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## I. NOTICE OF NON-DISCRIMINATION

Hampton University ("University") adheres to the principle of equal education and employment opportunity and does not discriminate against anyone in education or employment on the basis of age, sex, pregnancy, sexual orientation, gender identity, race, color, creed, religion, disability, genetic information, national origin, military or veteran status or for engaging in protected activity. This policy extends to all students and employees and applicants for admission and/or employment. Further, it extends to all programs and activities supported by the University; including the Undergraduate College, College of Continuing Education, College of Virginia Beach, the Graduate College, University sponsored study abroad and University sponsored internships.

The following persons have been designated to handle inquiries regarding the University's policies prohibiting discrimination based on sex in accordance with Title IX of the Education Amendments of 1972 ("Title IX"):

**Title IX Coordinator**  
for Hampton University:

Kelly Harvey-Viney, J.D.  
Wigwam Building – Rm 205  
Hampton University  
Hampton, VA 23668  
757-727-5426  
[kelly.harvey-viney@hamptonu.edu](mailto:kelly.harvey-viney@hamptonu.edu)

**Title IX Specialist**  
for Hampton University:

Terri Haskins  
Wigwam Building – Rm 205  
Hampton University  
Hampton, VA 23668  
757-727-5426  
[terri.haskins@hamptonu.edu](mailto:terri.haskins@hamptonu.edu)

In addition, information concerning Title IX can be obtained from:

**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)

For other inquiries concerning the University's policy on nondiscrimination or to make a complaint of discrimination, please contact:

**STUDENTS**  
Woodson Hopewell  
Dean of Judicial Affairs & Housing  
2<sup>nd</sup> Floor Student Center  
Hampton, VA 23668  
757-757-5303  
Email: [woodson.hopewell@hamptonu.edu](mailto:woodson.hopewell@hamptonu.edu)

**EMPLOYEES INCLUDING FACULTY**  
Rikki R. Thomas  
Director of Human Resources  
53 Marshall Avenue  
Hampton, VA 23668  
757-727-5250  
Email: [rikki.thomas@hamptonu.edu](mailto:rikki.thomas@hamptonu.edu)

## II. DISCRIMINATION COMPLAINT PROCEDURES

Hampton University has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging discrimination and/or harassment in violation of its policies of non-discrimination, adopted in accordance with the various state and federal civil rights acts governing employees and students in education and employment including, but not limited to, Titles VI and VII of the Civil Rights Acts, Title IX of the Education Amendments Act ("Title IX"), Section 504 of the Rehabilitation Act, the Americans with Disabilities Act and the Age Discrimination in Employment Act.

- A. Complaints Alleging Sex Discrimination and/or Harassment in Violation of Title IX**  
Complaints by Students and Employees including Faculty alleging sex discrimination and/or harassment in violation of Title IX should be directed to one of the following University officials:

**Title IX Coordinator**

Kelly Harvey-Viney, J.D.  
Wigwam Building – Rm 205  
Hampton University  
Hampton, VA 23668  
(757) 727-5426  
[kelly.harvey-viney@hamptonu.edu](mailto:kelly.harvey-viney@hamptonu.edu)

**Title IX Specialist**

Terri Haskins  
Wigwam Building – Rm 205  
Hampton University  
Hampton, VA 23668  
(757) 727-5426  
[terri.haskins@hamptonu.edu](mailto:terri.haskins@hamptonu.edu)

See Section III, Policy and Procedures on Sexual Discrimination and Misconduct (Title IX).

- B. Complaints Alleging Discrimination and/or Harassment NOT Involving Title IX**

**i. EMPLOYEES INCLUDING FACULTY**

Complaints by Employees including Faculty alleging discrimination and/or harassment in violation of Hampton University's policies on non-discrimination not involving Title IX should be directed to:

Rikki R. Thomas  
Director of Human Resources  
53 Marshall Avenue  
Hampton, VA 23668  
757-727-5250  
Email: [rikki.thomas@hamptonu.edu](mailto:rikki.thomas@hamptonu.edu)

For details concerning these complaint procedures, please see either: Education Support Staff Handbook or Faculty Handbook.

**ii. STUDENTS**

Complaints by Students alleging discrimination and/or harassment in violation of Hampton University's policy on Non-Discrimination involving claims other than those arising under Title IX should be directed to:

Woodson Hopewell  
Dean of Judicial Affairs & Housing  
2<sup>nd</sup> Floor Student Center  
Hampton, VA 23668  
Telephone: 757-727-5303  
Email: [woodson.hopewell@hamptonu.edu](mailto:woodson.hopewell@hamptonu.edu)

**iii. STUDENT COMPLAINT PROCEDURES NOT INVOLVING TITLE IX**

- a. The student should make the complaint verbally or in writing to the Dean of Judicial Affairs & Housing. If, however, the complaint involves the Dean of Judicial Affairs & Housing, then the complaint should be directed to the Director of Human Resources and will be handled in accordance with the Faculty Handbook procedures, Section 1.3.1.
- b. In making a complaint, the student should provide sufficient information to identify the parties involved, any witnesses, the alleged discrimination and all facts that support the allegations of discrimination.
- c. The Dean of Judicial Affairs & Housing (hereinafter "Investigator") shall immediately begin an investigation of the complaint. The investigation will involve meeting with all parties and witnesses. The complainant and the person(s) against whom the allegation of discrimination have been made and their respective representatives, if any, will be provided an opportunity to submit information, written statements and documentation regarding the complaint allegations. To the extent appropriate, interim measures for the protection of the complaining party may be taken while the investigation is pending.
- d. Within 30 days of receipt of the complaint, unless the Investigator has notified the parties in writing that the facts require a longer investigation, the Investigator shall issue a written determination as to the complaint, including the investigative findings, and provide such written determination to the Reporting Party and the Responding Party. The Dean of Judicial Affairs and Housing will implement prompt remedial action to remedy any discrimination or harassment that he concludes has occurred.
- e. Either party may appeal the findings of an investigation by submitting a written document within seven (7) days of notification of the determination to the Vice President for Administrative Services, Hampton University, Hampton, VA 23668 who shall refer the appeal to a three (3) member Appeals Committee consisting of a representative from Student Affairs, a Faculty representative and the Assistant Provost. The appeal must specify with particularity the irregularities of the Investigator's determination. The Vice President for Administrative Services must inform the parties of the appeal decision within fourteen (14) days of the receipt of the appeal.
- f. Although Hampton University will make every effort to comply with these timelines, circumstances such as school breaks, may justify an extension of time. If such an extension is warranted, the parties will be advised in writing.
- g. Retaliation against any person who files a complaint of alleged discrimination or harassment, participates in an investigation, or opposes a discriminatory or harassing education practice or policy is prohibited under University policy and by state and federal law. An individual who believes he or she was subjected to retaliation can file a complaint about the alleged retaliation under these procedures. If it is determined that retaliation has occurred, sanctions may be imposed, including, but not limited to, suspension or termination.

### III. POLICY AND PROCEDURES ON SEXUAL DISCRIMINATION AND MISCONDUCT (TITLE IX)

#### **Title IX of the Education Amendments of 1972**

*No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.*

*~ 20 U.S. Code § 1681*

#### **A. Statement of Policy**

The Hampton University Policy on Sexual Discrimination and Misconduct is designed to ensure an environment that is safe and free from sexual discrimination, harassment or misconduct for the members of the Hampton University community.

Sexual harassment is a form of sexual discrimination and includes sexual misconduct and/or sexual violence. The University is committed to maintaining an environment that is free from sex-based violence and in which the freedom to make individual choices regarding sexual behavior is respected by all.

Sexual discrimination, harassment or misconduct is unacceptable and will be addressed in a prompt, equitable fashion in accordance with this policy and the applicable procedures. Additionally, the University prohibits Retaliation against anyone who exercises his or her rights in accordance with this policy.

#### **B. To Whom This Policy Applies**

- i. This policy applies to all Students who are registered to take classes at Hampton University; all University employees including full-time and adjunct faculty; full-time, part-time and temporary staff; and contractors, vendors, visitors, guests and third-parties.
- ii. This policy applies to conduct that takes place on the campus of the University, at University sponsored events (including academic, social and athletic events), University sponsored Study Abroad Programs, University sponsored internships and may apply off-campus and to actions online if the Title IX Coordinator determines the conduct falls within the scope of Title IX and policies pertaining thereto.

#### **C. Purpose**

This policy is designed to help the University prevent sexual discrimination, harassment and misconduct on its campus and in its programs, and further help the University to comply with the following statutes:

- Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in education programs or activities,
- the Violence Against Women and Department of Justice Reauthorization Act of 2005,
- the Higher Education Act of 1965, and
- the Clery Act, each as amended.

**D. Jurisdiction**

The University has jurisdiction over Title IX complaints and investigations. The applicable police department will have jurisdiction over criminal complaints and investigations.

**IV. HAMPTON UNIVERSITY TITLE IX OFFICE****Title IX Coordinator**

Kelly Harvey-Viney, J.D.  
Wigwam Building – Rm 205  
Hampton University  
Hampton, VA 23668  
(757) 727-5426  
[kelly.harvey-viney@hamptonu.edu](mailto:kelly.harvey-viney@hamptonu.edu)

**Title IX Specialist**

Terri Haskins  
Wigwam Building – Rm 205  
Hampton University  
Hampton, VA 23668  
(757) 727-5426  
[terri.haskins@hamptonu.edu](mailto:terri.haskins@hamptonu.edu)

**A. Responsibilities of the Title IX Coordinator:**

- Oversees compliance with Title IX at Hampton University;
- Responds to and investigates all sexual discrimination, harassment and misconduct complaints, to include analysis of policy, determination of violation, and the filing of detailed reports;
- Informs students and employees on the options of filing a formal complaint through the Title IX Office and/or filing of a criminal or civil complaint;
- Implements interim safety measures. This may include, but is not limited to, alternative housing arrangements, academic adjustments, no contact orders and referral to campus and local resources;
- Meets with students, faculty and staff to provide training and education on Title IX and the policies, procedures and services at Hampton University;
- Evaluates requests for confidentiality;
- Works with the appropriate University departments, offices or divisions to accommodate persons seeking services and support under Title IX, including counseling and health center services, campus safety measures with the University Police Department, if necessary, and the Director of Testing Compliance and Disability Services for pregnancy related medical accommodations; and
- Coordinates with local agencies to meet the support needs of persons seeking redress under Title IX, to include Transitions Family Violence Services, the Center for Sexual Assault Survivors, appropriate area law enforcement agencies, and area hospitals.

**B. Responsibilities of the Title IX Specialist:**

- Coordinates with the Title IX Coordinator on compliance and training on Title IX policies at Hampton University;

- Provides administrative support to the Title IX Coordinator on projects and initiatives involving Title IX at Hampton University and in the community;
- Educates University employees, students, faculty and staff on Title IX policies and procedures at Hampton University;
- Provides resources and publications to faculty, staff and students to help in educating the University community about Title IX; and
- Updates the Hampton University community on changes to the Title IX policies and regulations from the state and federal government.

**C. Responsibilities of the Title IX Investigator:**

- Reports to the Title IX Coordinator and assists in resolving complaints of sexual misconduct, sexual harassment, sexual assault, gender-related violence including stalking, dating violence and domestic violence involving undergraduate and graduate students, faculty and staff at the University;
- Identifies University policies and/or Student Conduct Code provisions relevant to a complaint;
- Conducts a prompt, equitable and impartial administrative investigation into complaints;
- Provides information to students, employees and others regarding the Title IX Policy and other University policies related to discrimination, harassment and sexual conduct;
- Creates and facilitates training/presentations to students and other campus constituencies regarding the University's Title IX policies and processes; and
- Develops and maintain relationships with campus and community partners. Collaborate with on and off campus resources including law enforcement and victim services in resolving complaints and work with the Title IX Coordinator to ensure that the University's processes, responses, and policies are consistent with federal and state laws and regulations related to compliance.

**V. RESOURCES**

The following Confidential and Non-Confidential Resources are available for victims of sexual discrimination, harassment, or violence.

**A. Confidential Resources**

A Confidential Resource has no requirement to report incidents of sexual discrimination, harassment or violence. Below is a listing of Confidential Resources with their contact information:

Hampton University Student Counseling Center	(757) 727-5617
Hampton University Student Health Center	(757) 727-5315
Hampton University Chaplain	(757) 727-5340
Riverside Regional Emergency/Trauma Center	(757) 594-2050
Sentara Careplex Emergency Room	(757) 736-2010
The Center for Sexual Assault Survivors	(757) 599-9844
Transitions Family Violence Services	(757) 722-2261

**B. Non-Confidential Resources**

A Non-confidential Resource has an obligation to report incidents. Below is a listing of Non-confidential Resources with their contact information:

Hampton University Police Department	(757) 727-5300
Title IX Coordinator	(757) 727-5426
Title IX Specialist	(757) 727-5426
Dean of Judicial Affairs and Housing	(757) 727-5303
Dean of Residence Life	(757) 727-5486

**VI. PROHIBITED CONDUCT AND DEFINITIONS**

**A.** In accordance with Title IX, the University prohibits any conduct that constitutes sexual discrimination, sexual misconduct, sexual harassment or retaliation against anyone who exercises his or her rights and privileges under Title IX, including, filing a complaint of sexual harassment, misconduct, and/or discrimination, participating in an investigation or hearing or opposing a discriminatory employment or education practice prohibited by this policy, or Title IX.

**B. Definitions**

The following definitions further explain the conduct prohibited under this policy and are applicable regardless of gender, sexual orientation or gender identification:

1. **Sexual Discrimination** includes denying an individual the right to participate in a program solely based on their gender, denying an individual a job or promotion solely based on their gender, or granting or denying benefits based on sexual stereotypes. It further includes sexual misconduct and sexual harassment. Sex discrimination also includes discrimination on the basis of pregnancy, childbirth, miscarriage, termination of pregnancy, or recovery from any of these conditions.
2. **Sexual Harassment** as a form of sexual discrimination refers to unwelcomed and unsolicited conduct of a sexual nature, whether by members of the same sex or of the opposite sex. It includes unwelcome sexual advances, requests for sexual favors and other verbal, nonverbal or physical conduct of a sexual nature, and is specifically prohibited when:
  - a. Submission to such conduct is made explicitly or implicitly a term or condition for an individual's work performance or academic performance;
  - b. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions, performance evaluation, or academic performance evaluation concerning a member of the University; or
  - c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance, or ability to participate in or benefit from the University's programs, or of creating an intimidating, hostile, or offensive work or educational environment.
3. **Sexual Misconduct** is a form of sexual harassment. It includes a broad range of behaviors such as inappropriate physical touching, sexual exploitation, stalking, non-consensual sexual contact, non-consensual intercourse, domestic violence, dating violence, sexual assault, rape and other forms of sexual violence.

4. **Retaliation** for the purposes of this policy occurs when an individual is subjected to adverse action, intimidation, threats, coercion or discrimination in order to interfere with any right or privilege secured by Title IX or this policy or because of an individual's participation or involvement in any fashion in exercising rights under Title IX or this policy, including but not limited to making a complaint or report, participating in an investigation, or testifying as a witness.
5. **Hostile Environment** exists as a form of sexual harassment under Title IX when sexually harassing conduct is sufficiently severe or pervasive to alter the conditions of employment or education and creates an abusive work or educational environment. A single or isolated incident of sexual harassment may create a hostile environment if the incident is sufficiently severe. An example of the latter is a single instance of rape.
6. **Sexual Assault** is a form of sexual misconduct. It encompasses sexual assault and battery, non-consensual sexual contact, non-consensual sexual intercourse and other violent sexual behavior. Sexual assault and battery includes, but is not limited to, forced sexual intercourse, rape or any intentional unpermitted or unwanted sexual contact by the accused, acquaintance or stranger, either directly or through the clothing, or with the victim's genitals, breasts, thighs, buttocks, or mouth, without the victim's consent. Sexual assault and battery also includes touching or fondling of the victim by the accused when the victim is forced to do so against his or her will.
7. **Sexual Exploitation** is taking sexual advantage of another person without effective consent and includes, by way of example but not limitation, causing the prostitution or other incapacitation of a person for a sexual purpose; electronically recording, photographing or otherwise transmitting intimate or sexual utterances, sounds or images of another person; voyeurism; exposing one's genitals or inducing another to do so or knowingly transmitting a sexually transmitted disease.
8. **Coercion** occurs when an unreasonable amount of pressure is used to engage in sexual activity, and/or the practice of persuading or forcing someone to do something by use of force or threats.
9. **Domestic Violence** occurs when a current or former spouse, intimate partner or other person with whom the victim has shared a close family or living relationship within the previous 12 months uses or threatens physical or sexual violence. Domestic violence also may take the form of a pattern of behavior that seeks to establish power and control through emotional abuse or by causing fear of physical or sexual violence.
10. **Dating Violence** occurs when a person with whom the victim has shared a close social relationship of a romantic or intimate nature uses or threatens physical or sexual violence.
11. **Stalking** is engaging in a course of behavior directed at a specific person that would cause a reasonable person to fear for his or her own safety or the safety of others or to suffer substantial emotional distress.
12. **Intimidation** involves inducing fear, especially to cause or force an individual to engage in a specific action.

13. **Consent** is a voluntary agreement to engage in sexual activity. Consent for sexual activity can only be obtained in situations where all people involved have equal power and full awareness in deciding what sexual activity will and will not happen during an encounter.
- Consent cannot be gained by force, intimidation, threat, coercion, or by taking advantage of another's incapacitation.
  - The use of alcohol or drugs may affect a person's ability to consent to sexual contact.
  - Silence, previous consent, or absence of resistance does not imply consent.
  - Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another.
  - Consent is not final or irrevocable and can be withdrawn at any time.
  - Members of the University community choosing to engage in any form of sexual activity – from touching or kissing to intercourse – must obtain consent from their partner(s) prior to engaging in such activity.
14. **Incapacitation** is the physical and/or mental inability to make informed, rational judgments. One who is incapacitated cannot provide effective consent. States of incapacitation include sleep, unconsciousness, intermittent consciousness, and blackouts. Incapacitation may result from the consumption of alcohol or the use of drugs.

## VII. POLICY AND PROCEDURE ON PREGNANCY AND PREGNANCY-RELATED CONDITIONS

Title IX prohibits discrimination on the basis of sex in education and in programs and activities that receive federal funding. This prohibition includes discrimination on the basis of pregnancy, childbirth, miscarriage, termination of pregnancy, or recovery from any of these conditions.

Students have the right to continue participating in classes and extracurricular activities during pregnancy. Students may request adjustments based on general pregnancy needs. Requests for adjustments must be made in writing to the Title IX Office. Such requests will be handled on a case-by-case basis depending on the student's medical needs and academic requirements.

In addition, if a student is unable to attend classes or complete academic requirements due to a medical condition related to pregnancy or childbirth, the student can request a reasonable accommodation. Such a request must be made in writing to the Title IX Office. The Title IX Office may coordinate with the Director of Testing Compliance and Disability Services in considering and reviewing such requests for accommodations. Requests for accommodations based on a medical condition due to a pregnancy-related condition must be accompanied by medical documentation detailing: 1) the pregnancy-related disability; 2) how it limits the student's participation in courses, programs, services, jobs, or activities; and 3) specifics concerning the accommodation that is needed. The University will consider requests for reasonable accommodation on a case-by-case basis.

Title IX requires the University to excuse a student's absences due to pregnancy or related conditions, including recovery from childbirth, with medical approval. Students requiring a medical leave must make a request in writing to the Title IX Office. Such a request must be

accompanied by medical documentation supporting the need for the medical leave. The Title IX Office may coordinate with the Director of Testing Compliance and Disability Services in reviewing such requests for accommodations.

The University must allow a student to return to the same academic and extracurricular status as before a medical leave began, including providing the student to make up any missed work. The University may offer the student alternatives to making up missed work, such as retaking a semester, taking a leave of absence or allowing the student additional time in a program to continue at the same pace and finish at a later date. The Title IX Coordinator and the student's Academic Advisor or appropriate academic representative in the student's field of study will meet with the student to discuss options available to the student based on the student's current status and program requirements.

## **VIII. REPORTING SEXUAL DISCRIMINATION, MISCONDUCT AND RETALIATION**

Under Title IX, it is the responsibility of the University to ensure that students are not denied the benefit of or limited in participating in any University education program or activity on the basis of sex. Hampton University has an obligation to respond to reports and notifications of sexual violence. When the University has jurisdiction and has received notice of sexual violence, by law, the University must take prompt and effective steps to end the sexual violence, prevent its recurrence, and remedy its effects.

The University is committed to fostering a safe environment for victims of sexual discrimination, sexual harassment, sexual violence and retaliation, and is committed to offering help and support. Victims are encouraged to report incidents of sexual discrimination, harassment, misconduct or retaliation.

### **A. Responsible Employee**

- i. A Responsible Employee is anyone at the University, including faculty, administration, the Hampton University Police Department, Title IX Coordinator, Title IX Specialist, Title IX Investigator, the Dean of Judicial Affairs and Housing, and the Dean of Residence Life, with authority or a duty to respond and/or report sexual discrimination, sexual harassment, sexual violence and retaliation to the Title IX Coordinator or appropriate personnel.
- ii. The University requires Responsible Employees, who in the course of their employment obtain information that an act of sexual discrimination, harassment and/or misconduct or retaliation has occurred against a student attending the University on campus, in or on a non-campus building or property used or controlled by the University, or on any public property that is adjacent to or accessible from a campus building or University-controlled facility, to report promptly the incident to the University's Title IX Coordinator.
- iii. In addition, Hampton University also encourages anyone who is or knows someone who has been a victim of sexual violence and/or misconduct to report promptly the incident to the Hampton University Police Department (HUPD).
- iv. HUPD may be reached at (757) 727-5300 and is available to explain the procedures for pursuing a criminal investigation of the alleged sexual misconduct or violence. HUPD will investigate every incident reported to determine if a crime has been committed. Any criminal investigation will be separate and distinct from any investigation undertaken in accordance with Title IX. A criminal complaint and investigation may run simultaneously with a Title IX complaint and investigation. For immediate assistance call HUPD at (757) 727-5666 or 911.

- v. Pursuant to the Clery Act, the University is required to disclose statistics of certain crimes, including sexual offenses, violations of drug, liquor, or weapons laws, and hate crimes that result in an arrest or disciplinary referral.

**B. Amnesty for Complainant and Witnesses**

The reporting of sexual discrimination, sexual harassment or sexual misconduct and retaliation by complainants and witnesses is encouraged by Hampton University. In support of a Reporting Party and witness who participate in the complaint process, Hampton University may offer amnesty from other student conduct policies at the University. This determination will be made by the Vice President for Administrative Services and other appropriate University Administrators.

**IX. CONFIDENTIALITY**

**A. Confidentiality and Privacy**

- i. The University will make every effort to protect the confidentiality and privacy of students who report, are third-party complainants, or are named in a report of sexual discrimination, harassment and/or misconduct. The University will also strictly enforce the prohibition on retaliation.
- ii. Information reported will be shared only on a need-to-know basis. The University will also take steps to protect members of its community against further misconduct.
- iii. Confidentiality, privacy and retaliation protections exist in part to help encourage students who experience sexual discrimination and/or misconduct to come forward and to permit an investigation to proceed.
- iv. The University will not begin an internal administrative investigation or make a referral to law enforcement without the consent or knowledge of the reporting party; however, the University must consider its obligation to other students and the campus community.
- v. The Title IX Coordinator will decide whether an investigation or referral is required after evaluating the risk of the alleged offender harming other members of the campus community, and, the likelihood of the University being able to proceed without the active participation of the reporting party (if applicable), by considering:
  - a. The nature of the alleged misconduct, including whether it involved a weapon or use of physical force;
  - b. The existence of evidence of predatory behavior;
  - c. Any prior credible reports of misconduct by the alleged perpetrator; and
  - d. The existence of evidence other than the reporting party's testimony, such as physical evidence, recordings, documentary evidence, or written statements provided by the reporting party.

**B. If Confidentiality cannot exist**

While the University is supportive of a student's request for confidentiality, if that request must be denied due to safety or other concerns as determined by the Title IX Coordinator, the University will inform the Reporting Party.

## **X. FILING A COMPLAINT OF SEXUAL DISCRIMINATION AND/OR MISCONDUCT OR RETALIATION**

To file a complaint of sexual discrimination, harassment and/or misconduct or retaliation, an individual should contact the Title IX Office.

### **A. Process of Reporting a Complaint**

i. The following steps should be taken to file a complaint:

1. Report the incident to the Title IX Coordinator.
2. Once an incident is reported, the Title IX Coordinator will provide information concerning the University's policies and services for victims of sexual discrimination, harassment and/or misconduct, other applicable offenses under Title IX, (See Section VI, B 1-14), and its procedures for determining, investigating, and handling such complaints, including the procedures for proceeding with a formal complaint and investigation.
3. The Title IX Coordinator will make an initial assessment to determine the specific violations under the University's Title IX Policy, assess the needs of the Reporting Party, and provide interim measures if necessary which may include when appropriate:
  - a. Academic accommodations,
  - b. Safety measures,
  - c. Issuance of No Contact Orders,
  - d. Modification of schedules,
  - e. Changes in housing or work locations,
  - f. Campus escort services,
  - g. Leaves of absence.
4. Following the Title IX violations assessment, either an informal resolution or a formal investigation of the complaint will occur.

ii. Informal Resolution

The Title IX Coordinator may facilitate the informal resolution of a complaint between the parties, including mediation, provided the following conditions are met:

- a. All parties voluntarily agree to participate in an informal resolution after full disclosure of the allegations and their options for a formal investigation, and
- b. The Title IX Coordinator concludes that the particular Title IX complaint is appropriate for informal resolution. If this conclusion is reached, the matter is referred to Judicial Affairs for resolution.

iii. Formal Investigation

A formal investigation will include the following:

- a. An interview with the Reporting Party, the Responding Party and other possible witnesses.
- b. Recordings – All interviews conducted by the Title IX Coordinator and a Reporting Party, Responding Party or witnesses will be recorded with appropriate consent according to the laws of the

Commonwealth of Virginia. A Reporting Party will not be allowed to record any meeting pursuant to this process.

- c. The Title IX Coordinator will also gather other related information or documents.
- d. A Reporting Party or a Responding Party has **one week** following the initial interview to provide further evidence or documentation in support of his or her claims. This includes evidence such as pictures, videos, screen shots of text messages, letters, or other written materials, like Protective Orders or other court documents.
- e. Following an investigation, an Investigative Report will be prepared by the Title IX Coordinator summarizing the information compiled. This report is then forwarded to the Sexual Discrimination and Misconduct Committee for adjudication and potential sanctions.
- f. A party to a formal complaint may request to review the final investigative report in writing with the Title IX Office. All documents, including the final investigative report generated by the Title IX Office, are considered an education record under FERPA and are subject to federal law and the records management procedures at the University. At the discretion of the Title IX Coordinator, a reasonable amount of time will be given for review of the document by the party. No one is allowed to accompany the party who submitted the written request during the review. Review will not be allowed within three (3) days of a scheduled hearing with the Sexual Discrimination and Misconduct Committee. Cell phones and computers will not be allowed during the review. Written notes of the report are permitted.

iv. Failure to Comply

When a Reporting Party, Responding Party or witness is contacted by the Title IX Coordinator or other appropriate University officials requesting an interview for the purposes of carrying out a Title IX investigation, students are expected to comply. Failure to comply, by not responding to inquiries to make an appointment with the Title IX Coordinator for an interview or scheduling an appointment, but failing to show up, will result in student sanctions pursuant to the Student Code of Conduct Policy on Personal Honesty and Integrity. (*See Sanctions*) Failure to comply could also result in a hold on a student's registration or a delay in the release of other official records at the university.

v. Investigation Timeline

The investigation will be conducted in accordance with the following timeline, unless the Title IX Coordinator determines that sufficient extenuating circumstances exist as to necessitate an extension of time:

- a. The formal investigation shall be completed within thirty (30) calendar days of a report being filed.
- b. The investigation and adjudication before the Sexual Discrimination and Misconduct Committee, including notification of the outcome, will be completed within sixty (60) calendar days of a report being filed,
- c. If the Title IX Coordinator determines in his or her discretion that an extension of time is required, he or she will notify both the Reporting Party and the Responding Party in writing.

**B. Complaints of Sexual Violence and the Sexual Assault Threat Assessment Team**

Any complaint involving sexual violence will be forwarded to the Sexual Assault Threat Assessment Team, following an initial assessment by the Title IX Coordinator, for review and a determination of whether disclosure to local law enforcement is warranted.

Pursuant to the Code of Virginia § 23.1-806, the **Sexual Assault Threat Assessment Team** (“Team”) shall:

- i. Consist of three (3) members with representatives from the Title IX Office, Student Affairs, and the HUPD who will review all information relating to acts of sexual violence. The Threat Assessment team may obtain law enforcement records, criminal history records, health records, institutional conduct or personnel records and any other known facts or information on record and known to the university or law enforcement.
- ii. Upon receipt of a complaint involving sexual violence, convene within 72 hours to review the information relating to the complaint of sexual violence and determine if the incident, circumstances or the parties involved are a threat to the health and/or safety of the campus at large.
- iii. If the Team determines there is no threat, the Title IX Coordinator continues the investigation into the incident and comports with the mandates and timeline as outlined in the University policy.
- iv. If the Team determines there IS a threat, the HUPD representative on the Team will disclose and route the information to the City of Hampton Police Division who is responsible for investigating the act of sexual violence.
- v. When such disclosure is made to local law enforcement, the Title IX Coordinator shall notify the Reporting Party of the disclosure in writing.

**C. Criminal Complaints**

The Title IX investigation is independent of any criminal proceeding and can continue separately, yet concurrently with any criminal investigation.

**D. Non-Student Involvement**

Should an incident of sexual discrimination, harassment or misconduct involve a University student and a person or student that is not affiliated with the University, appropriate steps will be taken including, an investigation, reporting and coordination with, for example, the visiting school or law enforcement.

The Vice President for Administrative Services will communicate all findings to parties involved, including action and remedies for the victim and the University at large.

**E. False Allegations**

Reporting deliberately false or malicious allegations under this policy is a serious offense. If proven to be false, the party found guilty of making false allegations will be subject to appropriate University disciplinary action.

**F. Conclusion of Formal Investigation**

At the conclusion of the formal investigation, the Title IX Coordinator will refer the case and all investigation findings to the Sexual Discrimination and Misconduct Committee. The matter will then be handled in accordance with Hampton University’s Sexual Discrimination and Misconduct hearing process as set forth below.

## XI. PROCEEDINGS BEFORE THE SEXUAL DISCRIMINATION AND MISCONDUCT COMMITTEE

### A. Hearing Determination

The Sexual Discrimination and Misconduct Committee is responsible for adjudicating complaints that allege violations of Title IX and Title IX regulations including retaliation claims.

If a complaint falls under Title IX, as determined by an investigation by the Title IX Coordinator, the formal report is then handed over to the Sexual Discrimination and Misconduct Committee for review as follows:

- i. Notice and Timeline - Within thirty (30) days of receipt of the findings from the Title IX Coordinator's investigation, the Sexual Discrimination and Misconduct Committee ("Committee") will convene to review documentation, meet with all parties and conduct a hearing. The appropriate administrator (the Vice President for Administrative Services for students; the Chancellor and Provost for a Faculty member; or the Vice President for Business Affairs and Treasurer for a Staff member) will notify the parties involved in writing of the scheduled date, time and location of the hearing. If for any reason a party cannot be physically present, they may participate through electronic means or via phone. A written request must be submitted at least three (3) days prior to a scheduled hearing to be considered for this accommodation. A hearing may proceed without the presence of a party.
- ii. Standard of Review - The standard of review will be based on the Preponderance of the Evidence, which means it is more likely than not that sexual discrimination, harassment, or misconduct occurred. The Preponderance of the Evidence does not require proof beyond a reasonable doubt.
- iii. Hearing Format - The Hearing allows parties to be heard in an unbiased, non-judgmental setting by a group of professionals who are appropriately trained in accordance with state and federal Title IX laws and regulations. Each party will be provided the opportunity to submit any and all information in support of their respective positions, including documentary evidence and witnesses. Parties may not directly question each other or any witnesses present; however, they may pose appropriate questions to the Committee. The Chair of the Committee will make opening remarks outlining the general procedures of the hearing. Both the Reporting Party and the Responding Party will be allowed opening remarks. Members of the Committee will ask relevant questions of both parties and are allowed follow-up questions.
- iv. Sexual History - Evidence regarding a Reporting Party's sexual history unrelated to the Responding Party will not be permitted.
- v. Advisors - Each party will also be provided with the option of having up to **two** advisors present, including a professor, parent, legal guardian, or lawyer during the hearing process. Advisors are allowed for consultation purposes and support of the Reporting Party or the Responding Party but are not allowed to speak or provide testimony during the hearing. In the event an advisor's actions disrupt the proceedings, the Committee reserves the right to remove the individual.

### **B. Post Hearing Procedures**

- i. Within ten (10) days of convening a hearing, the Committee will render its final determination based on the preponderance of the evidence presented to it and will forward its decision in writing to the appropriate administrator: the Vice President for Administrative Services for students; the Chancellor and Provost for a Faculty member; or the Vice President for Business Affairs and Treasurer for a Staff member. The appropriate administrator will then forward the final decision including any determination as to disciplinary action to the party under their respective jurisdictions.
- ii. This written decision shall be received by all parties within sixty (60) calendar days of a report being filed, unless the Title IX Coordinator in her discretion has granted an extension and informed all parties in writing of such extension.
- iii. **The decision of the Sexual Discrimination and Misconduct Committee is final.**

## **XII. STUDENT SANCTIONS**

### **A. Definition of Penalties:**

The following definitions are established in order that penalties may be clearly understood:

- i. **Warning:** Notice, orally or in writing, that continuation or repetition of misconduct, within a period of time stated in the warning, may be cause for more severe disciplinary action.
- ii. **Disciplinary Probation:** Exclusion from participation in privileged or co-curricular institution activities as set forth in the notice for a period of time not exceeding one school year.
- iii. **Censure:** A written reprimand for violation of specified regulations, including the possibility of more severe disciplinary sanctions in the event of being found in violation of any university policy within a specified period of time.
- iv. **Interim (Immediate) Suspension:** Suspension pending a hearing upon the recommendation of the Sexual Assault Threat Assessment Team of imminent danger to person or property on the campus. In such cases, a hearing will be held as soon as practicable.
- v. **Suspension (Indefinite/Contingent):** The exclusion of a student from the University for an unspecified or specified period of time.
- vi. **Suspension, held in abeyance:** A disciplinary measure imposed for violation of University policy that warrants separation, but in which some merit is found to allow the student to continue academic work only, or while further investigation or review of other evidence is being done. Failure to follow prescribed restrictions during any period of abeyance or additional violations of university policies will result in the immediate imposition of separation from the university up to and including expulsion.

- vii. **Expulsion:** Permanent separation from the University. The student is not permitted to enroll or matriculate at any time.
- NOTE: A student who is suspended or expelled from Hampton University is denied any privileges of the University during the period specified.
  - Notification of such action will be in writing.
  - The student will be given no longer than 24 hours to remain on campus without written permission from the Vice President for Administrative Services.
  - This policy also applies to academic suspension or expulsion.

### **XIII. TRANSCRIPT NOTATION**

In accordance with Virginia Code §23.1-900, the Registrar shall include a prominent notation on the academic transcript of each student who has been suspended for, has been permanently dismissed for, or withdraws from the institution while under investigation for an offense involving sexual violence. Such notation shall be substantially in the following form: “[Suspended, Dismissed, or Withdrew while under investigation] for a violation of university’s policy for sexual discrimination, harassment and/or misconduct.”

#### **A. Notification of Transcript Notation**

Hampton University shall notify each student that any such suspension, permanent dismissal, or withdrawal will be documented on his or her academic transcript.

Transcript notation determinations are made by the Vice President for Administrative Services.

#### **B. Removal of Transcript Notation**

The University shall remove from a student’s academic transcript any notation placed on the transcript if the student is subsequently found not to have committed the offense involving sexual violence under the University’s Sexual Discrimination and Misconduct Policy, or has completed the term of the suspension and any conditions thereof.

Following verification of the above, the transcript notation will be removed following a determination by the University that the student is in good standing according to the University’s standards and policies.

### **XIV. EDUCATION, PREVENTION AND AWARENESS PROGRAMS**

Hampton University is committed to the education, ongoing training, and awareness of its Sexual Discrimination and Misconduct Policy and prevention of the specified prohibited conduct on campus. Training, Awareness campaigns and related education programs are provided to new and returning students, new and returning faculty and staff, and other specific campus populations biannually and on an as needed basis by the Title IX Office.

### **XV. ANNUAL REVIEW**

The Hampton University Title IX Policy is reviewed and updated annually by July 31st. In accordance with State and Federal Law, the policy is vetted by the Office of the General Counsel, and an independent, outside law firm for appropriate legal requirements. Additionally, the Title IX Coordinator must annually certify to the State Council of Higher Education for Virginia (SCHEV) that a review and update, as appropriate, of the sexual violence policies at the University was completed (Va. Code §23.1-808).