



**Richard Bland College**

*of* WILLIAM & MARY

**Sexual and Gender-Based Harassment and Other  
Forms of Interpersonal Violence**

**COMPLAINT RESOLUTION  
PROCESS GUIDELINES**

**[WWW.RBC.EDU](http://WWW.RBC.EDU)**

## **I. INTRODUCTION AND GENERAL PROCEDURES**

Richard Bland “College” is committed to providing an environment that emphasizes the dignity and worth of every member of its community and that is free from harassment and discrimination based on race, sex, color, national origin, religion, age, veteran status, sexual orientation, gender identity, pregnancy, genetic information, against otherwise qualified persons with disabilities, or based on any other status protected by law.

The College’s *Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence* (“Policy”) prohibits sexual assault, sexual exploitation, stalking, dating violence, domestic violence, sexual harassment, and retaliation. The procedures below outline the process the College follows when it receives a report alleging a violation of the Policy. The Title IX Coordinator is responsible for handling reports alleging discrimination, harassment, sexual misconduct, or retaliation. All reports will be handled in a prompt, fair, and impartial manner in accordance with Title IX, The Violence Against Women Act, and other relevant laws and regulations, applicable College policies, and these guidelines.

The process below is Richard Bland’s internal process to determine whether Richard Bland’s policy has been violated; it is not part of the criminal justice system and operates independent of Dinwiddie or Prince George County courts. As such, Richard Bland’s process does not use the same rules for procedures and evidence as those used by courts or law enforcement to investigate or adjudicate criminal or civil legal violations. A victim of sexual violence or other crime has the right to simultaneously file and pursue a criminal complaint with law enforcement and a complaint with the College if he or she chooses, and to be assisted by the College in notifying law enforcement authorities if he or she chooses, or to decline to notify such authorities. Parties may also have options to file civil actions in court.

Because allegations of sexual misconduct can sometimes raise challenging new issues and involve competing interests, the College reserves discretion to take reasonable actions to address those issues in a manner consistent with the spirit of the applicable policies and these guidelines, while preserving fairness for both parties and maintaining the integrity of the resolution process.

## **II. AUTHORITY AND EVIDENTIARY STANDARD**

Federal law requires that institutions schools to investigate and adjudicate formal complaints of sexual harassment using a grievance process that incorporates due process principles, treats all parties fairly and reaches reliable responsibility determinations.

The College uses the preponderance of the evidence standard in investigations of complaints alleging sexual misconduct and any related violations and for adjudicatory hearings. This means that the investigation must result in a determination that it is more likely than not that a violation of the Policy occurred. A “preponderance of the evidence” means that over 50% of the evidence supports a finding that the misconduct occurred.

### III. DEFINITIONS AND KEY TERMS

1. **Complainant:** The individual, who is the alleged victim or survivor of conduct that could constitute sexual harassment. A third party that makes a report of sexual harassment falls under this definition. Term synonymous with *Reporting Party*.
2. **Respondent:** The individual, who has been reported to be the perpetrator of conduct that could constitute sexual harassment.
3. **Formal Complaint:** a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the school investigate the allegation of sexual harassment.
4. **Informal Resolution:** Voluntary process by which the the complainant and respondent may be willing to resolve the matter without a formal grievance hearing.
5. **Exculpatory Evidence:** evidence favorable to the Respondent in a matter which exonerates or tends to exonerate the Respondent's guilt. It is the opposite of inculpatory evidence.
6. **Inculpatory Evidence:** evidence which is not favorable to the Respondent in a matter which tends to present or prove guilt.
7. **Advisor:** Hired or assigned individual who may assist the Complainant or the Respondent during the investigative, but who is present and assists during the grievance hearing process.

### IV. PRIVACY AND SHARING OF INFORMATION

The College considers complaints and investigations of sexual misconduct to be private matters for the parties involved. For that reason, the College will protect the identity of persons involved in reports of sexual misconduct to the best of its ability. The College will share personally identifiable information only with persons with a need-to know in order for the College to investigate and respond or to deliver resources or support services. The College does not publish the names nor post identifiable information about persons involved in a report of sexual misconduct. The College does not confirm to outside parties the identity of an individual who may be involved in a report of sexual misconduct without that individual's consent. However, by law depending on the circumstances, the College cannot promise complete confidentiality or privacy in the handling of sexual misconduct reports or complaints.

All participants in an investigation of sexual misconduct will be informed that confidentiality helps enhance the integrity of the investigation, protect the privacy interests of the parties and protect the participants from statements that might be interpreted to be retaliatory or

defamatory. For these reasons, the reporting party and respondent will be asked at the beginning of the investigation to keep the information related to the investigation and resolution private, to the extent consistent with applicable law. Witnesses and advisors will be asked to maintain complete confidentiality, to the extent consistent with applicable law.

The College reserves the right to share information regarding the case with other appropriate parties on a need-to-know basis in accordance with FERPA and other applicable law.

## **V. REPORTING SEXUAL AND GENDER-BASED HARASSMENT AND OTHER FORMS OF INTERPERSONAL VIOLENCE**

A report of a violation can be submitted by anyone by any means. Reports of sexual misconduct, discrimination, harassment, or retaliation may be submitted electronically using an incident report form, which can be found at:

[https://richardblandcollege.formstack.com/forms/sexual\\_misconduct\\_incident\\_reporting\\_form](https://richardblandcollege.formstack.com/forms/sexual_misconduct_incident_reporting_form)

Reports also can be submitted by email to: [titleix@rbc.edu](mailto:titleix@rbc.edu), in person or by mail to the Title IX Coordinator (11301 Johnson Road, South Prince George, VA 23805, Maze Hall Room 110) or Deputy Title IX Coordinator (11301 Johnson Road, South Prince George, VA 23805 Maze Hall Room 204) or by calling the Title IX phone number (804) 712-7141.

While anonymous incident reports will be reviewed by the Title IX Coordinator, the College's ability to address alleged misconduct reported by anonymous sources is significantly limited. Upon receipt of a report of a violation, either from someone other than the alleged victim (e.g., a witness or a colleague), or directly by the alleged victim, a Title IX staff member will contact the alleged victim to provide information about resources and options. The information provided by the Title IX staff member generally will include information about medical and confidential counseling and support resources; options for pursuing a complaint and/or reporting the incident to law enforcement; how to request a protective order or no-contact directive; how to request interim protective measures and accommodations; how to preserve evidence; where to access more information; and an invitation to meet with or speak to a Title IX staff member.

All reports should be made as soon as possible after an incident because the passing of time makes a review of the evidence more difficult and the memories of involved parties become less reliable. There is no time limit for when an incident of sexual misconduct may be reported. The Title IX Coordinator reserves the right to conduct an initial inquiry, investigate, or otherwise address any report, regardless of the time it is made, based on concern for the safety or well-being of the College community.

## VI. INITIAL ASSESSMENT

Upon the receipt of a complaint or report, the Coordinator will make an initial assessment of the reported information and respond to any immediate health or safety concerns. The Coordinator will take steps to determine whether the matter falls within the purview of Title IX. Once the Coordinator has determined whether the matter involves an alleged violation of this policy, jurisdiction over the matter will be conferred to the Coordinator's Office.

If the Coordinator determines that the Coordinator's Office does not have jurisdiction, the Coordinator shall forward the report to the appropriate office and notify the parties about other appropriate resources.

Following the initial assessment and a determination that the allegations fall within the jurisdiction of the Title IX Coordinator, the College's *Sexual and Gender-based Harassment and Interpersonal Violence Procedures Guidelines* will be followed by the Title IX Coordinator. These procedures will be followed to bring those prohibited acts that fall within this policy to resolution.

In this initial assessment, the Coordinator will make a determination as to whether the underlying allegations meet the requirements of Title IX sexual or gender-based harassment or interpersonal violence:

1. If the allegations do meet the definition then the Coordinator will:
  - i. Inform the Reporting Party that he/she may seek medical treatment, and explain the process and importance of obtaining and preserving evidence and provide assistance if he/she chooses to do so;
  - ii. Inform the Reporting Party that he/she may contact law enforcement and provide assistance if he/she chooses to do so;
  - iii. Inform the Reporting Party about RBC resources (including Supportive Measures and options for protective orders) and community resources;
  - iv. Inform the Reporting Party that he/she may seek resolution under this policy and procedures and provide assistance if he/she chooses to do so;
  - v. Consider whether Supportive Measures and involvement of other RBC leadership is appropriate;
  - vi. Explain RBC's prohibition against retaliation; and
  - vii. Communicate with appropriate RBC officials regarding possible Clery Act obligations.
2. If the allegations do not meet the Title IX definitions for sexual or gender-based harassment or other interpersonal violence then the Coordinator will:
  - i. Refer the matter to the Office of Human Resources if it involves an employee;
  - ii. Refer the matter to the Office of Student Success and Engagement if it involves a student;

- iii. Refer the matter to the Department of Police and Public Safety if the matter involves outside individuals, such as contractors or visitors to the campus; or
- iv. Refer the matter to any appropriate authority at the College.

Following the initial assessment and a determination that the allegations fall within the jurisdiction of the Title IX Coordinator, the College's Sexual and Gender-based Harassment and Interpersonal Violence Procedures Guidelines will be followed by the Title IX Coordinator. These procedures will be followed to bring those prohibited acts that fall within this policy to resolution.

## **VII. INITIAL INQUIRY**

When the Title IX Coordinator receives a report of Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence, Title IX staff will begin an initial inquiry as soon as practicable, generally within one week.

This most frequently will begin with an attempt to gain additional information from the complainant or alleged victim, preferably through an in-person meeting. The scope and timing of further action will depend upon a number of factors, including but not limited to, whether the identity of the alleged victim is known; whether the reporting party/alleged victim is willing to participate in an investigation; whether the reporting party/alleged victim requests anonymity or confidentiality; whether the respondent is affiliated with the College; and whether the College has an obligation to proceed with an investigation based on concerns for the safety of the broader College community, regardless of the complainant's wishes.

Following an Initial Inquiry, possible next steps include:

***Close the Case:*** In order for a case to be referred for a full investigation, there must be sufficient information to believe a Policy violation may have occurred and the respondent may be responsible. There may be circumstances, within the discretion of the Title IX Coordinator that a formal complaint may be dismissed and these circumstances are the following:

1. The complainant desires to withdraw the formal complaint or allegations and communicates the request in writing;
2. The respondent is no longer enrolled or employed by the school; or
3. Specific circumstances prevent the school from gathering sufficient evidence to reach a determination or when the alleged misconduct—even if substantiated— would not be a violation of the Policy.

The Title IX Coordinator/Review Committee may, in its discretion, reopen a case in the future if additional information becomes available or a reporting party who was unwilling to pursue formal resolution changes his/her mind, (consistent with the time limitations discussed above).

***Written notice of any dismissal whether mandatory or discretionary will be forwarded to the parties. Such dismissal will include the reason for the dismissal.***

***Informal Resolution:*** In certain circumstances, the College may offer and facilitate informal resolution to the parties. Informal resolution is a voluntary process and the parties must provide informed and written consent to attempt informal resolution. The College will select an individual, who has no conflict with the parties to facilitate this process. At any time prior to agreeing to a resolution, any party may withdraw from the informal resolution process and resume the grievance process with respect to a formal complaint. Examples of informal resolutions can include, but are not limited to, a warning to cease current behaviors, no-contact directives, an educational conversation with the respondent or others, and changes in academic, work, or living arrangements.

***Investigation.*** The College will investigate complaints proceeding through to a grievance hearing. Depending upon the circumstances, one or more investigators will be assigned. All investigators have been trained to conduct Title IX investigations and on the College's policies and procedures. During an investigation, the reporting party will have the opportunity to describe their allegations and present supporting evidence to the investigator. The respondent will have the opportunity to hear the allegations, respond to them, and present supporting evidence to the investigator. Parties and witnesses may take notes during investigation meetings. Generally, the investigator will meet with each party and each witness separately. In some cases, the investigator may interview the parties and/or witnesses more than once. The parties may submit additional materials or information to the investigator following their interview(s). In all cases, both the reporting party and respondent will have equal opportunities to share information and have their information considered.

The reporting party and the respondent will both have the opportunity to present names of witnesses they suggest the investigator solicit information from and questions they request that the investigator ask the other party. The reporting party and respondent may only present factual witnesses and may not present character or expert witnesses. The investigator will take the lists provided by the reporting party and respondent into consideration when identifying whom they will interview and what questions they will ask, but these decisions remain in the investigator's discretion. The investigator also may choose to interview other witnesses not identified by the parties.

When the Title IX Coordinator or Deputy Title IX Coordinator, determines that there is sufficient information to suggest a Policy violation may have occurred, the complaint will proceed to a grievance hearing.

Under this grieving process, complainant's prior sexual behavior will be considered irrelevant and any similar evidence will be inadmissible unless offered to prove that someone other than the respondent committed the alleged misconduct or offered to prove to consent.

## **VIII. SUPPORTIVE MEASURES**

The Title IX Coordinator or Deputy Title IX Coordinator also will determine whether supportive measures should be taken while the case is pending. Supportive measures may include measures taken to ensure the safety and security of the campus community. Supportive measures may be applied to the reporting party, the respondent, or the broader College community and include, (but are not limited to):

- A no-contact directive placed between members of the community;
- Changes in academic, work, or living arrangements;
- Assistance in requesting academic allowances;
- A formal request or warning that a community member cease certain behaviors;
- Removal of privileges or suspension of activity (including attendance in a specific class);
- Interim relocation or removal from campus housing (pursuant to the procedures set forth in the Student Handbook); and/or
- Interim suspension or administrative leave pending resolution (pursuant to the procedures set forth in the applicable Student Handbook, Faculty Handbook, or Policy Manual).

## **IX. FORMAL AND INFORMAL RESOLUTION**

There are two possible methods for investigation and resolution of a complaint or report alleging violations of this policy: 1. Informal and 2. Formal. The Coordinator shall explain the Informal and Formal Investigation procedures to both the Reporting Party and Responding Party, if known.

In all cases, RBC will make every effort to avoid any actual conflict of interest in the investigation and resolution of complaints or reports.

### **1. INFORMAL RESOLUTION**

Informal resolution can be used in certain sexual misconduct allegation cases as a way to prevent the recurrence and remediate the impact of alleged sexual misconduct. Informal resolution is most commonly used in cases where the complainant and respondent may be willing to resolve the matter without a formal grievance hearing. An informal resolution process may not be used to resolve allegations that an employee sexually harassed a student.

The Title IX Coordinator during the initial assessment process will contact the parties and offer this option. Should the parties agree, the Coordinator will provide an Informed Consent Agreement for the parties to complete and sign.

Following receipt of the Informed Consent Agreement, an informal resolution meeting will be scheduled. Parties will be reminded that the informal process is voluntary, and they may withdraw from it up to a resolution determination.



If a resolution determination is made, the Title IX Coordinator will prepare a document for the parties to review and sign.

Informal resolution documents may offer the following options:

- A no-contact directive placed between members of the community;
- Changes in academic, work, or living arrangements;
- An educational meeting with the respondent;
- An educational meeting with the complainant;
- Training for a group or unit;
- A formal advisory letter; and/or
- Permanent relocation or removal from a residence hall.

## **2. FORMAL RESOLUTION**

When the Title IX Coordinator or Deputy Title IX Coordinator, determines that there is sufficient information to suggest a Policy violation, the complaint will be referred for a full grievance hearing. A respondent is not presumed responsible for alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process. The burden of gathering evidence during the grievance process remains on the College and not the parties; however, the College can rely on the parties to provide information that they would like considered in the matter. A formal resolution process must be used to resolve allegations that an employee sexually harassed a student.

During the formal grievance process, the parties have the opportunity to select an advisor, who may be, but need not be, an attorney. For more information about advisors, see “The Role of an Advisor” section.

### **Notification to Respondent and Complainant**

The sexual and gender-based harassment or other interpersonal violence grievance process operates under a standard of fairness, which includes an opportunity for the respondent and complainant to be notified of the alleged misconduct and the specific Title IX policy violations under consideration. Both parties will be notified of their opportunity to be heard and of their right to present fact and expert witnesses or other inculpatory and exculpatory evidence.

The notification and rights will typically include a brief description of the alleged misconduct, a list of any College policies allegedly violated, and a description of the grievance process. The College may modify the list of policies allegedly violated based on additional information revealed during any continued investigation.

### **Submission of Investigative Report**

Following the completed investigation by the Title IX Coordinator, the parties and their advisors will be sent an electronic copy of the Investigative Report for inspection, review and response. The report must be provided at least 10 days prior to any grievance hearing.

### **Title IX Live Grievance Hearing Procedures**

The Title IX Office has the exclusive authority to hold live grievance hearings separate and distinct from the College's Student Conduct Board Hearing for all Title IX-related complaints. The Student Conduct Board upholds the College's Student Code of Conduct and Honor Code to provide an environment conducive to the mission, vision, and values of the institution through the resolution of student conduct incidents and education. The Office of Student Conduct handles all non-Title IX complaints for sexual and gender-based harassment and other interpersonal violence.

Grievance hearings may be conducted with all parties physically present in the same geographic location, or at the school's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually. An audio recording or transcript of all live hearings will be created and maintained under the School's record retention policy.

***Title IX Grievance Decision Maker Panel Composition:*** The Title IX Grievance Hearing can be tried by a sole Grievance Decision Maker or a Grievance Decision Panel which shall be comprised of no more than three members. At the beginning of each academic year, staff will be requested to volunteer and faculty will be recommended by the Faculty Assembly. The College at its discretion at times may obtain Decision Makers from the metro-area legal community or other public institutions for higher education. All Grievance Decision Makers must also be approved by the RBC President. To help ensure neutrality, the Title IX Coordinator or their designee shall conduct regular training to maintain a current listing of eligible Grievance Decision Makers and these individuals cannot be approved without having received the Title IX Grievance Hearing Training. The Grievance Decision Makers will be assisted by a Title IX staff member, who will serve as the non-voting Chairperson of the Grievance Decision Panel. That Chairperson will be responsible for the overall performance and flow of the Grievance Decision Panel, which includes the following:

- a. Serve as clerk for the Grievance Decision Panel.
- b. Ensure all procedures are followed by the Grievance Decision Panel.
- c. Coordinate the recording or transcription of the live hearing.
- d. State allegations for the record.
- e. Complete a report detailing the recommendation of the Grievance Decision Panel and present to the Director of Student Success or Director of Human Resources.

All Grievance Decision Panel members are responsible for following hearing procedures and ensuring that all parties involved are treated fairly and provided due process. The following are to occur:

- a. Arrive on time and be present during the entire hearing.
- b. Review all materials thoroughly.
- c. Be open-minded and willing to consider all the information being presented.
- d. Listen carefully to each person and withhold all judgment until all facts and information have been presented and considered.

- e. Permit each party's advisor to ask the other party or any witness all relevant questions and follow-up questions, including those challenging credibility.
- f. Prior to any question from an advisor, determine whether the question being asked is relevant and be ready to explain any decision to bar or exclude a particular question.
- g. The Grievance Decision Panel cannot draw any inference from the evidence presented and shall not consider any statement made by a party or witness who did not submit to cross-examination by an advisor.
- h. Before making a decision, review hearing information and compare to the Policy on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence, to verify if a violation occurred.
- i. Be open, creative, and thorough when determining sanctions.
- j. Keep the hearing comment sheet confidential.
- k. Refrain from discussing the case outside of the general proceeding other than for legitimate educational and business purposes.
- l. Maintain the confidentiality of the record following submission to the Chair of the Grievance Decision Panel.

***Rights and Duties of the Complainant and Respondent***

- a. **Right to Freedom from Harassment and Retaliation.** The right to be free from harassment, intimidation, and coercion, including attempts to change testimony. Any violations of this right may be considered a serious violation of the Policy on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence; Policy Prohibiting Discrimination, Harassment, and Retaliation; Student Code of Conduct, Student Handbook, Policy Manual, Faculty Handbook, DHRM Policy 1.60 Standards of Conduct, and/or DHRM Policy 2.35, Civility in the Workplace.
- b. **Right to Pre-hearing Notice.**
  - (a) The right to notice of a pre-hearing meeting as soon as practical and not less than 24 hours prior to the meeting in the instance a student or staff member is to appear before the Grievance Decision Panel. If a student does not appear for the pre-hearing meeting, a hold will be placed on their account.
  - (b) The right to receive timely written notice of the formal charges and of the date, time, and location of any grievance hearing.
  - (c) If a student or staff member does not appear after being properly notified of the date, time, and location of the hearing, the Title IX Grievance Panel may proceed with the hearing in the absence of the party.
- c. **Right to Know the Evidence to be Presented.** The Complainant and Respondent will have the opportunity to inspect, review, and request copies of all evidence to be considered by the hearing panel at least 10 hours prior to the hearing. The parties and their advisors shall be required to sign an agreement that they will not make copies of or disseminate any information included in the Title IX investigative report and/or any related information, including the work product of an instructor or other materials containing information about other students that are protected under the Family Educational Rights and Privacy Act, and must return these materials immediately after the hearing. The Complainant and

Respondent will be instructed that failure to abide by the agreement may be considered a serious violation of the Policy on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence; Policy Prohibiting Discrimination, Harassment, and Retaliation; Student Code of Conduct, Student Handbook, Policy Manual, Faculty Handbook, DHRM Policy 1.60 Standards of Conduct, and/or DHRM Policy 2.35, Civility in the Workplace; and/or federal law.

- d. Right to Assistance.** The right to the presence of an advisor (who may be legal counsel), who may offer advice, review evidence, and question parties and witnesses. If either party does not have an advisor present at the grievance hearing, the school will provide, without fee or charge to that party, an advisor of the school's choice who may be, but is not required to be, an attorney to conduct cross examination on behalf of the party.
- e. Right to Confidentiality.** The parties have the right to confidentiality regarding all matters related to the alleged violations except from those who have a legitimate educational interest in the information under the Family Educational Rights and Privacy Act. Violations of that right may be considered an infraction of the Policy on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence; Policy Prohibiting Discrimination, Harassment, and Retaliation; Student Code of Conduct, Student Handbook, Policy Manual, Faculty Handbook, DHRM Policy 1.60 Standards of Conduct, and/or DHRM Policy 2.35, Civility in the Workplace.
- f. Right to Receive Post-hearing Notification.** The right to be notified of the outcome of the hearing following post-hearing review by the Director of Student Success or Director of Human Resources, in coordination with the Chair of the Grievance Decision Panel, within five working days after the conclusion of the hearing.
- g. Rights within the Hearing.**
  - (a) The Respondent has right to the presumption of innocence until the panel has found the individual in violation by a preponderance of the evidence.
  - (b) The Complainant has the right to the presumption of truthfulness until the panel has considered all documents, testimony and statements offered under the preponderance of the evidence standard.
  - (c) The right to a separate hearing on each charge if multiple unrelated charges have been filed.
  - (d) The right to request a separate hearing if two or more individuals are charged with the same offense.
  - (e) The right to present evidence relevant to the charges and, if necessary, possible sanctions and to request the presence of necessary witnesses. The number of witnesses may be limited by the Chair if the Chair finds the proposed testimony will duplicate that of the other witnesses or the proposed testimony is immaterial. The Complainant or Respondent may submit written statements from witnesses in lieu of personal appearances.
  - (f) The right to ask relevant question of all witnesses.
  - (g) The right to a closed hearing, and the right to request an open hearing.

- h. Right to be Free from Conflict of Interest.** The right to request that a Decision Maker be removed from the Panel on the grounds of possible bias or conflict of interest. The party seeking the removal must provide reasons as to why the Decision Maker in question is unable to hear the case fairly, and the decision whether to grant the request is left to the Chair, who, if such a request is rejected, will provide a written explanation.
- i. Right to Prepare for Appeal.** The right to review the documentary evidence and recording in preparation for an appeal. The review must occur in the presence of a member of the Title IX staff.
- j. Right to Waive any Rights.** The parties have the right to sign a knowing and voluntary waiver of any of the rights accorded.
- k. Duty to Cooperate.** The parties and advisors will reasonably cooperate with the investigation and, if necessary, hearing. This duty includes answering questions fully and honestly and presenting requested information; however, the Complainant and Respondent have the right not to answer questions if they are facing charges in criminal court for the same or similar behavior. Lying in the course of an investigation or hearing may be considered a separate violation of the Policy on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence; Policy Prohibiting Discrimination, Harassment, and Retaliation; Student Code of Conduct, Student Handbook, Policy Manual, Faculty Handbook, DHRM Policy 1.60 Standards of Conduct, and/or DHRM Policy 2.35, Civility in the Workplace. This duty also includes complying promptly with requests for meetings or information.

#### ***Rights and Duties of Witnesses***

- a. Right to Freedom from Harassment and Retaliation.** The right to be free from harassment, intimidation, and coercion, including attempts to change testimony. Any violation of this right may be considered a serious violation of the Policy on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence; Policy Prohibiting Discrimination, Harassment, and Retaliation; Student Code of Conduct, Student Handbook, Policy Manual, Faculty Handbook, DHRM Policy 1.60 Standards of Conduct, and/or DHRM Policy 2.35, Civility in the Workplace.
- b. Duty to Preserve Confidentiality.** Witnesses will keep all matters regarding the case confidential.
- c. Duty to Cooperate.** Student and staff witnesses will reasonably cooperate with the investigation and, if necessary, hearing. This duty includes answering questions fully and honestly and presenting requested information; however, the witness has the right not to answer questions if they are facing charges in criminal court for the same or similar behavior. Lying in the course of an investigation or hearing may be considered a separate violation of the Policy on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence; Policy Prohibiting Discrimination, Harassment, and Retaliation; Student Code of Conduct, Student Handbook, Policy Manual, Faculty Handbook, DHRM Policy 1.60 Standards of Conduct, and/or DHRM Policy 2.35, Civility in the Workplace. This duty also includes complying promptly with requests for meetings or information.

All participants have the responsibility to be completely truthful with the information they share at all stages of the process. Any individual who knowingly or intentionally provides false information as part of a report, investigation, or hearing will be subject to discipline in accordance with the procedures set forth in the applicable Policy on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence; Policy Prohibiting Discrimination, Harassment, and Retaliation; Student Code of Conduct, Student Handbook, Policy Manual, or Faculty Handbook. This provision does not apply to information that is not substantiated or proven by a preponderance of the evidence.

### **The Role of an Advisor**

The Respondent and Complainant (where applicable), as parties to these proceedings, shall have the right to have an advisor (who may or may not be legal counsel) of his or her choosing, and at his or her own expense, for the express purpose of providing advice and counsel. The advisor may be present during meetings and proceedings during the investigatory and/or resolution process at which his or her advisee is present. Should a party not have an advisor for the live grievance hearing, the school at its discretion will appoint an advisor, at no cost to the student, to assist them.

The Advisor is responsible for offering guidance to the student through the investigatory process, if present. In addition, the advisor is tasked with questioning and cross-examining witnesses, reviewing evidence, and generally advising students of their rights.

### ***Hearing Outcome***

The Chair of the Grievance Decision Panel will provide a written outcome to the parties and their advisors via electronic transmission. Should the written outcome of the hearing determine that the respondent is not responsible for the alleged policy violations, the letter will provide explanation of the Complainant's right to appeal. If the respondent is found responsible, the correspondence will describe any sanctions imposed and the Respondent's right to appeal.

### ***Postponement of a Hearing***

Either party may request to postpone the Grievance Hearing, but must do so by email to the Title IX Coordinator no later than 48 hours prior to the scheduled hearing. Any request made within 48 hours of the hearing will be considered on a case-by-case basis.

A hearing may be rescheduled if the request is for reasonable cause. Postponement will be allowed under the following conditions: (1) class conflict, (2) Complainant or Respondent unable to produce witnesses on their behalf of the scheduled date of hearing, (3) Complainant or Respondent has a family emergency, (4) Complainant or Respondent is too ill to attend the hearing, (5) Complainant or Respondent cannot attend due to a religious holiday. Hearings are not normally postponed because a Complainant or Respondent's work schedule conflicts with the scheduled hearing.

### **Hearing Decision**

The Complainant and the Respondent will be notified simultaneously in writing of the findings of the grievance hearing. The Title IX Coordinator, in consultation with the Director of Student Success or Director of Human Resources or their Designees, will determine what sanctions or corrective actions should be imposed on the Respondent in accordance with the Sanctions section of the Student Handbook, or as outlined in the Faculty Handbook and/or DHRM Policy 1.60, Standards of Conduct.

- For staff and faculty respondents, in the event a Policy violation is found, the Title IX Coordinator will provide findings to the Office of Human Resources, which is responsible for deciding what sanctions or corrective actions should be imposed on the respondent, in accordance with the procedures set forth in DHRM Policy 1.60, Standards of Conduct.
- For third party respondents, findings of a violation will be provided to the appropriate College office for further action consistent with the findings.

Notification of findings and sanctions will be provided to the Complainant and the Respondent in separate correspondence from the Title IX Coordinator imposing the sanction. Notification to the complainant will include findings related to violations of policy, remedies offered or provided to the reporting party, sanctions imposed on the respondent that directly relate to the reporting party, and any other steps the College has taken to prevent the recurrence and eliminate a hostile environment, if such was found to exist. In a case related to alleged sexual assault, stalking, or dating or domestic violence, the notification of outcome will also include the rationale for the findings related to violations of Policy and all sanctions imposed on the respondent, not just those directly related to the complainant. The respondent generally will not be notified of the individual remedies offered or provided to the reporting party. Reporting parties and respondents are informed of appeal procedures and any changes to the outcome that occur prior to the time that such outcome becomes final. The College encourages the parties to maintain confidentiality of all communication related to findings and sanctions.

## **X. SANCTIONS**

When a violation of the Sexual and Gender-based Harassment and Other Interpersonal Violence Policy is found, sanctions are determined based on several factors, including the severity of the conduct and any prior state or College policy violations. In addition, the College may take steps to address the effects of the conduct on victims and others, including, but not limited to, counseling and support resources, academic and housing assistance, change in work situations, leaves of absence, and training or other preventative measures. Sanctions and remedial actions aim to eliminate any hostile environment, prevent sexual misconduct from recurring, and remedy any discriminatory effects on a complainant or others.

Students and employees are expected to display appropriate behavior at all times. Students who are found responsible for having violated RBC's Sexual and Gender-Based Harassment

and Interpersonal Violence Policy while enrolled at RBC will face consequences. Infractions of RBC policy can lead to a warning up to suspension or expulsion from the College. Employees who are found responsible for having violated RBC's Sexual and Gender-Based Harassment and Interpersonal Violence Policy while employed at RBC will also face consequences. An employee who engages in conduct prohibited under this policy shall be subject to corrective and disciplinary action, up to and including termination.

**Student Sanctioning** is a method to provide accountability for one's actions and educate students on how their actions affect themselves and the College community. Its goal is to increase a student's awareness level and promote the growth of the student as an effective and productive citizen. Previous sanctions for violation of the Policy Prohibiting Discrimination, Harassment, and Retaliation; Policy on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence, Student Code of Conduct, and/or Student Handbook will be considered and may impact subsequent sanctioning decisions. Students who are found in violation of the Code of Conduct will face consequences through appropriate sanctioning.

Student sanctioning may include, but is not be limited to:

- a. **Letter of Concern** – notification by the College that the student's behavior was unacceptable and that the behavior needs to change.
- b. **Educational Sanctions** – An educational sanction may consist of the assignment of specific projects to be performed by a student, such as writing a research paper on a specific topic, writing a reflection paper, attending an educational program, or writing reaction papers on a specified topic. Educational sanctions might also include completing mandated alcohol, drug or other behavioral education programs or enrolling in web based online alcohol and drug education programs.
- c. **Disciplinary Warning** – An official written notification stating unacceptable behavior has occurred and is in violation of College policy and any additional violations will result in more severe sanctions, including probation, or suspension.
- d. **Disciplinary Probation** – Disciplinary Probation is a period of time when a student is not considered to be in good standing within the university. While on probation, students may not be eligible for certain privileges. Please note that further misconduct, especially during the probationary period, will result in a more stringent sanction
- e. **Community Service Sanction Hours** – Students will be assigned a certain number of community service hours to complete as a result of being found responsible for a violation.
- f. **Restitution** – There are fines as a result of violating regulations of the Code of Conduct. Once a student receives a fine, a hold will be placed on their account, preventing the student from registering for classes until the fine is paid.



g. **Loss of Guest Privileges/Visitation** – Exclusion of specific privileges as may be consistent with the violation committed, for a designated period of time.

h. **Dismissed from the Residence Halls** – Removal of the Student from the Residence Halls for a specific period of time. Removal from Housing due to Conduct sanctions may result in loss of any room or board paid for that semester. All Residence Hall fees and deposits may be forfeited

i. **Banned from the Residence Halls** – Removal of the Student from the residence halls for a specific period of time. Students who are removed from the residence hall may be banned from all Residence Hall buildings and property throughout the duration. Removal from housing due to Conduct sanctions may result in loss of any room or board paid for that semester. All residence hall fees and deposits may be forfeited.

j. **Suspension from Richard Bland College** – A Student, by their actions, has forfeited the privilege of attending Richard Bland College for a specified period of time. Students who reside on campus will have a minimum of 48-hour notice to remove all of their belongings out of the Residence Hall after notification of the suspension is in effect. All Residence Hall fees and deposits may be forfeited.

k. **Expulsion from Richard Bland College** – A permanent separation from the College. Students who reside on campus will have a minimum of 48-hour notice to remove all of their belongings out of the Residence Hall after notification the sanction expulsion is in effect.

**Employee sanctioning/corrective and disciplinary actions are outlined in DHRM Policy 1.60, Standards of Conduct.** The Commonwealth’s disciplinary system includes progressive disciplinary action to address prohibited conduct. An employee who engages in conduct prohibited under the Sexual and Gender-Based Harassment and Interpersonal Violence Policy shall be subject to corrective and disciplinary action, up to and including termination.

## **XI. APPEALS**

Once a written notification of the outcome of the Grievance Hearing has been provided, the Complainant, Respondent and their advisors, have seven (7) business days from the date notice is electronically delivered to appeal. The appeal request must include the basis(es) for the appeal. All appeals will be reviewed by the Chief of Staff or designee.

An appeal is available only based on one or more of the following:

1. A procedural or substantive error in the process that affected the hearing outcome;
2. Newly discovered evidence, unavailable during the original investigation, that could have affected the hearing outcome;

3. A conflict of interest or bias on the part of Title IX personnel that affected the outcome of the matter.

Note: The sufficiency of the evidence and the severity of the sanction are not available as grounds for an appeal.

A request for an appeal must be addressed to: Stacey Sokol, Title IX Coordinator, 11301 Johnson Road, South Prince George, VA 23805 or [titleix@rbc.edu](mailto:titleix@rbc.edu).

- The Coordinator shall confirm that the appeal is timely and shall forward it within three (3) business days of receipt to the Chief of Staff or designee.
- If adequate grounds for the appeal have been stated, the Chief of Staff, or designee, will consider the merits of the appeal. Any information included in the appeal that does not support one of the above two reasons for filing an appeal shall not be considered in the appeal process.
- The Chief of Staff, or designee, may temporarily suspend the imposition of sanction(s) while the appeal is pending.
- The decision of the Chief of Staff, or designee, shall be final. The final decision shall be provided in writing to the party who filed the appeal and to the Title IX Coordinator within ten (10) business days from the Chief of Staff, or designee, receiving the appeal.
- If an appeal is not filed within the appeal period, the findings of the investigation become final and are not subject to further review.