals**

Upon an appeal of the Administrative Disciplinary Council's decision, the Academic Director has the discretion to refer the matter back to the Administrative Disciplinary Council for review of new evidence, to order a new hearing if due process was violated, bring new charges against the accused student based upon new evidence, or dismiss the complaint based on new evidence.

Grounds for appeal on the basis of due process: If an accused student believes that the conduct of the Administrative Disciplinary Council violated the impartial nature of the hearing, the hearing was not conducted fairly and according to proper processes per accused student's claims, or the accused student was in some way barred from an adequate opportunity to prepare and present a response to the allegations, the accused student may file an appeal.

Grounds for appeal on the basis of new information: The accused student or other member of the campus community may appeal the decision of the Administrative Disciplinary Council if new information that was not reasonably available or previously known to the accused, which would likely alter the outcome of a disciplinary hearing, becomes available. Such information will not be considered as new information if it could have been previously discovered through reasonable avenues available to the accused student.

### **Sexual and Domestic Violence**

When a student or staff member reports that they have been a victim of dating violence, sexual assault, or stalking, whether the offense has taken place on or off campus, EVCC will provide the student or staff member a written explanation of their rights.

EVCC prohibits all forms of dating violence, domestic violence, sexual assault, and stalking. When a student or staff member reports that they have been a victim of dating violence, sexual assault, or stalking, the student or staff member will be provided with a written explanation of their rights and options, as well as a description of the procedures resulting from filing a complaint.

EVCC recognizes that the scope of sexual and domestic violence behavior is wide. It is the policy of EVCC to assist survivors of sexual violence in seeking access to crisis and emergency resources.

Although EVCC strongly encourages the campus community to report sexual violence to law enforcement, members of the EVCC community have the option to not make a report to law enforcement. State law, however, requires EVCC to review reports of sexual violence to determine whether for health or safety reasons a report should be made to law enforcement.

In order to ensure the safety of victims or witnesses of domestic violence, dating violence, sexual assault, or stalking, and their families, EVCC will provide victims or witnesses of sexual or domestic violence the option of confidentiality and privacy, upon request from the victim or witness, when reporting an incident. Victims or witnesses who choose to file an anonymous report should be aware that EVCC cannot initiate disciplinary proceedings against an alleged perpetrator without the identity of the reporter. Criminal complaints may be filed with law enforcement officials by a reporting party at any time.

Identifying information will not be included when EVCC completes mandatory reporting of crimes and statistics of incidents of sexual misconduct to governmental agencies. Confidentially protected information includes:

- First and last name;
- Home or other physical address;
- Contact information (including postal, email, or Internet protocol address);
- Telephone or fax number;
- Social security number, driver's license number, passport number, or student identification number;
- Any other information including date of birth, racial or ethnic background, or religious affiliation that would serve to identify any individual.

EVCC may, in certain circumstances, disclose some or all identifying information of a victim or witness if doing so allows for necessary accommodations for the victim or witness. The Title IX Coordinator will make this determination should the need arise. EVCC is obligated to provide written notice to victims of alleged sexual offenses regarding options for a student's reasonable request for changes to academic accommodation following an alleged sex offense.

EVCC may, in certain circumstances, disclose some or all identifying information of a victim or witness when requested by law enforcement officials. Under such circumstances, EVCC will provide necessary accommodations or protective measures for the victim or other necessary parties to the extent possible. The Academic Director and/or Title IX Coordinator will make this determination should the need arise. At that time the victim or witnesses whose identifying information is provided will be notified in writing of when the identifying information is provided, and why it was provided.

Victims or witnesses who choose to file a report with local law enforcement agencies will be brought to the agency's facility by an official of EVCC. There, the victim or witness will be asked to make a formal statement. An official of the law enforcement agency will provide the victim or witness with information as to what the agency will do to follow up in regard to the victim or witness, or in regard to the incident itself.

Victims and/or witnesses to sexual or domestic violence crimes that voluntarily report such crimes to law enforcement officials may apply to the Virginia Courts to maintain the confidentiality of their address and phone number during court proceedings, to the extent permitted by law. EVCC cannot guarantee that the reporting of such crimes to law enforcement officials will be kept confidential. However, when working with law enforcement officers, EVCC will maintain discretion in identifying victims or witnesses to the extent permitted by law.

EVCC is obligated to provide written notice to victims of alleged sexual offenses regarding options for a student's reasonable request for changes to academic accommodation following an alleged sex offense. EVCC does not provide confidential pastoral or professional counseling.

All reports of criminal acts or incidents of sexual misconduct are securely maintained in the office of the Title IX Coordinator. It is the policy of EVCC that all records of emergencies, reports of criminal acts, reports of sexual misconduct, or reports of alcohol or drug violations be reported to law enforcement officials as required by law.

#### **Definitions of Sexual and Domestic Violence Crimes:**

**-Sex offense (forcible):** Any sexual act directed against another person without the other person's consent (includes attempts). A sexual offense must be recorded if reported, whether or not there is evidence of a lack of consent.

**a. Rape:** Penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without consent. This crime includes the rape of a victim regardless of the gender of the perpetrator or victim. Rape has occurred if the victim did not give consent to the penetration. If penetration was consensual but one of the individuals was under the statutory age of consent, the crime is recorded as Statutory Rape.

**b. Statutory Rape:** Consensual sex with a minor who, by definition, cannot give informed consent.

**c. Incest:** Where sex is consensual but is between related individuals who cannot legally marry.

**d. Fondling:** The touching of the intimate parts (sexual organ, anus, groin, or buttocks of any person, or the breast of a female) of another person for the purpose of sexual gratification without consent, including when the individual being touched is incapable of giving consent by virtue of age (under the age of statutory consent) or due to temporary or permanent mental capacity.

#### **-Dating Violence**

Violence committed by a person who is, or has been, in a social relationship of a romantic or intimate nature with the victim. The existence and nature of the relationship shall be defined by the victim, reporting party, or witness. ("Witness" may include third party individuals who have been informed of the incident by the victim.)

**-Domestic Violence**

A crime of violence committed by a current or former spouse or intimate partner of the victim, against children of a current or former spouse or intimate partner, whether in common with the victim or not, or any other protected person with a domestic or family relationship to the victim under the laws of the Commonwealth of Virginia.

**-Stalking**

Engaging in a course of conduct that would cause a reasonable person to fear for their own safety or the safety of others, or to suffer substantial emotional distress.

**-Sexual harassment**

Verbal pressure to imply interest in or coerce sexual contact against victim's will using a position of authority (teacher, administrator, boss, supervisor, law or security enforcement representative) or threat of physical force (with or without a weapon);

**-Sexual contact without consent** (fondling, kissing, caressing, embracing without penetration) Using threat of or actual physical force (with or without a weapon), or by administering/providing alcohol or drugs to victim resulting in significant victim incapacitation, or victim was unconscious or "blacked out;"

**-Attempted intercourse without consent** (penetration did not occur) Intercourse without consent (oral, anal, or vaginal penetration by penis or other object);

**-Exposure of perpetrator's genitals without consent.**

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**Protective Measures for Victims of Sexual Misconduct Crimes**

EVCC is obligated to provide written notice to victims of alleged sexual offenses regarding options for a victim's reasonable request for changes to academic or working accommodation following an alleged sex offense, as appropriate.

For students such measures will be to permit changes to a student's academic scheduling. For employees, such measures will be to allow the employee to make a change to his or her working situation.

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**Sexual Discrimination Policy Statement**

In compliance with Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and all other applicable non-discrimination laws, EVCC does not discriminate on the basis of race, color, religion, national or ethnic origin, sex, gender identity, gender expression, sexual orientation, age, disability, veteran's status, or genetic information in its educational programs and activities, admissions, and with regard to employment.

EVCC will promptly and equitably respond to reports of sexual discrimination, sexual harassment, sexual exploitation, sexual assault, domestic and dating violence, stalking, and related retaliation in order to eliminate the misconduct, prevent its recurrence, and address its effects on any individual or the community.

All EVCC disciplinary proceedings are conducted in compliance with the requirements of Title IX, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act); the Family Educational Rights and Privacy Act (FERPA); and all other applicable federal and state laws, regulations, and guidance. In addition to contacting the complaint resources named

in the Administrative Disciplinary Procedures Policy, any person with concerns regarding EVCC's response to his or her complaint may contact the following:

U.S. Department of Education  
Washington DC (Metro)  
Office for Civil Rights  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-1475  
Telephone: 202-453-6020  
FAX: 202-453-6021; TDD: 800-877-8339  
Email: OCR.DC@ed.gov

### **Dating Violence, Domestic Violence, Sexual Assault, and Stalking Disciplinary Procedures**

These disciplinary hearing procedures cover conduct violations of alleged incidents of dating violence, domestic violence, sexual assault, and stalking.

Disciplinary proceedings regarding such violence and stalking will be conducted by officials who receive training at least annually. Training for officials may be role-specific, depending on what role an official may play in the course of the proceeding. Broadly speaking, training will include, but need not be limited to, the following topics:

- Relevant evidence and how it should be used during a proceeding;
- Proper techniques for questioning witnesses;
- Basic procedural rules for conducting a proceeding;
- Avoiding actual and perceived conflicts of interest;

Such training may be delivered in person or by electronic means, such as a webinar or video.

### **Notifications Regarding Sexual Misconduct Proceedings**

EVCC will provide, in writing, simultaneous notification to both the accuser and the accused of:

- The right of any survivor of dating violence, domestic violence, sexual assault, or stalking to file criminal charges against the perpetrator.
- Results of a hearing proceeding that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking.
- Such results may include an initial, interim, or final decision by the Administrative Disciplinary Council.
- Such results will include any sanctions imposed by EVCC, and must include the rationale for the result and the sanctions, unless to do so would be in conflict with FERPA regulations.
- An explanation must be included that describes how the evidence was weighed and the information was presented, and how the evidence and information support the result and the sanctions.
- The explanation must explain how EVCC's standard of evidence was applied.
- The preponderance-of-evidence-standard (that is, more likely than not) will be used in any Title IX fact-finding and related proceedings, including any hearing.
- Mediation will not be used for such proceedings.

- Procedures for the accused and the victim to appeal the result of an institutional disciplinary proceeding must be included.
- Notification regarding any change resulting from an appeal, including when such results became final.
- This is the only way that any results will be initially communicated.

**EVCC Procedures for Institutional Disciplinary Action in Cases of Alleged Dating Violence, Domestic Violence, Sexual Assault, or Stalking**

**-Sexual Assault:** In Virginia the definitions of sexual assault include:

- Rape: Sexual penetration or sexual contact against the victim's will by force, threat of force, fear, intimidation, ruse; or by reason of the victim's incapacity or physical helplessness (including intoxication); or with a child under the age of 13. Sexual assault offenses meet the definition of rape, fondling, incest, or statutory rape.
- Sexual exploitation: Taking sexual advantage of another person without that person's consent.
- Sexual harassment: unwelcome or offensive sexual advances, requests for sexual favors, sex-based harassment toward stereotypical ideas of gender or other behavior that creates a hostile environment. Such conduct includes verbal conduct, non-verbal conduct, and physical conduct.

**-Consent** is not defined under Virginia law. Lack of consent includes acts committed by force, intimidation, or through the victim's mental or physical incapacity. Consent is voluntary and may be withdrawn at any time through understandable words or actions. Silence or absence of resistance does not imply consent. Incapacitation includes sleep, blackouts, unconsciousness, or an inability to make decisions due to voluntary or involuntary intoxication through drugs or alcohol.

**-Domestic Violence:** Virginia defines domestic violence or abuse as any threat or act of violence, including forceful detention, which results in physical injury or places a person in reasonable fear of bodily injury, committed by a family or household member. Domestic abuse also affects children and extended family members.

**-Dating Violence:** Virginia does not have laws specific to dating violence. Dating violence is considered a form of assault and battery, which is an intentional act by one person that creates fear in another person of harmful or offensive contact or who inflicts injury on another person. Under Virginia law, if assault and battery has been based on the victim's race, religion, color, or national origin, then the crime may be charged as a felony.

Under the Violence Against Women Act, dating violence is violence committed by someone in a romantic or intimate relationship with the victim.

**-Stalking:** Virginia defines stalking as "Any person who engages in conduct directed at another person with the intent to place or when he/she knows or reasonably should know that the conduct places the other person in reasonable fear of death, criminal sexual assault, or bodily injury to that person or that other person's family or household member."

The violence Against Women Act further defines stalking as engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.

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**Hearing for Institutional Disciplinary Action in Cases of Alleged Dating Violence, Domestic Violence, Sexual Assault, or Stalking**

A hearing regarding cases of alleged dating violence, domestic violence, sexual assault, or stalking will be conducted by staff members trained in assessment of sexual misconduct. The survivor may request a hearing for institutional disciplinary action in such cases.

The reporting CSA shall meet with the alleged perpetrator of the violation along with the Title IX Coordinator. The alleged violator shall be provided with written notification of the allegations against him or her and will be informed of the basis for the allegations at that time. Based on the information produced in this meeting, the reporting CSA will make a determination to dismiss the complaint as groundless or take administrative disciplinary action against the alleged perpetrator in one or more of the following forms:

- Counseling of the student regarding behavior/incident;
- Place the student on disciplinary probation;
- Require the student to formulate an improvement plan;
- Be suspended from the academic program, the length of suspension to be determined by an Administrative Disciplinary Hearing;
- Be dismissed from the academic program (this action automatically triggers an Administrative Disciplinary Hearing)

**Sexual Misconduct Disciplinary Hearing**

Once a determination has been made by the reporting CSA to refer the complaint for a Sexual Misconduct Disciplinary Hearing or, upon request of the student filing the complaint, a notice shall be sent to the accused student specifying date, time and place of the scheduled hearing. The notification shall also include the charges against the student, and the date, time and location that any available evidence may be inspected by the accused student. A copy of the hearing procedures shall also be enclosed for review by the accused student. The student or staff member harmed shall receive simultaneous notification of the hearing and a copy of the hearing procedures.

**Sexual Misconduct Disciplinary Council**

A Sexual Misconduct Disciplinary Council, which will oversee the hearing and deliver a judgment on the complaint, shall be comprised of the following members:

- An academic program director (other than the reporting CSA and the accused student's program director);
- Two faculty members selected from a pool of volunteers;
- A member of the administration staff selected from a pool of volunteers, and;
- The Title IX coordinator who will be present to ensure the proper process is followed.

Disciplinary proceedings will be conducted with transparency to the accuser and the accused. No one shall sit on the council who is personally involved in the situation or who cannot act in an unbiased manner. The student accused of the violation(s) shall have the right to request the list of the council members and challenge any member for bias or other reasonable causes. The Title IX Coordinator shall determine whether cause for disqualification of a council member exists. In the event of a disqualification, the council shall appoint a new member from the appropriate pool of volunteers.

The Administrative Disciplinary Council's task is to weigh the evidence presented at the hearing and to deliver a disciplinary recommendation to the convening program director to be carried out within five (5) business days, to allow for student appeal.

Provisions for the extension of the timeframes for disciplinary proceedings may be made by the Sexual Misconduct Disciplinary Council for good cause, with written notice to the accuser and the accused regarding the reason for the delay.

### **The Hearing Process**

**Selection of Chairperson:** Prior to the hearing beginning, the Sexual Misconduct Disciplinary Council shall elect a Chairperson who shall preside over the hearing.

**Absence of the Accused:** The hearing shall proceed in the absence of the student.

**Overview of the Process:** The Title IX Coordinator will read out a brief overview of the process so that everyone present may have an understanding of the process. The Title IX Coordinator shall act to ensure the process is adhered to throughout the proceedings.

**Reading of the charges:** The elected Chairperson shall read out the alleged violations against the student prior to testimony or presentation of evidence.

**The plea:** The accused student, if present, shall enter their plea of admitting the charges or denying them. If the student is not present the plea of denial shall be entered to protect the rights of the accused and guarantee a full and comprehensive hearing. If the accused student enters an admission of all charges and does not wish to present evidence of mitigating circumstances, the Council will excuse the accused student from the proceeding and retire to deliberate a decision.

**Evidence:** Formal rules of evidentiary process do not apply. All applicable and relevant information may be admitted as evidence for either side. This may include, but need not be limited to, witness testimony, police or security reports, other documents, physical evidence, and security camera footage. All presented information shall be entered for the record and the Sexual Misconduct Disciplinary Council shall have the opportunity to examine the evidence and determine its weight and veracity in the matter.

**Advisors to Accuser and Accused:** EVCC will provide the accuser and the accused, whether either party is a student or an employee, the opportunity to be accompanied to hearings and proceedings by an advisor of their choice. This policy applies equally to the accused and the accuser. An advisor may be any individual who provides the accuser or the accused with support, guidance, or advice. The accuser or the accused must provide the Sexual Misconduct Disciplinary Council with written notice of a request to include an advisor at the proceedings. Such notice will include identification of the requested advisor. EVCC is prohibited from limiting the choice of an advisor, or an advisor's presence, for either the accused or the accuser in any meeting or institutional disciplinary proceeding.

EVCC may limit the role of any such advisor as it deems necessary. Such limits may include, but are not limited to, speaking, questioning witnesses, or addressing EVCC officials involved in the proceedings. Advisors who become disruptive or who do not abide by restrictions placed on their participation may be removed from the proceeding. EVCC will provide notification to all parties of any such limitations regarding an advisor's participation prior to scheduling a proceeding.

**Witnesses and Observers:** The accused student is allowed to have one silent observer present during the proceedings. A present accuser is entitled to have a silent observer present during their testimony. Witnesses shall only be present inside the hearing while giving testimony. As these hearings are an internal process there shall be no legal counsel allowed to represent participants at any time during the process.

The hearing shall be recorded with the college maintaining the only copy of the recording. Any witnesses not willing to be recorded shall be excluded from providing testimony as the recording will become part of the permanent record of the process and serve as evidence in any appeal.

**The Deliberation:** the Sexual Misconduct Disciplinary Council shall deliberate in a private closed session and shall arrive at a decision based solely on the evidence and testimony given in the matter. The council shall deliver their decision to the reporting CSA, Title IX Coordinator, and the accused student's program director. The decision shall include a recommended disciplinary action.

#### **Notification of Decision**

Within three (3) days of the decision being reached by the Sexual Misconduct Disciplinary Council, the accused student's program director will issue a written notification of the decision to the accused including the disciplinary action recommended. Within the same time frame, the Title IX Coordinator will issue a notification to the accuser of the Sexual Misconduct Disciplinary Council's determination and disciplinary action. Both the accuser and the accused have five (5) business days from the date of notification to submit a written appeal to the Title IX Coordinator.

#### **Appeal to the Title IX Coordinator**

An appeal of the Sexual Misconduct Disciplinary Council's decision to the Title IX Coordinator may only occur if it addresses the due process of the hearing or if new information is discovered that was not available at the time of the hearing. The Title IX Coordinator shall evaluate the appeal within five (5) business days and, upon reaching a decision, shall notify the appealing student, the reporting CSA, and the accused student's program director.

#### **The Decision and Recommendation for Appeals**

Upon an appeal of the Sexual Misconduct Disciplinary Council's decision, the Title IX Coordinator has the discretion to refer the matter back to the Sexual Misconduct Disciplinary Council for review of new evidence, to order a new hearing if due process was violated, bring new charges against the accused student based upon new evidence, or dismiss the complaint based on new evidence.

- **Grounds for appeal on the basis of due process:** If an accused student believes that the conduct of the Sexual Misconduct Disciplinary Council violated the impartial nature of the hearing, the hearing was not conducted fairly and according to proper processes per accused student's claims, or the accused student was in some way barred from an adequate opportunity to prepare and present a response to the allegations, the accused student may file an appeal.
- **Grounds for appeal on the basis of new information:** The accused student or other member of the campus community may appeal the decision of the Sexual Misconduct Disciplinary Council if new information that was not reasonably available or previously known to the

accused, which would likely alter the outcome of a disciplinary hearing, becomes available. Such information will not be considered as new information if it could have been previously discovered through reasonable avenues available to the accused student.

#### **Sexual Harassment Conduct Complaints Filed Against an EVCC Staff Member**

Sexual harassment of a member of the EVCC community toward another member of the campus community is a violation of EVCC policy and constitutes unfair treatment. Staff members found to be responsible or who are aware of such treatment by a member of the EVCC staff and do not disclose it to EVCC administration may be subject to disciplinary action, up to and including dismissal from employment with EVCC and/or criminal charges.

Student complaints of unfair treatment by a staff member will be managed according to the Student Grievance policies and procedures, which may be found in the *Course Catalog and Student Handbook*. If the alleged harasser is also the student's academic director, the grievance must be filed directly with the Academic Director, who will provide the Title IX Coordinator with a report. In such situations, with the exception of the initial filing of the grievance, formal grievance policies and procedures will be followed.

#### **EVCC Policies Regarding Alcohol and Drugs/Substance Abuse and Related Standards of Conduct**

EVCC takes a strong stand on substance abuse and will vigorously enforce institutional rules regarding alcohol and drugs. We also support and will cooperate with authorities of the Federal government, the Commonwealth of Virginia, and the County of Spotsylvania in the enforcement of public laws and regulations regarding alcohol and drugs.

EVCC has adopted policies in compliance with the *Federal Drug-Free Schools and Communities Act and the Federal Drug-Free Workplace Act*. Students are prohibited from the unlawful manufacture, distribution, possession, sale or use of illicit or illegal drugs or alcohol while on campus, in the parking lots, or in common areas in and around the building. EVCC prohibits underage drinking. This prohibition applies while on the property of the school or when participating in any institutional activity. Students will not report or return to class under the influence of drugs or alcohol. Students who violate these policies or Federal and State laws regarding drugs or underage drinking will be subject to disciplinary action up to, and including, expulsion from the college and may be subject to criminal prosecution. Students are required to provide written notification of drug or alcohol related convictions to their program directors no later than five calendar days after the conviction.

Students and employees are prohibited from appearing on campus, attending EVCC-related activities, or working while under the influence of alcohol or non-prescribed controlled substances. Students and employees are prohibited from the unlawful possession, use, consumption, sale, dispensing, distribution, or manufacture of alcohol or controlled substances while on campus, in the parking lots, or in common areas in and around the building. EVCC prohibits underage drinking. This prohibition applies while on the property of the school or when participating in any institutional activity. Further, employees and students are obligated to report any drug-related or alcohol-related misdemeanor or felony conviction to the Academic Director.

Employees who are age 21 or older may consume alcohol on campus during well-defined campus events when alcohol is supplied and served by the college. Employees may not otherwise provide or consume alcohol on campus.

Students and employees who violate these policies or Federal and State laws regarding drugs or underage drinking will be subject to disciplinary action up to, and including, termination of enrollment or employment, may be subject to disciplinary proceedings, and/or criminal prosecution.

### **Alcohol or Substance Abuse Treatment Programs**

EVCC does not offer formal substance abuse treatment programs. We do, however, strongly encourage all students and employees to seek counseling, treatment, or rehabilitation if substance abuse is suspected or known to be a problem. If you believe that you, a fellow student, or a colleague, has a substance abuse problem, please call the national hotline number, below, or visit the following website:

- [www.samhsa.gov/treatment/index.aspx](http://www.samhsa.gov/treatment/index.aspx)
- 24 hour national hotline: 1-800-662-HELP (4357)

Locally, the **Rappahannock Area Community Services Board** has offices in the city of Fredericksburg and the counties of Caroline, King George, Spotsylvania, and Stafford. They offer help and support in dealing with alcohol and drug abuse, including outpatient and case management services, inpatient and emergency services, and residential services. They provide emergency therapy services 24 hours a day, 365 days a year.

- In Fredericksburg, Stafford, Spotsylvania call: 540-373-6876
- In Caroline County call: 804-633-4148
- In King George County call: 540-775-5064

**Local, Statewide, and Support Groups:** In addition, there are local and statewide support groups available to anyone at any time:

- **Alcoholics Anonymous:**  
HOTLINE (540) 752-2228 <http://www.aavirginia.org/hp/>
- **Al-Anon and Alateen:**  
District Rep. (540) 842-9072 <http://al-anonfredericksburg.org/>
- **Narcotic Anonymous:**  
HOTLINE (800) 777-1515 <http://www.rappahannockareaofna.com/>

Also included are examples of the Clergy Crime Report Form and the Sexual Misconduct Report Form used at Eastern Virginia Career College. Staff and faculty may download these from the Forms directory on the Administrative server.

***The following Clergy Crime Report Form and the Eastern Virginia Career College Sexual Misconduct/Assault Report Form follow.***

## Eastern Virginia Career College Clery Crime Report Form

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Title IX Coordinator: Heather Burnham - Room 437  
Email: [hburnham@evcc.edu](mailto:hburnham@evcc.edu) – Tel. (540) 373-2200, ext. 246

The purpose of this form is to aid in compiling campus crime statistics and to ascertain any ongoing safety or security threats to members of the campus community. It is to be filled out by an EVCC Campus Security Authority (CSA) while/after interviewing a complainant/witness\* reporting an alleged crime that occurred on campus. CSAs are required to file a Clery Crime Report when an alleged Clery-defined crime has been reported to them. In the event that an alleged Clery-defined crime is reported as an element of/as well as an incident of Sexual Misconduct (including sexual harassment), the Sexual Misconduct form must be filled out as well. This form must be completed and turned in to the Title IX Coordinator by the CSA, whether or not a criminal complaint has been filed with law enforcement officials by the complainant/witness.

CSAs should never conduct an investigation into an alleged Clery-defined crime themselves unless an Administrative Disciplinary Committee complaint has been filed by the accuser or witness. CSAs should not attempt to make a determination as to whether a crime took place, nor should they try to apprehend an alleged perpetrator of such a crime—these activities are the responsibility of law enforcement agencies. In addition, *CSAs are allowed to suggest that the complainant/witness contact local law enforcement agencies to file a criminal complaint, but must not compel them to do so, nor may EVCC employees contact law enforcement agencies regarding the Report without the consent of the complainant/witness.*

**If anyone has sustained life threatening or serious injury, call 911.**

**“Campus”** is defined as EVCC’s sections of the 4<sup>th</sup> floor at 10304 Spotsylvania Ave., Suite 400, Fredericksburg, VA 22408, as well as sections of the building used in common with the other tenants such as hallways, restrooms that are open to common hallways, elevators, stairs, and parking lots. It also includes public property that adjoins the parking lots, such as public streets and public sidewalks on the opposite side of those streets (it does not include properties beyond those sidewalks).

Reports should be submitted to the Title IX Coordinator in a sealed envelope within 24 hours of being reported, or on the first business day after the alleged crime was reported, whichever comes first.

The complainant/witness should be directed to appropriate resources for medical attention if needed. Locally available emergency healthcare resources are listed on a detachable sheet at the end of this form.

**Please fill out this Report with as much detail as possible.**

\*“Witness” may include individuals who have been told of the alleged incident by the complainant, but may not have actually seen it.

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### Clery Crime Data Report

Clery-defined reported crimes do not require the identifying information of the complainant/witness. However, the complainant may volunteer to have their identifying information included in this report.

Date of report: \_\_\_\_\_ Date of alleged incident: \_\_\_\_\_

Name of CSA receiving report: \_\_\_\_\_

Name and contact information of complainant/witness (if complainant/witness allows):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Do you, as an EVCC CSA, have reason to believe that this incident represents a present or ongoing threat of harm or danger to members of the campus community? No: \_\_\_\_\_ Yes: \_\_\_\_\_**

**Explain why or why not:**

CSAs may encourage the complainant/witness to contact local law enforcement agencies to file a criminal complaint, but must not compel them to do so, nor may EVCC employees contact law enforcement agencies regarding the Report without the consent of the complainant/witness. Spotsylvania County Sheriff's Office: 911 or (540) 582-7115 (use 911 only in emergency)

Was the incident: On campus \_\_\_\_\_ At an EVCC-organized event, off-campus \_\_\_\_\_ Off campus \_\_\_\_\_

If the incident occurred at an EVCC related academic site, an EVCC-organized event, or off campus, specify where:

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## Eastern Virginia Career College Clery Crime Report Form

### Clery Crime Data Collection

Mark the category of incident/assault (check all that apply).

*For definitions of specific crime categories, see p. 4*

**Murder and Non-Negligent Homicide**

**Manslaughter by Negligence**

**Sexual Assault, Forcible (Sex Offenses) Rape/Statutory Rape/Incest/Fondling (include attempted Sexual Assaults)**

(for all other incidents of Sexual Assault or Sexual Misconduct, such as Sexual Harassment, use the Sexual Misconduct Report Form instead of/in addition to this form)

**Rape**

**Statutory Rape**

**Age of victim,  
if known:** \_\_\_\_\_

**Incest**

**Fondling**

**Attempted Sexual Assault**

**Robbery**

**Armed Robbery**

**Burglary**

**Burglary at clinical/externship/fieldwork site**

**Larceny-Theft\***

**Motor Vehicle Theft**

**Arson**

**Destruction/Damage/Vandalism of Property\***

**Aggravated Assault**

**Simple Assault\***

**Intimidation\***

Was a weapon used by the perpetrator? If yes, type of weapon: \_\_\_\_\_

**Drug Violation**  **Alcohol  
Violation**

Was arrest made for drug, alcohol Yes  No   
or weapons violation?

**Was a referral for disciplinary action for drug, alcohol, or weapons  
violation(s) made against perpetrator(s)?**

**Yes**  **No**

*\* Include only if also a Hate Crime*

**Hate Crimes (check all that apply)**

A Hate Crime is not a separate, distinct crime but is reported as a criminal offense that also includes evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. Responses to this category are required whenever a preponderance of evidence supports it.

Race

Ethnicity

National Origin

Sexual Orientation

Gender

Gender Identity

Disability Please identify \_\_\_\_\_

Number of perpetrator(s) \_\_\_\_\_

Description(s) and/or identity/ies of perpetrator(s): \_\_\_\_\_  
\_\_\_\_\_

Since the perpetrator(s) may continue to pose a threat to the EVCC community, the threat potential must be evaluated and the campus community alerted or warned as necessary. Knowing the relationship of the perpetrator(s) to EVCC may be important information in alerting the campus community. Indicate role of perpetrator(s) at EVCC, if known:

Student

EVCC Faculty

EVCC Staff

No role on campus

Unknown

Other individuals, departments, or agencies to which the complainant/witness has reported the incident:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Does the complainant wish to initiate an Administrative Disciplinary complaint against alleged student perpetrator(s)?

Yes \_\_\_\_\_ No \_\_\_\_\_ If yes, the complainant must provide his/her name, address, primary phone number, and email:

Name \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Primary phone \_\_\_\_\_

Email address \_\_\_\_\_

**Use this page to record a narrative of the incident. Provide as much detail as possible.  
(Attach available evidence and/or additional pages as necessary.)**

## Clery Categories and Definitions of Reportable Crimes

## **Murder/Non-negligent Homicide**

The willful (non-negligent) killing of a human being by another.

## **Negligent Manslaughter**

**manslaughter**  
The killing of another person through gross negligence.

**Sex offense (forcible):** Any sexual act directed against another person without the other person's consent (includes attempts). Must be recorded if reported, whether or not there is evidence of a lack of consent.

**a. Rape:** Penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without consent. This crime includes the rape of a victim regardless of the gender of the perpetrator or victim. Rape has occurred if the victim did not give consent to the penetration. If penetration was consensual but one of the individuals was under the statutory age of consent, record the crime as Statutory Rape.

**b. Statutory Rape** (consensual sex with a minor who, by definition, cannot give informed consent).

**c. Incest**, where sex is consensual but is between related individuals who cannot legally marry.

**d. Fondling** is the touching of the intimate parts (sexual organ, anus, groin, or buttocks of any person, or the breast of a female) of another person for the purpose of sexual gratification without consent, including when the individual being touched is incapable of giving consent by virtue of age (under the age of statutory consent) or due to temporary or permanent mental incapacity.

**Robbery**

The taking of personal property in the possession of another, from his/her immediate presence, and against his/her will, accomplished by means of force or fear (includes attempts).

**Armed Robbery**

Robbery in which a weapon is used to intimidate victim. Includes acts commonly known as stickup, holdup, hijacking, heist, carjacking, etc.

**Burglary**

The unlawful entry (or attempt to enter) into a defined structure with the intent to commit a theft or any felony (excludes vehicle burglary).

**Larceny/Theft\***

Theft where owner of property is unaware of or not present for incident. Includes acts such as pocket-picking, theft from unoccupied room or vehicle, purse-snatching.

**Motor vehicle theft**

The taking of a motor vehicle without the consent of the owner with the intent to either permanently or temporarily deprive the owner of the vehicle (includes attempts).

**Aggravated Assault**

An unlawful assault upon the person of another for the purpose of inflicting severe or aggravated bodily injury (includes attempts and whether or not an injury occurred).

**Simple Assault\***

To attempt or threaten to inflict bodily harm upon another, accompanied by the apparent ability of the perpetrator to carry out the attempt or threat if not prevented.

**Intimidation\***

To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, without weapons or actual physical attack.

**Destruction/Damage/Vandalism of Property\***

To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without consent of owner, custodian, or individual(s) controlling the property.

**Arson**

The willful or malicious burning or attempt to burn (without the intent to defraud) a dwelling, house, public building, motor vehicle or aircraft, or personal property of another (includes attempts).

**Drug/Narcotic Violation**

The unlawful possession, sale, use, transportation, cultivation, manufacturing, maintaining an unlawful place (drug/narcotic violations referred for campus disciplinary action under the student conduct code).

**Alcohol Violation**

The unlawful possession, sale, transportation, manufacturing, furnishing alcohol to a minor (under 21 years), or maintaining an unlawful drinking place (alcohol violations referred for campus disciplinary action under the student conduct code).

**Weapons Violation**

The unlawful possession or control of any firearm, deadly weapon (including nunchucks or billy club), illegal knife, or explosive device while on the campus (as defined above) of EVCC, except as required in the lawful course of business or by authorized law enforcement officials.

*\*Include only if also a Hate Crime.*

**Local emergency healthcare and other resources**  
*This page may be detached and provided to the complainant.*

Preservation of evidence of Sexual Assault: In the Fredericksburg area, the Mary Washington Hospital Emergency Room is the best place to go for post-Sexual Assault examinations and healthcare. Mary Washington Hospital has specially trained staff to help survivors of Sexual Assault and for preservation of evidence.

Survivors of Sexual Assault are encouraged to seek treatment for injuries, preventative measures against sexually transmitted diseases, or other health services at:

**Mary Washington Hospital Emergency Room**

**1001 Sam Perry Blvd.  
Fredericksburg, VA 22401  
Nurse Line (540) 741-1000**

Has specially-trained staff for victims of sexual assault.

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***Other nearby emergency healthcare resources include:***

**Spotsylvania Regional Medical Center 24 Hour Emergency/Compassionate Care**  
4600 Spotsylvania Pkwy  
Fredericksburg, VA 22408  
(540) 498-4901

*To find out about ER wait times,  
text "ER" to 23000*

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**Primary and Urgent Care (PUC) – NOT open 24 hours a day (see schedule, below)**  
10009 Southpoint Parkway  
Fredericksburg, VA 22407  
Phone: (540) 898-6600

Monday - Friday: 8:00AM to 9:00PM  
Saturday: 8:00AM to 6:00PM  
Sunday: 9:00AM to 6:00PM

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**Confidential sexual assault counseling services are available through the  
Rappahannock Council Against Sexual Assault (RCASA).**

**Survivors and witnesses of Sexual Assault are encouraged to seek counseling  
for any incidents of Sexual Misconduct.  
RCASA provides services 24 hours a day.**

**RCASA Hotline: (540) 371-1666**



**Spotsylvania County Sheriff's Office: 911 - or - (540) 582-7115**

**9199 Dean Ridings Lane  
Spotsylvania, VA 22553**

**Eastern Virginia Career College Sexual Misconduct/Assault Report Form**

Sexual misconduct includes Sexual Violence, Stalking, Dating or Domestic Violence, and Gender-Based Harassment

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**Title IX Coordinator: Heather Burnham - Room 437 - Email: [hburnham@evcc.edu](mailto:hburnham@evcc.edu)**  
**Tel. (540) 373-2200, ext. 246**

This form is to be filled out by an EVCC Campus Security Authority (CSA) or EVCC Responsible Employee ("Reporter") while interviewing the survivor or witness\* of an incident of Sexual Misconduct. Most EVCC employees that work on campus are considered Responsible Employees for the purpose of reporting an incident. Responsible Employees are required to report alleged incidents of Sexual Misconduct to EVCC. This form must be completed and turned in to the Title IX Coordinator by the Reporter, whether or not a criminal complaint is filed.

This form is used to track information regarding EVCC's response to campus incidents of Sexual Misconduct as well as to assess any danger to the campus community, so that EVCC can issue timely warnings as appropriate.

\*"Witness" may include individuals who have been told of the incident by the survivor, but may not have actually seen it.

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**This is filed as an Anonymous Report:** \_\_\_\_\_ Survivors or witnesses may file an Anonymous Report for incidents of Sexual Misconduct, disclosing as much information as they feel comfortable reporting. If submitted anonymously, this report will be filed confidentially with the Title IX Coordinator, and will be used for statistical purposes or for purposes of campus safety only. No names or identifying information will be revealed. The survivor/witness must be informed that EVCC cannot investigate or pursue disciplinary action based on Reports filed anonymously.

**This is filed as a Formal Report:** \_\_\_\_\_ Formal Reports of Sexual Misconduct will result in a Title IX investigation. However, the survivor/witness may choose at any time not to participate in the process. Names of the survivor/witness and perpetrator(s) (if known) will be included in the Formal Report to the Title IX Coordinator and the Disciplinary Committee. EVCC employees who assist the survivor/witness in completing this form must inform the survivor/witness of the employee's obligation to report the incident, and of EVCC's obligation to conduct an investigation into the incident. Survivors/witnesses should be encouraged to assist the employee in completing the form.

Do you, as an EVCC employee, have reason to believe that this incident represents a present or ongoing threat of harm or danger to the survivor or other members of the campus community?

**No:** \_\_\_\_\_ **Yes:** \_\_\_\_\_

Explain why: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**The survivor or witness should be directed to appropriate resources for medical attention, evidence preservation, and/or counseling.** Locally available resources are listed at the end of this form, along with contact and other relevant information.

**The survivor or witness should be encouraged to contact local law enforcement agencies to file a criminal complaint.** EVCC employees must offer to assist the survivor or witness in doing so. However, contacting a law enforcement agency is the decision of the survivor/witness, and that decision must be honored.

**Spotsylvania County Sheriff's Office: 911 or (540) 582-7115**

**If survivor has sustained life threatening or serious injury, call 911.**

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**Tips for helping a survivor or witness:**

- Be supportive. Listen and let them know that what happened is not their fault.
- Be non-judgmental. Let them know that you are there to support them and provide resources.
- Encourage safety. Guide them to trained professionals who can help with medical care, counseling, and other options.
- 

**Please fill out this Report with as much detail as possible.**

Reporter's full name		Date of Report	
Reporter's cell or home phone		Date and time of incident	

**FORMAL REPORT ONLY:**

Name of survivor/witness (Initials may be used at request of survivor/witness)				
Primary phone		Secondary phone		Email address

**Was the incident:** On campus \_\_\_\_\_ At an EVCC-organized event, on-campus \_\_\_\_\_ Off campus \_\_\_\_\_

**If the incident occurred at an EVCC-organized event or off campus, specify where**

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**Describe the incident/assault (check all that apply)**

<input type="checkbox"/> Sexual harassment	
<input type="checkbox"/> Sexual contact without consent (fondling, kissing, caressing, embracing without penetration)	
<input type="checkbox"/> Attempted intercourse without consent (penetration did not occur)	
<input type="checkbox"/> Intercourse without consent (oral, anal, or vaginal penetration by penis or other object)	
<input type="checkbox"/> Exposure of perpetrator's genitals without consent	
<input type="checkbox"/> Dating or domestic violence	
<input type="checkbox"/> Stalking	
<input type="checkbox"/> Other sexual invasion or non-consensual act not described above (please describe)	_____

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**Describe the pressure or force used by the perpetrator(s) (check all that apply)**

<input type="checkbox"/> Verbal pressure or harassment	
<input type="checkbox"/> Position of authority (teacher, administrator, boss, supervisor, law or security enforcement representative)	
<input type="checkbox"/> Threat of physical force (with or without weapon)	

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- Use of physical force (hit, held down, etc.)
- Gave the survivor alcohol or drugs resulting in significant incapacitation
- Survivor was unconscious or blacked out during incident/assault
- Survivor suspects that “date rape” drugs were involved in the incident/assault
- Other (please describe) \_\_\_\_\_

**Number of perpetrator(s)** \_\_\_\_\_

**Description(s) and/or identity/ies of perpetrator(s)** \_\_\_\_\_

**Status of perpetrator(s):**

Student  EVCC Faculty  EVCC Staff  No role on campus  Unknown

**Was a weapon used in the incident/assault? No \_\_\_\_\_ Yes \_\_\_\_\_ Type \_\_\_\_\_**

**Was/were survivor or perpetrator(s) under the influence of alcohol or drugs at the time of the incident/assault?**

Survivor:      Alcohol:  Yes  No  Unsure      Other drugs:  Yes  No  Unsure

Perpetrator(s): Alcohol:  Yes  No  Unsure      Other drugs:  Yes  No  Unsure

**What was the nature of the relationship between the survivor and the perpetrator(s)?**

Stranger       Spontaneous date (met at party or bar)       Planned first date

Romantic/ongoing relationship       Friend or nonromantic acquaintance

Relative       Other

**Was there evidence that the incident was motivated by:**

Race       Ethnicity       Age       Religion

Gender       Sexual orientation       Gender identity       None of these

**Names and contact information of relevant witnesses:**

**Other individuals, departments, or agencies to which the survivor or witness has reported the incident:**

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**Provide a narrative of incident (use additional pages as necessary):** \_\_\_\_\_

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**Does the survivor/witness have any documentation of the incident (photos, emails, video, documents, etc.)? If so, attach documentation to this Report or direct survivor/witness to submit documentation to the Title IX Coordinator as soon as possible (or provide survivor/witness with instructions on how to do so).**

**PLEASE EXPLAIN TO THE SURVIVOR THE IMPORTANCE OF PRESERVING EVIDENCE OF SEXUAL ASSAULT.**

**Have you referred the survivor/witness to any of the resources on the following page? Please identify which:** \_\_\_\_\_

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**Please submit this Report in a sealed envelope to the Title IX Coordinator within 24 hours of the report of the incident or the first business day following the report of the incident, whichever comes first.**

**Survivors and witnesses are encouraged to contact the Spotsylvania County Sheriff's Office to file a criminal complaint. EVCC employees are strongly encouraged to assist the survivor or witness in doing so, but may not compel them to do so, nor may an EVCC employee contact the Sheriff's Office without the consent of the survivor or witness. This is for the safety of the survivor or witness, who may fear retaliation from the perpetrator(s). Contact information for the sheriff's office can be found on the following page.**

**This page may be used for additional information.**

**CSA or EVCC staff member: Detach the following pages and provide them to the survivor.**

## Emergency survivor and witness resources

**Preservation of evidence:** In the Fredericksburg area, the Mary Washington Hospital Emergency Room is the best place to go for post-sexual assault examinations and healthcare. Mary Washington Hospital has specially trained staff to help victims of sexual assault and for preservation of evidence.

Survivors are encouraged to seek treatment for injuries, preventative measures against sexually transmitted diseases, or other health services at:

### Mary Washington Hospital Emergency Room

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Nurse Line (540) 741-1000**

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#### Spotsylvania Regional Medical Center 24 Hour Emergency/Compassionate Care

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(540) 498-4901**

*To find out about ER wait times,  
text "ER" to 23000*

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**10009 Southpoint Parkway  
Fredericksburg, VA 22407  
Phone: (540) 898-6600**

**Monday - Friday: 8:00AM to 9:00PM  
Saturday: 8:00AM to 6:00PM  
Sunday: 9:00AM to 6:00PM**

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**Confidential sexual assault counseling services are available through the  
Rappahannock Council Against Sexual Assault (RCASA).**

**Survivors and witnesses are encouraged to seek counseling for any incidents  
of**

**Sexual Misconduct. RCASA provides services 24 hours a day.**

**RCASA Hotline: (504) 371-1666**



**Spotsylvania County Sheriff's Office: 911 - or - (540) 582-7115**

**9199 Dean Ridings Lane  
Spotsylvania, VA 22553**

**WHAT HAPPENS NEXT? KNOW YOUR RIGHTS****Protective Measures for Victims of Sexual Misconduct Crimes**

EVCC is obligated to provide written notice to victims of alleged sexual offenses regarding options for a victim's reasonable request for changes to academic or working accommodation following an alleged sex offense, as appropriate.

For students such measures will be to permit changes to a student's academic scheduling. For employees, such measures will be to allow the employee to make a change to his or her working situation.

**Sexual Discrimination Policy Statement**

In compliance with Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and all other applicable non-discrimination laws, EVCC does not discriminate on the basis of race, color, religion, national or ethnic origin, sex, gender identity, gender expression, sexual orientation, age, disability, veteran's status, or genetic information in its educational programs and activities, admissions, and with regard to employment.

EVCC will promptly and equitably respond to reports of sexual discrimination, sexual harassment, sexual exploitation, sexual assault, domestic and dating violence, stalking, and related retaliation in order to eliminate the misconduct, prevent its recurrence, and address its effects on any individual or the community.

All EVCC disciplinary proceedings are conducted in compliance with the requirements of Title IX, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act); the Family Educational Rights and Privacy Act (FERPA); and all other applicable federal and state laws, regulations, and guidance. In addition to contacting the complaint resources named in the Administrative Disciplinary Procedures Policy, any person with concerns regarding EVCC's response to his or her complaint may contact the following:

**U.S. Department of Education  
Washington DC (Metro)  
Office for Civil Rights  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-1475**

**Telephone: 202-453-6020  
FAX: 202-453-6021; TDD: 800-877-8339  
Email: [OCR.DC@ed.gov](mailto:OCR.DC@ed.gov)**

**Dating Violence, Domestic Violence, Sexual Assault, and Stalking Disciplinary Procedures**

These disciplinary hearing procedures cover conduct violations of alleged incidents of dating violence, domestic violence, sexual assault, and stalking.

Disciplinary proceedings regarding such violence and stalking will be conducted by officials who receive training at least annually. Training for officials may be role-specific, depending on what role an official may play in the course of the proceeding. Broadly speaking, training will include, but need not be limited to, the following topics:

- Relevant evidence and how it should be used during a proceeding;
- Proper techniques for questioning witnesses;
- Basic procedural rules for conducting a proceeding;
- Avoiding actual and perceived conflicts of interest;

Such training may be delivered in person or by electronic means, such as a webinar or video.

**Notifications Regarding Sexual Misconduct Proceedings**

EVCC will provide, in writing, simultaneous notification to both the accuser and the accused of:

- The right of any survivor of dating violence, domestic violence, sexual assault, or stalking to file criminal charges against the perpetrator.
- Results of a hearing proceeding that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking.
- Such results may include an initial, interim, or final decision by the Administrative Disciplinary Council.
- Such results will include any sanctions imposed by EVCC, and must include the rationale for the result and the sanctions, unless to do so would be in conflict with FERPA regulations.
- An explanation must be included that describes how the evidence was weighed and the information was presented, and how the evidence and information support the result and the sanctions.
- The explanation must explain how EVCC's standard of evidence was applied.
- The preponderance-of-evidence-standard (that is, more likely than not) will be used in any Title IX fact-finding and related proceedings, including any hearing.
- Mediation will not be used for such proceedings.
- Procedures for the accused and the victim to appeal the result of an institutional disciplinary proceeding must be included.
- Notification regarding any change resulting from an appeal, including when such results became final.
- This is the only way that any results will be initially communicated.

**EVCC Procedures for Institutional Disciplinary Action in Cases of Alleged Dating Violence, Domestic Violence, Sexual Assault, or Stalking**

**-Sexual Assault:** In Virginia the definitions of sexual assault include:

- Rape: Sexual penetration or sexual contact against the victim's will by force, threat of force, fear, intimidation, ruse; or by reason of the victim's incapacity or physical helplessness (including intoxication); or with a child under the age of 13. Sexual assault offenses meet the definition of rape, fondling, incest, or statutory rape.
- Sexual exploitation: Taking sexual advantage of another person without that person's consent.
- Sexual harassment: unwelcome or offensive sexual advances, requests for sexual favors, sex-based harassment toward stereotypical ideas of gender or other behavior that creates a hostile environment. Such conduct includes verbal conduct, non-verbal conduct, and physical conduct.

**-Consent** is not defined under Virginia law. Lack of consent includes acts committed by force, intimidation, or through the victim's mental or physical incapacity. Consent is voluntary and may be withdrawn at any time through understandable words or actions. Silence or absence of resistance does not imply consent. Incapacitation includes sleep, blackouts, unconsciousness, or an inability to make decisions due to voluntary or involuntary intoxication through drugs or alcohol.

**-Domestic Violence:** Virginia defines domestic violence or abuse as any threat or act of violence, including forceful detention, which results in physical injury or places a person in reasonable fear of bodily injury, committed by a family or household member. Domestic abuse also affects children and extended family members.

**-Dating Violence:** Virginia does not have laws specific to dating violence. Dating violence is considered a form of assault and battery, which is an intentional act by one person that creates fear in another person of harmful or offensive contact or who inflicts injury on another person. Under Virginia law, if assault and battery has been based on the victim's race, religion, color, or national origin, then the crime may be charged as a felony.

Under the Violence Against Women Act, dating violence is violence committed by someone in a romantic or intimate relationship with the victim.

**-Stalking:** Virginia defines stalking as "Any person who engages in conduct directed at another person with the intent to place or when he/she knows or reasonably should know that the conduct places the other person in reasonable fear of death, criminal sexual assault, or bodily injury to that person or that other person's family or household member."

The violence Against Women Act further defines stalking as engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.

**Hearing for Institutional Disciplinary Action in Cases of Alleged Dating Violence, Domestic Violence, Sexual Assault, or Stalking**

A hearing regarding cases of alleged dating violence, domestic violence, sexual assault, or stalking will be conducted by staff members trained in assessment of sexual misconduct. The survivor may request a hearing for institutional disciplinary action in such cases.

The reporting CSA shall meet with the alleged perpetrator of the violation along with the Title IX Coordinator. The alleged violator shall be provided with written notification of the allegations against him or her and will be informed of the basis for the allegations at that time. Based on the information produced in this meeting, the reporting CSA will make a determination to dismiss the complaint as groundless or take administrative disciplinary action against the alleged perpetrator in one or more of the following forms:

- Counseling of the student regarding behavior/incident;
- Place the student on disciplinary probation;
- Require the student to formulate an improvement plan;
- Be suspended from the academic program, the length of suspension to be determined by an Administrative Disciplinary Hearing;
- Be dismissed from the academic program (this action automatically triggers an Administrative Disciplinary Hearing)

**Sexual Misconduct Disciplinary Hearing**

Once a determination has been made by the reporting CSA to refer the complaint for a Sexual Misconduct Disciplinary Hearing or, upon request of the student filing the complaint, a notice shall be sent to the accused student specifying date, time and place of the scheduled hearing. The notification shall also include the charges against the student, and the date, time and location that any available evidence may be inspected by the accused student. A copy of the hearing procedures shall also be enclosed for review by the accused student. The student or staff member harmed shall receive simultaneous notification of the hearing and a copy of the hearing procedures.

**Sexual Misconduct Disciplinary Council**

A Sexual Misconduct Disciplinary Council, which will oversee the hearing and deliver a judgment on the complaint, shall be comprised of the following members:

- An academic program director (other than the reporting CSA and the accused student's program director);
- Two faculty members selected from a pool of volunteers;
- A member of the administration staff selected from a pool of volunteers, and;
- The Title IX coordinator who will be present to ensure the proper process is followed.

Disciplinary proceedings will be conducted with transparency to the accuser and the accused. No one shall sit on the council who is personally involved in the situation or who cannot act in an unbiased manner. The student accused of the violation(s) shall have the right to request the list of the council members and challenge any member for bias or other reasonable causes. The Title IX Coordinator shall determine whether cause for disqualification of a council member exists. In the event of a disqualification, the council shall appoint a new member from the appropriate pool of volunteers.

The Administrative Disciplinary Council's task is to weigh the evidence presented at the hearing and to deliver a disciplinary recommendation to the convening program director to be carried out within five (5) business days, to allow for student appeal.

Provisions for the extension of the timeframes for disciplinary proceedings may be made by the Sexual Misconduct Disciplinary Council for good cause, with written notice to the accuser and the accused regarding the reason for the delay.

### **The Hearing Process**

**Selection of Chairperson:** Prior to the hearing beginning, the Sexual Misconduct Disciplinary Council shall elect a Chairperson who shall preside over the hearing.

**Absence of the Accused:** The hearing shall proceed in the absence of the student.

**Overview of the Process:** The Title IX Coordinator will read out a brief overview of the process so that everyone present may have an understanding of the process. The Title IX Coordinator shall act to ensure the process is adhered to throughout the proceedings.

**Reading of the charges:** The elected Chairperson shall read out the alleged violations against the student prior to testimony or presentation of evidence.

**The plea:** The accused student, if present, shall enter their plea of admitting the charges or denying them. If the student is not present the plea of denial shall be entered to protect the rights of the accused and guarantee a full and comprehensive hearing. If the accused student enters an admission of all charges and does not wish to present evidence of mitigating circumstances, the Council will excuse the accused student from the proceeding and retire to deliberate a decision.

**Evidence:** Formal rules of evidentiary process do not apply. All applicable and relevant information may be admitted as evidence for either side. This may include, but need not be limited to, witness testimony, police or security reports, other documents, physical evidence, and security camera footage. All presented information shall be entered for the record and the Sexual Misconduct Disciplinary Council shall have the opportunity to examine the evidence and determine its weight and veracity in the matter.

**Advisors to Accuser and Accused:** EVCC will provide the accuser and the accused, whether either party is a student or an employee, the opportunity to be accompanied to hearings and proceedings by an advisor of their choice. This policy applies equally to the accused and the accuser. An advisor may be any individual who provides the accuser or the accused with support, guidance, or advice. The accuser or the accused must provide the Sexual Misconduct Disciplinary Council with written notice of a request to include an advisor at the proceedings. Such notice will include identification of the requested advisor. EVCC is prohibited from limiting the choice of an advisor, or an advisor's presence, for either the accused or the accuser in any meeting or institutional disciplinary proceeding.

EVCC may limit the role of any such advisor as it deems necessary. Such limits may include, but are not limited to, speaking, questioning witnesses, or addressing EVCC officials involved in the proceedings. Advisors who become disruptive or who do not abide by restrictions placed on their participation may be removed from the proceeding. EVCC will provide notification to all parties of any such limitations regarding an advisor's participation prior to scheduling a proceeding.

**Witnesses and Observers:** The accused student is allowed to have one silent observer present during the proceedings. A present accuser is entitled to have a silent observer present during their testimony. Witnesses shall only be present inside the hearing while giving testimony. As these hearings are an internal process there shall be no legal counsel allowed to represent participants at any time during the process.

The hearing shall be recorded with the college maintaining the only copy of the recording. Any witnesses not willing to be recorded shall be excluded from providing testimony as the recording will become part of the permanent record of the process and serve as evidence in any appeal.

**The Deliberation:** the Sexual Misconduct Disciplinary Council shall deliberate in a private closed session and shall arrive at a decision based solely on the evidence and testimony given in the matter. The council shall deliver their decision to the reporting CSA, Title IX Coordinator, and the accused student's program director. The decision shall include a recommended disciplinary action.

#### **Notification of Decision**

Within three (3) days of the decision being reached by the Sexual Misconduct Disciplinary Council, the accused student's program director will issue a written notification of the decision to the accused including the disciplinary action recommended. Within the same time frame, the Title IX Coordinator will issue a notification to the accuser of the Sexual Misconduct Disciplinary Council's determination and disciplinary action. Both the accuser and the accused have five (5) business days from the date of notification to submit a written appeal to the Title IX Coordinator.

#### **Appeal to the Title IX Coordinator**

An appeal of the Sexual Misconduct Disciplinary Council's decision to the Title IX Coordinator may only occur if it addresses the due process of the hearing or if new information is discovered that was not available at the time of the hearing. The Title IX Coordinator shall evaluate the appeal within five (5) business days and, upon reaching a decision, shall notify the appealing student, the reporting CSA, and the accused student's program director.

#### **The Decision and Recommendation for Appeals**

Upon an appeal of the Sexual Misconduct Disciplinary Council's decision, the Title IX Coordinator has the discretion to refer the matter back to the Sexual Misconduct Disciplinary Council for review of new evidence, to order a new hearing if due process was violated, bring new charges against the accused student based upon new evidence, or dismiss the complaint based on new evidence.

- **Grounds for appeal on the basis of due process:** If an accused student believes that the conduct of the Sexual Misconduct Disciplinary Council violated the impartial nature of the hearing, the hearing was not conducted fairly and according to proper processes per accused student's claims, or the accused student was in some way barred from an adequate opportunity to prepare and present a response to the allegations, the accused student may file an appeal.
- **Grounds for appeal on the basis of new information:** The accused student or other member of the campus community may appeal the decision of the Sexual Misconduct Disciplinary Council if new information that was not reasonably available or previously known to the accused, which would likely alter the outcome of a disciplinary hearing, becomes available. Such information

will not be considered as new information if it could have been previously discovered through reasonable avenues available to the accused student.

#### **Sexual Harassment Conduct Complaints Filed Against an EVCC Staff Member**

Sexual harassment of a member of the EVCC community toward another member of the campus community is a violation of EVCC policy and constitutes unfair treatment. Staff members found to be responsible or who are aware of such treatment by a member of the EVCC staff and do not disclose it to EVCC administration may be subject to disciplinary action, up to and including dismissal from employment with EVCC and/or criminal charges.

Student complaints of unfair treatment by a staff member will be managed according to the Student Grievance policies and procedures, which may be found in the *Course Catalog and Student Handbook*. If the alleged harasser is also the student's academic director, the grievance must be filed directly with the Academic Director, who will provide the Title IX Coordinator with a report. In such situations, with the exception of the initial filing of the grievance, formal grievance policies and procedures will be followed.

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**RESPONSIBLE AUTHORITY:** The responsible authorities to this policy are the Director of Operations, the Director of Compliance/Title IX Coordinator, and the President.

## Eastern Virginia Career College List of Aid and Assistance Resources

Area Emergency Healthcare and Counseling Resources, Aid and Assistance	Mary Washington Hospital Emergency Room <i>Mary Washington Hospital has specially trained staff for survivors of sexual assault.</i>	1001 Sam Perry Blvd. Fredericksburg, VA 22410 Nurse Line: (540) 741-1000
	Spotsylvania Regional Medical Center 24 Hour Emergency/Compassionate Care	4600 Spotsylvania Pkwy Fredericksburg, VA 22408 (540) 498-22408
	Primary and Urgent Care (PUC) <i>Hours: Mon-Fri. 8 a.m. – 9 p.m. Sat. 8 a.m. – 6 p.m. Sun. 9 a.m. – 6 p.m.</i>	10009 Southpoint Pkwy Fredericksburg, VA 22407 (540) 898-6600
Sexual or Domestic Assault, Aid and Assistance	Rappahannock Council Against Sexual Assault (RCASA) <i>Confidential, free sexual assault counseling 24 hours a day</i>	RCASA Hotline: (504) 371-1666
	Empower House <i>Confidential, free assistance for survivors of domestic violence, 24 hours a day</i>	Empower House Hotline: (540) 373-9373 or toll free at 1 (877) 734-7238
	Sexual Assault Support Services <i>Immediate, free, and confidential intervention assistance for survivors of sexual assault, 24 hours a day</i>	Sexual Assault Support Services Hotline: 1 (775) 221-7600
	National Domestic Violence Hotline	1 800-799-SAFE (7233)
	National Sexual Assault Hotline	1 800-656-HOPE (4673)
Emergency or Security Aid and Assistance	Spotsylvania County Sheriff's Office	Emergencies: 911 All other calls: (540) 582-7115
Crisis Aid and Assistance	24/7/365 Crisis Hotline <i>Help, support, assistance for any crisis, 24 hours a day.</i>	Crisis Hotline: 1 (800) 273-8255 or <u>Text "ANSWER" to 839863</u>
	National Suicide Prevention and Crisis Hotline <i>24-hour, toll-free suicide prevention service available to anyone in suicidal crisis</i>	1 (800) 273-8255 (TALK) or visit <a href="https://suicidepreventionlifeline.org/">https://suicidepreventionlifeline.org/</a>

<p>National Alliance on Mental Health (NAMI)  <i>A free service that will transfer your call to an appropriate national crisis line.</i></p>	<p>Help Line: 1-800-950-NAMI (6264)  <u>Text</u> NAMI to 741-741  NAMI email: <a href="mailto:info@nami.org">info@nami.org</a>  NAMI website: <a href="https://www.nami.org/">https://www.nami.org/</a>  NAMI Rappahannock (540) 847-6974  NAMI Rappahannock Email: <a href="mailto:elainelistens@gmail.com">elainelistens@gmail.com</a>  NAMI Rappahannock website:  <a href="http://namirapp.com/nrwp/">http://namirapp.com/nrwp/</a></p>	
<p>2-1-1 Virginia</p>	<p><i>2-1-1 Virginia will connect you to trained professionals who will listen to your situation and suggest sources of help, for free. 2-1-1 provides confidential referrals to government, nonprofit and community-based services that provide health and human services to the citizens of Virginia</i></p>	<p>Dial 211 from any Virginia phone or from out of state dial: 1 (800) 230-6977 or visit  <a href="https://www.211virginia.org/consumer/index.php">https://www.211virginia.org/consumer/index.php</a></p>
<p>Crisis and Emergency Housing</p>	<p><i>Hope House helps homeless children and families by providing shelter and finding housing in the City of Fredericksburg and the counties of Caroline, King George, Spotsylvania, and Stafford</i></p>	<p>(540) 371-0831  Website: <a href="http://loisannshopehouse.org/">http://loisannshopehouse.org/</a>  E-mail: <a href="mailto:info@hopehouseva.org">info@hopehouseva.org</a>  902 Lafayette Blvd, Fredericksburg, VA 22401  FAX: +1 540 372 6526</p>
	<p><i>Brisben Center provides at-risk and homeless men, women and children of Caroline County, King George County, Spotsylvania County, Stafford County, and the city of Fredericksburg with appropriate and essential shelter and services to affect positive life changes</i></p>	<p>(540) 899-9853  Website: <a href="https://www.brisbencenter.org/">https://www.brisbencenter.org/</a>  Email: <a href="mailto:info@brisbencenter.org">info@brisbencenter.org</a>  The Brisben Center  471 Central Road  Fredericksburg, Virginia 22401</p>
<p>Alcohol or Substance Abuse Support and Treatment Programs</p>	<p>Rappahannock Area Community Services Board(RACSB)  <i>Confidential, free help and support with emergency alcohol, and drug abuse 24 hours a day for the City of Fredericksburg and the counties of Caroline, King George, Spotsylvania, and Stafford.</i></p>	<p>Fredericksburg, Stafford, Spotsylvania:  (540) 373-6876  Caroline County:  1 (804) 633-4148  King George County:  (540) 775-5064  or visit <a href="https://racsb.peopleadmin.com/">https://racsb.peopleadmin.com/</a></p>
	<p>Substance Abuse and Mental Health Services Administration (SAMHSA)  <i>Find 24 hour free and confidential referrals and information on Behavioral Health Treatment, Opioid Treatment, Veteran's Crisis, and other mental health services</i></p>	<p>SAMHSA's National Helpline:  1 (800) 662-HELP (4357)  or visit <a href="https://www.samhsa.gov/find-help">https://www.samhsa.gov/find-help</a></p>

	Alcoholics Anonymous	Local Hotline: (540) 752-2228 or visit <a href="http://www.aavirginia.org/hp/">http://www.aavirginia.org/hp/</a>
	Al-Anon and Alateen	Rappahannock District Rep. (540) 842-9072 To find a meeting visit <a href="https://al-anon.org/al-anon-meetings/find-an-al-anon-meeting/">https://al-anon.org/al-anon-meetings/find-an-al-anon-meeting/</a>
	Narcotic Anonymous	Virginia Hotline: 1 (800) 777-1515 or visit <a href="http://www.car-na.org/">http://www.car-na.org/</a>
Legal Aid and Assistance	<p>Legal Aid Works  <i>Free to low income people          In the City of Fredericksburg and          counties of Stafford, Spotsylvania,          King George, and Caroline</i></p> <p>Legal Aid Works  <i>Free to low income people          in the counties of Westmoreland,          Northumberland, Richmond County,          Lancaster, Essex, King and Queen,          and King William</i></p> <p>Legal Aid Works  <i>Free to low income people in the          counties of Culpeper, Orange,          Madison, Rappahannock, and          Fauquier</i></p> <p>Legal Services of Northern Virginia  <i>Free to low income people in          Alexandria, Arlington, Fairfax,          Fredericksburg, Loudoun County, and          Prince William County</i></p>	<p>Phone: (540) 371-1105          Fax: (540) 371-1114          Email: <a href="mailto:LAWfred@LegalAidWorks.org">LAWfred@LegalAidWorks.org</a>          or visit <a href="http://www.legalaidworks.org/">http://www.legalaidworks.org/</a></p> <p>Phone: 1 (804) 443-9393          Fax: 1 (804) 443-9394          Email: <a href="mailto:LAWtapp@LegalAidWorks.org">LAWtapp@LegalAidWorks.org</a>          or visit <a href="http://www.legalaidworks.org/">http://www.legalaidworks.org/</a></p> <p>Phone: (540) 825-3131          Fax: (540) 825-3802          Email: <a href="mailto:LAWculp@LegalAidWorks.org">LAWculp@LegalAidWorks.org</a>          or visit <a href="http://www.legalaidworks.org/">http://www.legalaidworks.org/</a></p> <p>Phone: 1 (703) 778-6800          or visit <a href="http://www.lsnv.org">http://www.lsnv.org</a></p>
Financial Aid and Assistance	Eastern Virginia Career College Financial Aid Office <i>EVCC provides access to and          assistance with Title IV Financial Aid          and Veteran's benefits for eligible          students</i>	EVCC Financial Aid Office: (540) 373-2200 or visit <a href="http://evcc.edu/financial-aid/">http://evcc.edu/financial-aid/</a>

EVCC-6/6/2018

## Eastern Virginia Career College

**Annual Security Report, Campus map, as specified in the *Handbook for Campus Safety and Security, 2016 Edition*. ©2018 Eastern Virginia Career College**

