

Marymount University

Annual Safety Report
2021



Campus Safety aims to provide a safe and secure campus for all members of the university community. Marymount University Office of Campus Safety's purpose promotes and contributes to the physical health and psychological well-being of the community through the prevention of campus crime, preparation and response to emergencies, and the establishment of a safe environment. This is achieved through active participation of all university members and partnerships with local law enforcement and the community.

Campus Safety annually presents the university's campus crime statistics and security information based on information reported and received during the previous calendar year. MU's 2021 Security and Fire Safety Report is provided in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act, also known as the Clery Act, and the Higher Education Opportunity Act.

The 2021 report provides safety and security information for each of MU's campuses, as well as for those properties frequented by students, faculty, and staff that are owned or controlled by Marymount but not immediately adjacent to the main campuses. Also included is information on the Office of Campus Safety policies and procedures for reporting crime; safety and security prevention and protection programs; fire safety; and other resources designed to assist in maintaining a safe MU community.

If you want to learn more about this report, your personal safety, or emergency preparedness, please visit: <https://www.marymount.edu/Student-Life/Health-Wellness/Campus-Safety>



We urge members of the university community to use this report as a guide for safe practices on and off campus. The Marymount University Office of Campus Safety generates an email to every enrolled student and current employee on an annual basis notifying them that the report is available to be viewed. For prospective students, members of the community, and others, the Annual Security and Fire Safety Report are available online at

Copies of the report can also be obtained from Marymount Campus Safety. You may request to have a copy mailed to you by calling [703-284-1601](tel:703-284-1601).

Welcome

Founded in 1950 by the Religious of the Sacred Heart of Mary (RSHM), Marymount University is an independent, coeducational Catholic university offering bachelors, masters, and doctoral degrees in a wide range of disciplines.

Great Education, Capital Location

The University's four locations in suburban Northern Virginia offer a full complement of academic and student services that provide an outstanding education in a convenient, student- and career- focused environment.

And whatever program of study a Marymount University student may choose to pursue, the on-campus experiences are enriched by the University's proximity to Washington, D.C., with the one-of-a-kind opportunities only available in the nation's capital!

Our Mission and Vision

Our Mission

Marymount University is a comprehensive Catholic university, guided by the traditions of the Religious of the Sacred Heart of Mary, which emphasizes intellectual curiosity, service to others, and a global perspective. A Marymount University education is grounded in the liberal arts, promotes career preparation, and provides opportunities for personal and professional growth. A student centered learning community that values diversity and focuses on the education of the whole person, Marymount University guides the intellectual, ethical, and spiritual development of each individual.

Our Vision

Marymount, a leading Catholic university, will be nationally recognized for innovation and commitment to student success, alumni achievement, and faculty and staff excellence.

Our Strategic Plan

In the summer of 2019, Marymount University began the process of creating a new strategic plan. *Momentum* is designed to guide Marymount as it works to fulfill its mission and achieve its vision.

<https://www.marymount.edu/Home/Faculty-and-Staff/Office-of-Planning-Institutional-Effectiveness/Strategic-Planning>

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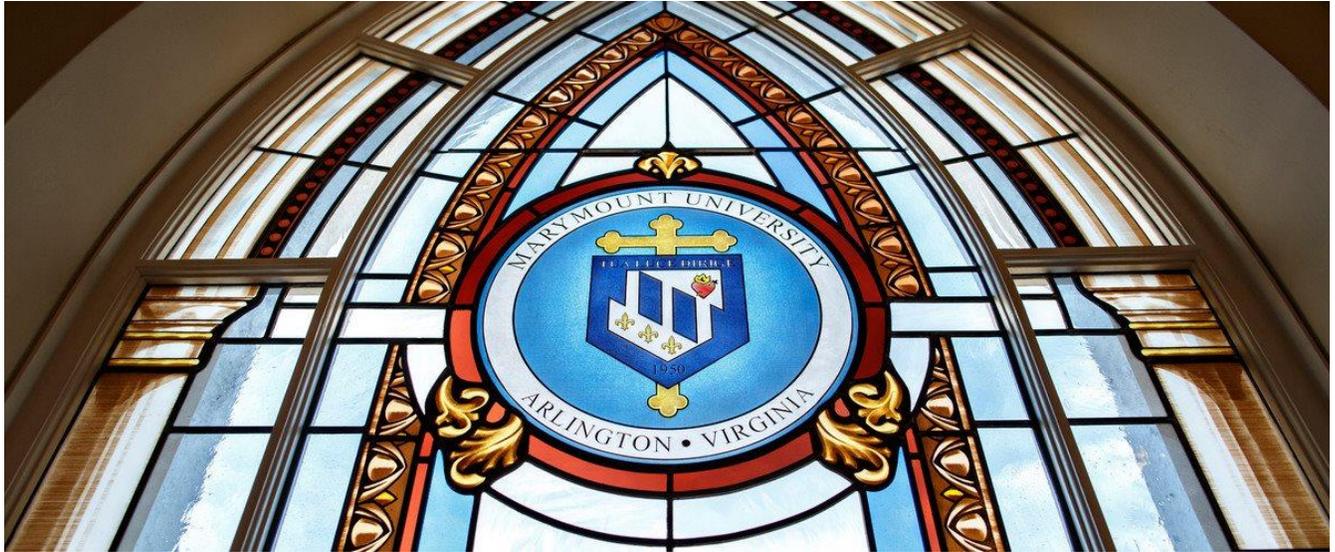
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Reporting Crimes, Suspicious Activity, or an Emergency

Reporting Crimes, Suspicious Activity, or an Emergency

Campus Safety

The Office of Campus Safety at Marymount University promotes and contributes to the physical health and psychological well-being of the community through the prevention of campus crime, preparation and response to emergencies, and the establishment of a safe environment. Campus Safety Officers provide 24-hour general assistance, information and response to the community where needed.

Crimes, suspicious activity, and emergencies should always be reported immediately to Campus Safety at **703-284-1600**. Campus Safety Officers are on duty 24 hours a day, seven days a week. Members of the Marymount University community can also report criminal or suspicious activity anonymously through the LiveSafe app. The LiveSafe app can be downloaded [here](#). These can be used to report criminal activity such as domestic violence and sexual assaults, illegal drug use, possession and dealing of drugs, or any suspicious activity. The information provided should be as detailed as possible.

NOTE: *The anonymous crime reporting system is not monitored 24 hours a day and therefore should NOT be used for reporting immediate threats such as a violent crime in progress or a fire in a building. If you are reporting an immediate threat, please call 703-284-1600 or 911.*

All Marymount University students, staff, faculty, and guests who witness a crime or become a victim, or who are involved in an emergency should call Campus Safety or **911** for assistance. If you call **911**, dispatchers at the local dispatch center will notify the Office of Campus Safety and Emergency Management immediately, and an officer will respond as soon as possible.

Every crime reported to Marymount Campus Safety is thoroughly investigated. All responses, such as issuance of a warning, referrals, summons, or arrest/warrant issued, will be documented.

The Office of Campus Safety

The University's Office of Campus Safety currently has a force of 20 full-time security officers who receive state training and certification. Before being hired, all Campus Safety Officers must pass a criminal and employment background check. The Office maintains an ongoing relationship with the Arlington County Police Department that includes emergency services, assistance in criminal investigations, and crime prevention programs. This report is published in accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. This Act requires institutions that receive federal financial aid to publish and

distribute to their students and employees sex offense policies and other campus crime information.

Campus Safety Officers do not have arrest authority. Marymount University Campus Safety Officers have authority to act in accordance with University policy over any property owned, leased, or utilized by the University. The Office of Campus Safety officers do not have police authority to apprehend or arrest individuals engaged in illegal acts. When necessary, criminal incidents are referred to sworn law enforcement agencies having jurisdiction on campus.

The Office of Campus Safety maintains a professional working relationship with the Arlington County Police Department and the Virginia State Police. The Office of Campus Safety has a signed Memorandum of Understanding with the Arlington County Police Department in accordance with state law regarding the investigation of criminal incidents on campus as well as significant incidents involving Marymount University.

Campus Safety Officers have the authority to enter the property owned, leased or utilized by the University in the event of an emergency or to promote the furtherance of health, safety and security. Officers may also enter any area of such property to determine if violations of university policy or violations of the law are occurring or have occurred. Officers have the authority to ask persons for identification and to determine whether individuals have a lawful reason to be on Marymount University property. All Marymount University students are required to show their Marymount ID cards upon request by authorized employees.

The Office of Campus Safety works with the following agencies:

◆ Arlington County Police Department

- ◆ Commonwealth Attorney for Arlington County
- ◆ Arlington County Fire Department
- ◆ Arlington County Office of Emergency Management
- ◆ Federal Bureau of Investigation
- ◆ Consortium of Universities, Washington, D.C.
- ◆ Virginia Department of Criminal Justice Services
- ◆ Virginia Department of Emergency Management

Important Safety Phone Numbers	
Police, Fire, Rescue	911
Campus Safety, Main Campus	703-284-1600
Campus Safety, Ballston Center	703-284-5900
Campus Safety Office	703-284-1601
Office of Student Living	703-284-1608
Security Escort	703-284-1600

Campus Security Authorities (CSA)

Campus Security Authorities (CSAs) are university officials with significant responsibility for student

and campus activities and designated to report information about criminal incidents. At Marymount University, these reports are received by the Office of Campus Safety and Emergency Management.

Marymount University's CSAs include, but are not limited to, the following:

- ◆ Campus Safety Officers
- ◆ Student Living Department Staff
- ◆ Executive Director of Human Resources
- ◆ Admissions Counselors
- ◆ Athletics Department Staff
- ◆ Faculty Advisors
- ◆ University Title IX Coordinator
- ◆ Director, International Student Services

CSAs collect necessary information and make connections to helpful resources.

Pastoral and Professional Counselors are exempt from being CSA's.

- ◆ **Pastoral counselor:** A person, who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor.
- ◆ **Professional counselor:** A person whose official responsibilities include providing mental health counseling to members of the college community and who is functioning within the scope of his or her license or certification. This definition applies even to professional counselors who are not employees of the institution, but are under contract to provide counseling at the institution.
- ◆ At Marymount, academic counselors are not considered professional counselors as defined by Clery and therefore they are CSAs.

To ensure CSAs adequately understand their responsibilities, they are notified and provided with training from the Director of Campus Safety annually.

Clery Act

Clery Act Information

Marymount University is committed to providing the campus community and visitors with the safest and most secure environment possible. Marymount University encourages campus community members to remain aware of personal safety and work cooperatively with the campus to ensure the security of all.

The Marymount University Office of Campus Safety follows all applicable state and federal reporting laws to ensure a safe campus required by the Crime Awareness and Campus Act, better known as the “Clery Act,” which is contained in section 485 of the Higher Education Act, codified at 20 U.S.C. § 1092. The Office of Campus Safety collects selected crime statistics, prepares an annual safety report, and makes this report available prominently on the Marymount University website no later than 1 October annually. Data is collected from Campus Safety logs, Campus Security Authorities (CSAs), Department of Human Resources, Academic and Student Affairs Offices, Office of Campus Safety, and local police in jurisdictions that adjoin our campuses. Marymount University must include in the crime statistics all Clery Act crimes. As required by law, this report, which is available free of charge in printed or electronic format, provides information about security on campus, including: campus community crime statistics, institutional policies on campus security, alcohol and drug use policies, the reporting of crimes, sexual assault, sexual harassment, and crime prevention.

This report also provides phone numbers of helpful community resources. A map or directions of each Marymount University campus or center can be found at:

<https://marymount.edu/contact-us/locate-us/>

All current students and employees are notified of the report’s availability through email announcements throughout the year in various Campus Safety publications. In addition, with the Annual Safety Report being made available online, prospective students and university employees can review it at any time. The most recent Annual Safety Report is available online at: www.marymount.edu/annualsafetyreport.

Copies of all reports in printed form can be requested from the Office of Campus Safety by calling 703-284-1601 or emailing campus.safety@marymount.edu. There is no charge for this or past reports.

Clery Crime Statistics

The Clery Act requires that CSAs report certain crimes to Campus Safety, regardless of whether those crimes have been reported to external law-enforcement agencies.

This report is prepared by the Office of Campus Safety. It includes any of the specified crimes reported to Campus Safety officials or other offices listed in this report, disciplinary referrals

include those reported to Student Living and to the Division of Student Affairs, and information about crimes on property adjacent to Marymount University is provided by Arlington County Police.

This report's statistics were reported from January 1, 2018, until December 31, 2020. These statistics were collected from Campus Safety records, Campus Security Authorities (CSA) representatives, selected University offices including human resources, as well as local jurisdictional law enforcement agencies. They represent occurrences/incidents that occurred on campus and University grounds, public sidewalks and roadways adjacent to the campus property, and non-campus locations under University control during 2020, and include all crime statistics reported to any CSA.

Classification of Crimes

The Clery Act requires the University to report on four general categories of crime statistics:

- ◆ **Criminal Offenses** – Criminal homicide (including murder, non-negligent manslaughter, and negligent manslaughter); sexual assault (includes rape, fondling, incest, and statutory rape); robbery; aggravated assault; burglary; motor vehicle theft; and arson.
- ◆ **Hate Crimes** - Includes any Criminal Offense, and any incidents of larceny-theft, simple assault, intimidation, or destruction/damage/vandalism of property, that were motivated by bias.
- ◆ **VAWA¹ Offenses** - Any incidents of Domestic Violence, Dating Violence and Stalking (sexual assault is also a VAWA offense but is included in the Criminal Offenses category for Clery Act reporting purposes).
- ◆ **Arrests and Referrals for Disciplinary Action** - For weapons law violations (carrying, possessing), drug abuse violations, and liquor law violations.

The Clery Act requires the University to disclose statistics separately for each of the four general categories above, which means that when an incident meets definitions in more than one of those categories, the University must report it in each category.

Crimes are classified based on the Federal Bureau of Investigation's Uniform Crime Reporting Program definitions, as required by the Clery Act. Questions regarding these definitions may be directed to the Director of Campus Safety at [703-284-1601](tel:703-284-1601). Crime statistics do not include general theft (for example, items taken from unlocked rooms or offices or unattended items taken from common areas).

¹ Violence Against Women Reauthorization Act of 2013

The U.S. Department of Education requires that Marymount University publish an Annual Safety Report (ASR). In the ASR, the Department of Education requires that the following be used to classify and record Clery reportable crimes.

The Federal Bureau of Investigation (FBI)'s Uniform Crime Reporting (UCR) Handbook is used for all definitions of offenses, except for below:

- ◆ Beginning in 2013 dating violence, domestic violence, and stalking the meaning given such terms in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)).
- ◆ Clery Act reporting DOES NOT require disclosure of all other sexual related offenses. ex. sexual harassment, voyeurism and incident exposure.
- ◆ Offenses are counted on the basis of calls for service, complaints and Investigations.
- ◆ Findings of courts, coroners, jury, prosecutorial decisions and student judicial boards are NOT a basis for counting Clery Act crimes.

How Reported Crimes are Categorized

The reported crimes are cataloged utilizing the Hierarchy Rule, which is when the offender/perpetrator commits multiple offences in the same incident. When this occurs, the Hierarchy Rule is used when counting multiple offenses. The Hierarchy Rule requires that the most serious offense be counted when more than one offense was committed during a single incident. A single incident means that the offenses must be committed at the same time and place; and that the time interval and distance between the offenses were insignificant. Not all crimes committed in the same incident are counted with the statistics, only the most serious per the Hierarchy Rule. The Hierarchy Rule does not apply to incidents of arson, hate crimes, domestic violence, dating violence, or stalking. In addition, Violence Against Women Reauthorization Act of 2013 (VAWA) also made an exception to the Hierarchy Rule: when a sexual assault and murder occur in the same incident, both crimes will be statistically recorded for that year's ASR.

1 [Violence Against Women Reauthorization Act of 2013](#)

It should be noted that VAWA created some significant changes to the Clery Act statistical crime reporting requirements. Such changes included adding and tracking crimes related to domestic violence, dating violence, and stalking, which were not previously reported. There were some additional hate crime classifications introduced which included national origin bias and gender identity bias as well. Additionally, VAWA required changes to the tracking and cataloging of sexual assault crimes. Previously under the Clery Act, forcible sex offenses (included rape, forcible sodomy, sexual assault with an object and forcible fondling) were based upon the National Incident-Based Reporting System (NIBRS) definitions. This requirement has been

changed to use the Federal Bureau of Investigation’s (FBI) Uniform Crime Report (UCR) definition of rape that, within its definition, includes the crimes of sodomy and sexual assault with an object. Therefore, beginning in 2013, the Forcible Sexual Offenses category has been changed to Sexual Offenses and includes rape and fondling. Non-forcible sexual offenses has not changed and still includes incest and statutory rape.

Federal law requires that institutions report if any of the listed crimes manifested evidence of prejudice as described by the Hate Crimes Statistics Act.

<https://www.fbi.gov/services/cjis/ucr/hate-crime>.

Beginning in 1999, universities were required to report the number of disciplinary referrals for campus violations that would also be violations of state law regarding alcohol, drugs, and weapons. Violations of university policies that are not violations of state law are not included. The University has made a good-faith effort to determine which alcohol violations would also constitute a violation of law, such as possession or consumption of alcohol by a minor or furnishing alcohol to a minor. The fact that a disciplinary referral was made does not necessarily mean that a violation was ultimately found to have occurred. Reported crimes may involve individuals not associated with the institution.

Clery Act Geography

Under the Clery Act, the University is required to disclose the four general categories of crimes that are reported on “campus.” The Office of Civil Rights further defines “campus” for Clery reporting purposes in two different ways –“on-campus” and “non-campus.”

On-Campus Buildings or Property

The definition of “**on-campus**” buildings or property for reporting purposes is:

1. Any building or property owned or controlled by² the University, within the same reasonably contiguous³ geographical area, that directly supports or relates to the University’s educational purposes⁴; and

² Controlled by means that the University directly or indirectly rents, leases or has some other type of written agreement for use of a building or property, or a portion of a building or property.

³ Reasonably contiguous means a building or property owned or controlled by the University in a location that the University and its students consider to be, and treat as, part of the University campus. Generally, it is reasonable to consider locations within one mile of the campus border to be reasonably contiguous to the campus, determined on a case by case basis, taking into account the circumstances of the campus and the location. For example, a location that is within a mile of campus but separated from it by a river or six-lane highway might not be considered contiguous, unless connected by a pedestrian bridge or tunnel.

⁴ Directly supports, or relates to, the University’s educational purposes relates to the function of the building or property. For example, the dorms that house University students on campus support the University’s educational

2. Any building or property that is within, or reasonably contiguous to, the area identified in the previous paragraph of this definition that is owned by the University but controlled by another entity or person, is frequently used by University students, and supports University purposes, such as a food or other retail vendor

Non-Campus Buildings or Property

A “**non-campus**” building or property is defined as:

1. Any building or property owned or controlled by a student organization that is officially recognized by the University⁵; or
2. Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the University’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the University, i.e., is not considered part of the core campus.

The second part of the non-campus definition is applicable to additional locations that are associated with the University campus, but are not separate campuses, such as an athletic field leased by a university from a state or local government or classroom space leased by a university in a local high school to hold creative writing classes.

Off-campus student housing may also fall within the definition of a non-campus building or property.

Locations used repeatedly, i.e., annually, during overnight “away” trips that are sponsored by the University for students, may qualify for inclusion in the University’s non-campus reporting geography; as may locations used by students during University sponsored short-stay “away” trips lasting more than one night, provided that the location is controlled by the University and used to support educational purposes.

purposes. In contrast, a high school that was located on a University’s campus but was not otherwise associated with that University and was not used by students of the University would not directly support or be related to that University’s educational purposes.

⁵ The first part of the “non-campus” definition would apply to any building or property that is owned or controlled by a student organization, provided that the organization is officially recognized by or registered with the University.

Reported Crime Statistics Tables

Main Campus - 2807 N. Glebe Road, Arlington, VA 22207

2020	On-Campus	Off-Campus	Public Property	Residence Halls	Totals	Unfounded
Murder	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0
Forcible Sex Offenses: Rape/Fondling	2	0	0	2	2	0
Non-Forcible Sex Offenses: Incest/Statutory Rape	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Burglary	3	0	0	0	3	1
Motor Vehicle Theft	0	0	0	0	0	0
Arson	0	0	0	0	0	0
Hate Crimes or Incidents	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0
Stalking	1	0	0	0	1	0
Alcohol Arrest	0	0	0	0	0	0
Drug Arrest	0	0	0	0	0	0
Weapon Arrest	0	0	0	0	0	0
Alcohol Referral	42	0	0	42	42	0
Drug Referral	12	0	0	12	12	0
Weapon Referral	0	0	0	0	0	0

Main Campus - 2807 N. Glebe Road, Arlington, VA 22207

2019	On-Campus	Off-Campus	Public Property	Residence Halls	Totals	Unfounded
Murder	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0
Forcible Sex Offenses: Rape/Fondling	2	0	0	2	2	0
Non-Forcible Sex Offenses: Incest/Statutory Rape	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0
Arson	0	0	0	0	0	0
Hate Crimes or Incidents	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0
Dating Violence	3	0	0	3	3	0
Stalking	1	0	0	1	1	0
Alcohol Arrest	0	0	1	0	1	0
Drug Arrest	0	0	0	0	0	0
Weapon Arrest	0	0	0	0	0	0
Alcohol Referral	52	0	1	52	53	0
Drug Referral	15	0	1	14	16	0
Weapon Referral	0	0	0	0	0	0

Main Campus - 2807 N. Glebe Road, Arlington, VA 22207

2018	On-Campus	Off-Campus	Public Property	Residence Halls	Totals	Unfounded
Murder	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0
Aggravated Assault	1	0	0	1	1	0
Forcible Sex Offenses: Rape/Fondling	6	0	0	5	6	0
Non-Forcible Sex Offenses: Incest/Statutory Rape	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Burglary	1	0	0	1	1	0
Motor Vehicle Theft	0	0	0	0	0	0
Arson	0	0	0	0	0	0
Hate Crimes or Incidents	0	0	0	0	0	0
Domestic Violence						
Domestic Violence	0	0	0	0	0	0
Dating Violence						
Dating Violence	4	0	0	2	4	0
Stalking						
Stalking	9	0	0	4	9	0
Alcohol Arrest						
Alcohol Arrest	0	0	0	0	0	0
Drug Arrest						
Drug Arrest	1	0	0	1	1	0
Weapon Arrest						
Weapon Arrest	0	0	0	0	0	0
Alcohol Referral						
Alcohol Referral	78	0	0	75	78	0
Drug Referral						
Drug Referral	46	0	0	45	46	0
Weapon Referral						
Weapon Referral	0	0	0	0	0	0

Ballston Center - 1000 N. Glebe Road, Arlington, VA 22201
(The Rixey - 1008 N. Glebe Road, Arlington, VA 22201)

2020	On-Campus	Off-Campus	Public Property	Residence Halls	Totals	Unfounded
Murder	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0
Forcible Sex Offenses: Rape/Fondling	0	0	0	0	0	0
Non-Forcible Sex Offenses: Incest/Statutory Rape	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Burglary	2	0	0	0	2	0
Motor Vehicle Theft	0	0	1	0	1	0
Arson	0	0	0	0	0	0
Hate Crimes or Incidents	0	0	0	0	0	0
Domestic Violence						
Domestic Violence	0	0	0	0	0	0
Dating Violence						
Dating Violence	0	0	0	0	0	0
Stalking						
Stalking	0	0	0	0	0	0
Alcohol Arrest						
Alcohol Arrest	0	0	0	0	0	0
Drug Arrest						
Drug Arrest	0	0	0	0	0	0
Weapon Arrest						
Weapon Arrest	0	0	0	0	0	0
Alcohol Referral						
Alcohol Referral	0	0	0	0	0	0
Drug Referral						
Drug Referral	0	0	0	0	0	0
Weapon Referral						
Weapon Referral	0	0	0	0	0	0

**Ballston Center - 1000 N. Glebe Road, Arlington, VA 22201
(The Rixey - 1008 N. Glebe Road, Arlington, VA 22201)**

2019	On-Campus	Off-Campus	Public Property	Residence Halls	Totals	Unfounded
Murder	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0
Forcible Sex Offenses: Rape/Fondling	0	0	0	0	0	0
Non-Forcible Sex Offenses: Incest/Statutory Rape	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Burglary	1	0	0	0	1	0
Motor Vehicle Theft	0	0	0	0	0	0
Arson	0	0	0	0	0	0
Hate Crimes or Incidents	0	0	0	0	0	0
Domestic Violence						
Domestic Violence	0	0	0	0	0	0
Dating Violence						
Dating Violence	0	0	0	0	0	0
Stalking						
Stalking	1	0	0	0	1	0
Alcohol Arrest						
Alcohol Arrest	0	0	0	0	0	0
Drug Arrest						
Drug Arrest	0	0	0	0	0	0
Weapon Arrest						
Weapon Arrest	0	0	0	0	0	0
Alcohol Referral						
Alcohol Referral	1	0	0	1	1	0
Drug Referral						
Drug Referral	3	0	0	3	3	0
Weapon Referral						
Weapon Referral	0	0	0	0	0	0

**Ballston Center - 1000 N. Glebe Road, Arlington, VA 22201
(The Rixey - 1008 N. Glebe Road, Arlington, VA 22201)**

2018	On-Campus	Off-Campus	Public Property	Residence Halls	Totals	Unfounded
Murder	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0
Forcible Sex Offenses: Rape/Fondling	0	0	0	0	0	0
Non-Forcible Sex Offenses: Incest/Statutory Rape	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0
Arson	0	0	0	0	0	0
Hate Crimes or Incidents	0	0	0	0	0	0
Domestic Violence						
Domestic Violence	0	0	0	0	0	0
Dating Violence						
Dating Violence	0	0	0	0	0	0
Stalking						
Stalking	0	0	0	0	0	0
Alcohol Arrest						
Alcohol Arrest	0	0	0	0	0	0
Drug Arrest						
Drug Arrest	0	0	0	0	0	0
Weapon Arrest						
Weapon Arrest	0	0	0	0	0	0
Alcohol Referral						
Alcohol Referral	0	0	0	0	0	0
Drug Referral						
Drug Referral	0	0	0	0	0	0
Weapon Referral						
Weapon Referral	0	0	0	0	0	0

4040 Center - 4040 N. Fairfax Drive, Arlington, VA 22203

2020	On-Campus	Off-Campus	Public Property	Residence Halls	Totals	Unfounded
Murder	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0
Forcible Sex Offenses: Rape/Fondling	0	0	0	0	0	0
Non-Forcible Sex Offenses: Incest/Statutory Rape	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0
Arson	0	0	0	0	0	0
Hate Crimes or Incidents	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0
Stalking	0	0	0	0	0	0
Alcohol Arrest	0	0	0	0	0	0
Drug Arrest	0	0	1	0	1	0
Weapon Arrest	0	0	0	0	0	0
Alcohol Referral	0	0	0	0	0	0
Drug Referral	0	0	0	0	0	0
Weapon Referral	0	0	0	0	0	0

4040 Center - 4040 N. Fairfax Drive, Arlington, VA 22203

2019	On-Campus	Off-Campus	Public Property	Residence Halls	Totals	Unfounded
Murder	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0
Forcible Sex Offenses: Rape/Fondling	0	0	0	0	0	0
Non-Forcible Sex Offenses: Incest/Statutory Rape	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0
Arson	0	0	0	0	0	0
Hate Crimes or Incidents	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0
Stalking	0	0	0	0	0	0
Alcohol Arrest	0	0	0	0	0	0
Drug Arrest	0	0	0	0	0	0
Weapon Arrest	0	0	0	0	0	0
Alcohol Referral	0	0	0	0	0	0
Drug Referral	0	0	0	0	0	0
Weapon Referral	0	0	0	0	0	0

4040 Center - 4040 N. Fairfax Drive, Arlington, VA 22203

2018	On-Campus	Off-Campus	Public Property	Residence Halls	Totals	Unfounded
Murder	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0
Forcible Sex Offenses: Rape/Fondling	0	0	0	0	0	0
Non-Forcible Sex Offenses: Incest/Statutory Rape	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0
Arson	0	0	0	0	0	0
Hate Crimes or Incidents	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0
Stalking	0	0	0	0	0	0
Alcohol Arrest	0	0	1	0	1	0
Drug Arrest	0	0	0	0	0	0
Weapon Arrest	0	0	0	0	0	0
Alcohol Referral	0	0	0	0	0	0
Drug Referral	0	0	0	0	0	0
Weapon Referral	0	0	0	0	0	0

Study Abroad Trips

1. Crimes that occur during Study-Abroad Trips may be reportable if they occur in physical spaces that Marymount owns or controls, or in areas that are used to access those physical spaces, such as hotels and apartments, for the period of time specified in a written agreement. Per federal guidelines, these areas are considered part of Marymount's Non-Campus Property for crime reporting purposes. The On-Campus, On-Campus Student Housing, and Public Property Clery Crime Geographic Categories do not apply to Study-Abroad Trips at Non-Campus locations.
2. “**Unfounded Crimes**” are Clery Act crimes, reported to have occurred on Clery Act geography, thoroughly investigated by sworn or commissioned law enforcement personnel, and found through investigation to be false or baseless, meaning that the crime did not occur and was never attempted.

Study Abroad

2020	On-Campus	Off-Campus	Public Property	Residence Halls	Totals	Unfounded
Murder	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0
Forcible Sex Offenses: Rape/Fondling	0	0	0	0	0	0
Non-Forcible Sex Offenses: Incest/Statutory Rape	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0
Arson	0	0	0	0	0	0
Hate Crimes or Incidents	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0
Stalking	0	0	0	0	0	0
Alcohol Arrest	0	0	0	0	0	0
Drug Arrest	0	0	0	0	0	0
Weapon Arrest	0	0	0	0	0	0
Alcohol Referral	0	0	0	0	0	0
Drug Referral	0	0	0	0	0	0
Weapon Referral	0	0	0	0	0	0

Study Abroad

2019	On-Campus	Off-Campus	Public Property	Residence Halls	Totals	Unfounded
Murder	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0
Forcible Sex Offenses: Rape/Fondling	0	1	0	0	1	0
Non-Forcible Sex Offenses: Incest/Statutory Rape	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0
Arson	0	0	0	0	0	0
Hate Crimes or Incidents	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0
Stalking	0	0	0	0	0	0
Alcohol Arrest	0	0	0	0	0	0
Drug Arrest	0	0	0	0	0	0
Weapon Arrest	0	0	0	0	0	0
Alcohol Referral	0	0	0	0	0	0
Drug Referral	0	0	0	0	0	0
Weapon Referral	0	0	0	0	0	0

Study Abroad

2018	On-Campus	Off-Campus	Public Property	Residence Halls	Totals	Unfounded
Murder	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0
Forcible Sex Offenses: Rape/Fondling	0	0	0	0	0	0
Non-Forcible Sex Offenses: Incest/Statutory Rape	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0
Arson	0	0	0	0	0	0
Hate Crimes or Incidents	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0
Stalking	0	0	0	0	0	0
Alcohol Arrest	0	0	0	0	0	0
Drug Arrest	0	0	0	0	0	0
Weapon Arrest	0	0	0	0	0	0
Alcohol Referral	0	0	0	0	0	0
Drug Referral	0	0	0	0	0	0
Weapon Referral	0	0	0	0	0	0

Emergency Notifications/Timely Warning Notices

The University is committed to the safety and well-being of its faculty, staff, students, and guests to the campus. In compliance with the Higher Education Act of 1965, as amended, and Section 23-9.2:11 of the Code of Virginia, the University implemented a comprehensive communications system operating around the clock to provide prompt warning notifications, alerts of immediate threats and updates regarding the health and safety of the campus community. This system employs various methods, including but not limited to: email notices, phone, cellular text messages, Facebook, Twitter, website updates, PA systems, and digital signage alerts.

Timely Warning Notices

“**Timely warnings**” are provided in the event of a reported crime, either on-campus or off, that, in the judgment of the Director of Campus Safety or a designee, constitutes an ongoing or continuing, serious threat to the university community. The warnings (and updates) are generally written by the Director of Campus Safety or a designee and are typically distributed via email to anyone who has a Marymount.edu email address or via one of several of the alert notification technologies depending upon the incident specifics. The Office of Campus Safety provides a timely warning to the campus community whenever a situation arises that constitutes an ongoing or potential threat. It is university policy to post these notices on the university website and/or make notifications to faculty and students. The MU Alerts text messaging system may be used depending on the nature of the incident.

Timely warnings are usually distributed for the following Uniformed Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) crime classifications: arson, criminal homicide, and robbery. Cases of aggravated assault and sex crimes are normally considered on a case-by-case basis, depending on the facts of the case, the information known by Campus Safety and Emergency Management, and whether, in the opinion of the Director of Campus Safety, the crime constitutes an ongoing threat. If, for instance, a reportable crime occurs but the suspect is arrested, there may no longer be an ongoing threat to the university or community, and a warning may not be disseminated. Timely warnings may also be posted for other crime classifications, as deemed necessary.

Emergency Procedures

Campus Safety

703-908-1601 | csafety@marymount.edu



SHELTER-IN-PLACE

During Severe weather, hazardous materials spill, or an on-campus violence emergency, do the following:

- Move to an interior room or hallway with no windows
- On your way to the sheltered space, close windows and doors to the best of your ability
- Remain indoors until you are advised that it is safe to leave by emergency response personnel



SEVERE WEATHER

- Immediately move to the lowest interior floors of your building, and into a windowless area
- Stay away from windows, doors and outside walls



EVACUATIONS

In the event of an emergency that makes it necessary to evacuate the campus, directions will be given to do the following:

- Activate the building fire alarm system
- Notify others and evacuate the building. Do not use elevators during a fire or evacuation
- Regroup at the designated assembly point and await further instruction from emergency response personnel



POWER OUTAGE

- To report a power outage contact the Physical Plant at [703-284-1529](tel:703-284-1529)
- Buildings without power, water, heating, ventilation, or air conditioning should not be occupied until utilities are restored



LOCKDOWN

When alerted that the campus or specific buildings are in “Lockdown,” occupants of any building within the subject area are to:

- Remain inside, turn off room lights, lock all room doors and windows. Stay away from windows and doors.
- Do not shelter in a hallway; go to an office, classroom, or residence hall room that can be locked
- No one should enter or exit the “Lockdown” area until the “All Clear” has been sounded



MEDICAL EMERGENCIES

- Dial [703-284-1600](tel:703-284-1600) to report a serious illness or injury. If the situation is potentially life-threatening, dial [911](tel:911).
- Provide the level of first aid for which you are trained and equipped
- Do not try to move an injured person; this should be done ONLY when the person’s position puts him/her in additional danger



DISABILITIES

- Members of the Marymount community who have disabilities that could affect their safety in an emergency requiring evacuation, lockdown or shelter in place must notify Student Access Services at [703-284-1538](tel:703-284-1538); employees should contact HRS at [703-284-1680](tel:703-284-1680).



REGIONAL EMERGENCY

- In the event of unusual conditions, Marymount University may delay or cancel classes, or close altogether. Information about delays, cancellations and closings are made available through MU Alerts and other media as soon as possible once a decision is made
- Consult Marymount’s Weather and Emergency Information Line at [703-526-6888](tel:703-526-6888), the University’s

website (www.marymount.edu), and local radio and television stations for information. You wish to assemble a personal emergency kit at home, at work and/or in your car

Emergency Management Plan

Emergency Management Plan

The University's Emergency Action Plan establishes procedures to be followed by employees in the event of an emergency, to include "Run, Hide, Fight," and evacuation guidelines. It is the responsibility of all university employees to be knowledgeable of the emergency procedures and to participate in drills and exercises. Emergency preparedness posters are placed throughout each campus and emergency information is disseminated to faculty, staff, and students in an effort to provide them with information to be able to respond to an emergency event.

Emergency Response and Evacuation

Effective and efficient response and communication are essential components of any emergency plan, as well as testing the emergency response and evacuation procedures. The University is committed to testing the procedures at least annually and publicizing its procedures in conjunction with the test.

The University community is notified on an annual basis that they are required to notify the Marymount University Office of Campus Safety or outside law enforcement agencies (via 911) of any situation or incident that involves a significant emergency or danger that may pose an immediate or ongoing threat to the health and safety of students and/or employees on campus. Marymount University and/or outside law enforcement agencies respond to such situations to assess the potential threat and summon the necessary resources to mitigate, investigate, and/or document any situation that may pose a significant emergency or danger. In addition, Campus Safety and outside law enforcement respond to such incidents to determine if the situation does in fact pose an immediate threat to the community. If an immediate threat does exist, federal law requires that the institution immediately notify the campus community or the appropriate segments of the community that may be affected by the situation.

The Office of Campus Safety is responsible for coordination of the University Emergency Management Plan.

Testing Emergency Response and Evacuation Procedures

Emergency evacuation fire drills are required and mandated by the Virginia Statewide Fire Prevention Code, Chapter 4. The 2008 Higher Education Opportunity Act requires testing of the University emergency response and evacuation procedures. Marymount University complies with the provisions of the aforementioned code and federal statute.

The University conducts a fire evacuation drill semi-annually for all residence hall buildings. In addition, the University conducts alert notification drills such as tornado/severe weather and active shooter drills regularly to test all or a portion of the alert notification systems.

The evacuation drills are designed to prepare building occupants for an organized evacuation in case of an emergency and are used to educate and train occupants on issues specific to their building. During the drill, occupants practice drill procedures and familiarize themselves with the location of exits, assembly locations, and the sound of the fire alarm. In addition to educating the occupants of each building about the evacuation procedures during the drills, the process also provides the University an opportunity to test the operation of fire alarm or related emergency notifications system components.

All drills are monitored by the Office of Campus Safety and the Office of Physical Plant to evaluate egress, behavioral patterns, as well as evacuation efficiency and expedience. Afterward, an after action report is prepared by the Office of Campus Safety. This follow-through activity is designed for assessment and evaluation of emergency plans and capabilities.

The University Emergency Management Plan provides emergency response information to faculty and staff for various types of emergency situations. Students, faculty, and staff are also encouraged to download the LiveSafe App. The [LiveSafe App](#) is the University's emergency notification system. LiveSafe is a free mobile safety app that Marymount University provides to the Marymount community. LiveSafe gives the opportunity for students, staff, faculty, and visitors on campus to effectively communicate with Campus Safety and other University departments via mobile device. By downloading the app, Marymount University students, faculty, staff, and visitors can receive MU alerts about emergency situations affecting the campus community, as well as notification of weather-related delays, cancellations, and closings. MU Alerts will be delivered to the community via text message, email, and push notifications. Marymount affiliated members will still receive MU Alerts via their Marymount email if they choose not to download the LiveSafe App. MU Alerts enables the University to notify members of the campus community quickly in the event of an emergency. Messages sent will be brief, stating the nature of the situation and suggested action.

Emergency Communications

The Emergency Communication Plan provides information on the University's emergency communication plans and procedures. It serves as the primary tool for implementing communication-related activities in crisis situations. It has been developed to provide guidance to University officials in regard to delivering an effective, efficient, timely, and comprehensive message before, during, and after emergency situations.

An immediate notification will be issued when the Office of Campus Safety, or other designated official, has confirmed that an emergency situation poses an immediate threat to the life, safety or security of the campus community. The Campus Safety Officer in Charge or other designated

official will authorize the emergency notification based on the operational guidelines in the Emergency Communication Plan. In addition, the University will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency. The University will use some or all of the systems described below to communicate the threat to the University community or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population.

University Marketing and Communications will manage, direct, and disseminate supplemental non-emergency communications to the appropriate audiences, including students, parents of students, faculty, staff, the news media, the surrounding community, and individuals and/or organizations outside the campus community.

In the event of a serious incident that poses an immediate threat to members of the University community, the University has various systems in place for communicating the information quickly. Some or all of the methods of communication listed below may be used in the event of an immediate threat to the campus community:

1. MU Alerts

The [LiveSafe App](#) is the University's emergency notification system. LiveSafe is a free mobile safety app that Marymount University provides to the Marymount community. LiveSafe gives the opportunity for students, staff, faculty, and visitors on campus to effectively communicate with Campus Safety and other University departments via mobile device. By downloading the app, Marymount University students, faculty, staff, and visitors can receive MU alerts about emergency situations affecting the campus community, as well as notification of weather-related delays, cancellations, and closings. MU Alerts will be delivered to the community via text message, email, and push notifications. Marymount affiliated members will still receive MU Alerts via their Marymount email if they choose not to download the LiveSafe App. MU Alerts enables the University to notify members of the campus community quickly in the event of an emergency. Messages sent will be brief, stating the nature of the situation and suggested action.

2. University Website

Emergency messages can be put on the University's website quickly from any location. There is an alert at the top of the page that appears when an emergency message is posted. When monitoring the web pages for information, it is recommended that the user occasionally refresh the webpage for the most current information when actively monitoring an incident.

3. Social Media

Emergency messages can be sent through the University's Twitter and Facebook accounts.

4. University Email

During emergencies, email can be sent university-wide to all employees and students. Separate distribution lists are also maintained for each campus.

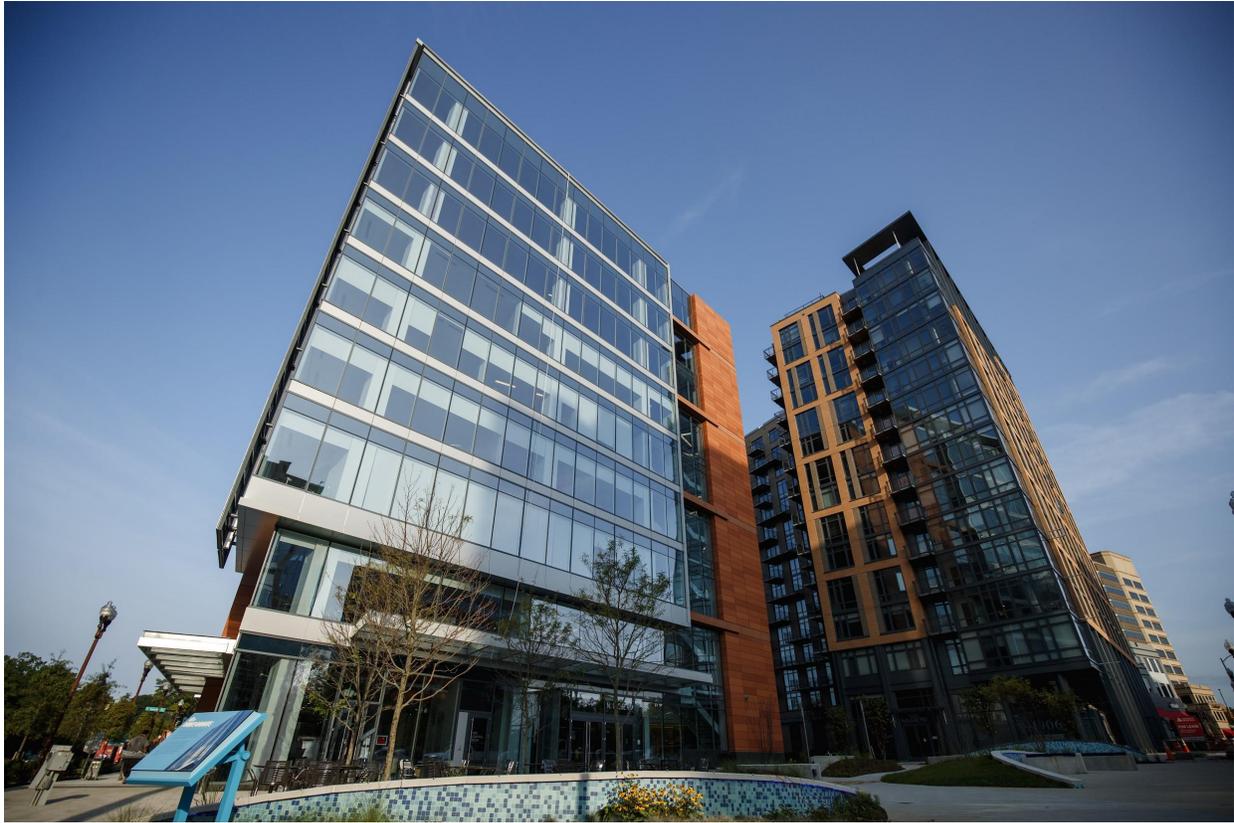
5. Local News Media

University Marketing and Communications sends press releases and makes calls to local media. Because of the transient nature of its population, the University depends heavily on broadcast media to notify students, faculty, and staff of emergencies before or during their commutes.

NOTE: All technologies may not be available at all of Marymount University's locations or facilities. The Marymount University Emergency Communication Plan can be found at

Access to Campus Buildings and Maintenance of Campus Facilities

All Access to residence hall living areas is card-controlled, available only to those authorized to enter these areas. Emergency exits and other side doors are electronically monitored by computer and/or equipped with local alarm bells to prevent propping and illegal entry. Several campus buildings are equipped with electronic burglar-intrusion devices and are monitored by Campus Safety personnel. Other campus buildings, such as classroom buildings, the library, and the Rose Benté Lee Center, are kept secured when not in use.



Ballston Center and 4040 N. Fairfax

Located in the Ballston professional district in Arlington County, the University's Ballston Center is just minutes from the Main Campus. Opened in August 2017 with the launch of the new academic year, the complex includes a nine-story academic/office building and twelve-story residential/retail building, each with underground parking. The complex is anchored by a public plaza and green space courtyard.

The 4040 Center houses our physical therapy doctoral program. It is patrolled by Campus Safety Officers, when in use and is equipped with security cameras.

Monitoring and Managing Concerning or Threatening Behavior

Reporting a Concern

Sometimes situations arise in which students, parents, or faculty have concerns about a University student. Whether it is a concern for a student's health, welfare, or safety, the Office of Student Affairs is available to help.

If you have a concern about a current University student, you may refer the matter to the Marymount University Student Care Team by visiting the following link:

<https://www.marymount.edu/Student-Life/Student-Affairs-Administration/Report-a-Concern>

You may also contact the Student Care Team Chair at 703-908-7670 for consultation during regular business hours.

Threat Assessment Team

The University has a standing Threat Assessment Team. The role of this team is to assess whether an individual poses, or might reasonably pose, a threat of violence to self, others, or the Marymount University community, and to intervene to avert the threat. The team responds to behaviors exhibited by students, employees, visitors, and non-affiliated persons prior to a critical incident in an attempt to prevent violence so that the University campus remains a safe and secure working and learning environment. The University's Threat Assessment Team is comprised of two permanent members:

- ◆ Associate Vice President, Student Health and Well-being
- ◆ Associate Vice President for Student Living and Engagement
- ◆ Director of Campus Safety

In addition to the permanent membership, other Marymount University staff and faculty, as well as outside experts, may be called to participate on the team as circumstances dictate.

On Campus Security Cameras: Monitoring and Recording

Campus buildings and equipment are maintained by University facilities personnel and are patrolled by Campus Safety Officers. An integrated network of cameras operated by the Office of Campus Safety and Security assists monitoring. The University campuses, including all buildings, grounds, parking areas, and roadways, are maintained with concern for safety and security. Campus buildings and equipment are inspected regularly and needed repairs to replace faulty equipment and to mitigate potential hazards are promptly made.

Firearms/Dangerous Weapons and Materials Policy

Faculty, staff, and students may not possess or carry any weapon anywhere on the University's property. It is a violation of University policy, as defined in student, faculty, and employee handbooks, to carry weapons or to leave them unsecured in a car parked on the campus. This policy also prohibits persons who may possess concealed carry permits from bringing weapons onto the University campuses in a manner otherwise described by the weapons policy. The only exception applies to duly sworn law enforcement officers while on duty. While civilian-attired police officers are authorized to carry firearms, they must keep them concealed so as not to alarm others. Bringing explosives and other dangerous chemicals onto campus is prohibited, without exception.

Crime Prevention

Crime Prevention

The University works hard to ensure the safety and security of the University community. However, students and employees must take ultimate responsibility for their own safety and their personal belongings. Common sense precautions are the most effective means of maintaining personal security. Here are some practical suggestions:

- ◆ After dark, always travel in groups of two or more people.
- ◆ Always keep to well-lighted and maintained walkways.
- ◆ Immediately report any suspicious-looking persons or out-of-ordinary occurrences (such as propped doors or broken windows) to Campus Safety at ext. 1600.
- ◆ Take advantage of the University's free and convenient 24-hour security escort service to and from any place on campus property by calling ext. 1600 for the Main Campus or ext. 5900 for 4040 Center and Ballston Center.
- ◆ Take advantage of the University's free and convenient shuttle transportation when traveling to or from the Main Campus, Ballston Center, the metro station, and 4040 Center during class hours and on weekends. Additional information and shuttle timetables are available in the Office of Campus Safety and online at marymount.edu/shuttles.
- ◆ Never park in dark, remote, or unsafe areas. Always lock your car after parking, don't leave valuables visible, and have your car keys ready when you return to your car.
- ◆ Always be familiar with your destination and route and, if you go out alone, let someone know where you are going.
- ◆ Never prop open doors of campus buildings. Remove props from doors if you see any and report the situation to Campus Safety.
- ◆ Please note that on weekends or other days when there are no classes, unoccupied buildings will be kept locked.
- ◆ Notify Campus Safety or a member of the university staff of any individual who appears not to have legitimate business on campus or whose actions arouse suspicion or concern.
- ◆ Know the phone number of Campus Safety, 703-284-1600. Save it on your cell phone.
- ◆ Always remember, call 911 in an emergency.

For additional information on security, visit the Office of Campus Safety at Gerard Hall, G205B or call 703-284-1601.

MISSING RESIDENT STUDENT PROCEDURE

While many missing resident student reports at universities are the result of a student changing their normal routine and neglecting to inform their roommates, friends, and/or family of their whereabouts, Marymount University takes reports of missing resident students seriously. The University handles missing resident student reports pursuant to the following procedures.

The University defines a missing resident student as any currently enrolled resident student who has not been in contact with roommates, friends, family, faculty or staff for a reasonable period of time (usually a period of 24 hours) and whose whereabouts have been questioned and brought to the attention of a University official.

Any member of the University community who has reason to believe a student residing in on-campus housing has been missing for 24 hours should immediately contact the Office of Campus Safety and Emergency Management at [703-284-1601](tel:703-284-1601).

In addition to registering a general emergency contact, students residing in on-campus housing have the option to identify, confidentially, one or more individuals to be contacted (“Confidential Contact”) by the University in the event the student has been determined to be missing for 24 hours, or is otherwise determined to be missing. A student who wishes to designate a Confidential Contact may do so at the same time he/she provides general emergency contact information or by contacting the Office of Student Living. The Confidential Contact will remain until revoked or changed by the student. The Confidential Contact information will be kept confidential and will be accessible only to authorized University officials and law enforcement in furtherance of a missing person investigation.

When the Office of Campus Safety receives a missing student report, it will promptly initiate an investigation and notify Student Living and the Division of Student Affairs. If a student has designated a Confidential Contact(s), the Division of Student Affairs will notify the Confidential Contact(s) within 24 hours of the determination that the student is missing. In the event that the missing resident student is a minor (under the age of 18 years) and is not emancipated, the parent or legal guardian, if different than the designated Confidential Contact, will also be notified within 24 hours of the determination that the student is missing. The Office of Campus Safety will notify the Arlington County Police Department within 24 hours of the determination that the student is missing.

KEEPING INFORMED

The University offers programs designed to provide crime prevention education and teach safety precautions. Programs are offered annually during Orientation and at other times as announced in The Bark, an events digest published by the Division of Student Affairs, and by other means. Information about common-sense safety precautions is included in this brochure and in the

Student Handbook. Crimes that are considered to be a threat to students and employees, and that are reported to any of the offices listed in this Annual Safety and Fire Report, are reported to the University community in a timely manner. These timely warnings may be by text message, email, flyer, or other forms of mass communication.

WHAT YOU CAN DO

- ◆ Do not leave purses, wallets, or valuables in open areas or unattended.
- ◆ Do not leave car doors or room doors unlocked, or windows open in your absence.
- ◆ Walk on lighted sidewalks, and do not take shortcuts through dark areas.
- ◆ Walk with someone in the evenings.

If you see suspicious persons or a crime being committed, report it to Campus Safety at ext. 1600 or report a tip through the LiveSafe App. The more alert you are, the safer the campus will remain.

More information on Marymount University Campus Safety and the Clery Act, including the Daily Crime Log, Clery reportable crime definitions and associated information, crime alerts, the Annual Safety Report, training resources, Campus Security Authorities, and additional resources is easily accessible and available to the public at

<https://marymount.edu/student-life/health-wellness/campus-safety/security-on-campus/>.

EMERGENCY CALL BOXES

Emergency Call Boxes are located on the Main Campus in both the Blue and White University parking garages on each level. Emergency call boxes are also located at the Ballston Center. Push the red button to talk directly to Campus Safety. Call Boxes are for emergency use only and should not be activated to request room openings or for non-emergency issues. Campus Safety tests all emergency call boxes monthly to ensure serviceability. Officers on duty will immediately respond to any emergency call for service.

SECURITY ESCORT SERVICE

The Office of Campus Safety offers 24-hour safety escort service to all students and employees to and from any location on the Main Campus, Ballston Center, the Rixey Apartments, and at the 4040 Building. Escort requests are made by calling ext. 1600 or by stopping by any campus security station.

Sex Offender Registry Access

The Campus Sex Crimes Prevention Act of 2000 requires universities to issue a statement advising the campus community where law enforcement agency information provided by the state concerning registered sex offenders may be obtained. In Virginia, the information is available at the following Virginia State Police website: www.vsp.state.va.us (click on “Sex Offender Registry”).

Alcohol and Drug Policies

Alcohol and Drug Policy

Introduction

The University is concerned about students who improperly use alcohol and other drugs and the effects such use may have on their health, academic success, interpersonal relationships, and ultimately their future. The misuse of alcohol, the use of illicit drugs, and the misuse of prescription medications are discouraged, disciplined, and will not be tolerated. Our goal can be achieved by campus-wide involvement in comprehensive and on-going alcohol and drug education, and the enforcement of the following guidelines.

A. Policy on Parental Notification

The University reserves the right to notify the parents/guardians of students regarding any conduct situation, particularly disciplinary or housing probation, loss of housing, suspension, and expulsion. Additionally, the University reserves the right to notify the parents of students who are under the age of 21 of the outcomes of any alcohol or drug cases where a student is found responsible, particularly in the cases which also result in disciplinary or housing probation, loss of housing, suspension, or expulsion. Marymount University also reserves the right to designate which University employees have a legitimate need to know about individual conduct complaints pursuant to the Family Educational Rights and Privacy Act (FERPA) and will share information accordingly.

B. Alcohol Policy

The following sections describe the University's policy regarding the sale, service, distribution, and consumption of alcoholic beverages on University property or at University-sponsored events, in accordance with federal, state and local laws.

Basic Guidelines

Students who are of legal drinking age — 21 years of age or older — are permitted to possess and consume alcohol in designated University housing, select University dining facilities where alcohol is served, or at approved University-sponsored events where alcohol is served. Students who are of legal drinking age may not share with or provide alcohol to any students, employees, or guests who are under 21 years of age.

Those under the legal drinking age are not permitted to possess or consume alcohol anywhere on University property or at University-sponsored events. Drinking games, and simulated drinking games (e.g. water pong) are prohibited on campus.

Within the University housing, students who are 21 years of age or older may only consume alcohol in the rooms of other students where at least one resident of that room is 21 or older and present at the time of consumption.

The Following is a List of the University's Alcohol Policy Violations:

- ◆ Possession or consumption of alcohol by a person under the age of 21
- ◆ Possession of empty alcohol containers by a person under the age of 21
- ◆ Furnishing, selling, or providing alcohol to a person under the age of 21
- ◆ Hosting a party where persons under the age of 21 are consuming or have consumed Alcohol
- ◆ Driving Under the Influence/Driving While Intoxicated: The University is concerned about students who violate state and local laws regarding consumption of alcohol and the operation of motor vehicles. In accordance with state law, the University abides by the legal definition of intoxicated as “not having the normal use of mental or physical faculties by reason of introduction of alcohol, a controlled substance, a drug, a dangerous drug, a combination of two or more of those substances, or any other substance into the body” or 0.08 Breath or Blood Alcohol Concentration. In addition, students under the legal minimum drinking age of 21 years who are found to have any detectable amount of alcohol in their systems will be considered driving under the influence of alcohol and subject to penalties under that offense
- ◆ Possessing, using, or serving from a common source of alcohol regardless of age or punch bowls, kegs, beer balls, or the equivalent. Regarding possessing excessive quantities of alcohol: the University believes that students of legal drinking age should be allowed to consume in moderation. Students are not allowed to possess excessive quantities of alcohol. The specific limitations are defined in the Housing Policy

<https://www.marymount.edu/marymount.edu/media/StudentLife/OCRS/2019-20-Housing-Policy-Guide.pdf>).

NOTE: Alcohol is not permitted in rooms where no resident(s) assigned to the room is at least 21 years of age

- ◆ Being intoxicated or showing physical or mental impairment following or resulting from alcohol use regardless of age: a person is showing physical or mental impairment if the person is unable to coherently and respectfully answer questions, comply with the instructions of a University official, or is unable to walk unassisted.
- ◆ Participating in or being present during the drinking game or simulated drinking game regardless of age.
- ◆ Possessing an open container of alcohol in any location other than select University Dining facilities where alcohol is served, University-sponsored events where alcohol is specifically permitted, or a residence hall room or apartment where the host is 21 and present, regardless of the possessor's age.

Sanctioning for Alcohol Policy Violations

Hearing Officers and Student Conduct Boards have been trained to carefully weigh a variety of factors when determining sanctioning. Below are three lists of violation categories and common sanctions for each offense. The lists below are suggestions; each Hearing Officer must consider a variety of aggravating and mitigating factors. Potential aggravating factors include but are not limited to: hosting a party where persons under 21 are consuming alcohol; failing to cooperate with the instructions of a University official or law enforcement officer; disorderly conduct; being verbally abusive toward staff or students; quantity of alcohol; potential for injury to self or others; and past conduct history. Potential mitigating factors include but are not limited to: compliance with the instructions of staff; admitting responsibility during the Hearing or the documentation of the incident; conducting oneself in an appropriate manner; student is able to articulate personal responsibility; student creates and follows a treatment plan prior to Hearing; and assisting the staff addressing the incident.

Standard Violations of the University Alcohol Policy

Include, but are not limited to: being present while alcohol is being consumed by a person under the age of 21; possession of an empty alcohol container by a person under the age of 21; and consumption/possession by a person under the age of 21.

First Offense — Possible sanctions include, but are not limited to:

- ◆ University Final Warning
- ◆ Restorative Action: Engage Marymount University's Offerings
- ◆ Other sanctions as determined by Chief Conduct Officer (or designee)

Second Offense — Possible sanctions include, but are not limited to:

- ◆ Disciplinary Probation and University Housing Probation for one calendar year
- ◆ Restorative Action within the Marymount Community
- ◆ Notification of parents/guardians of dependent students, as defined by FERPA; and/or
- ◆ Other sanctions as determined by the Chief Conduct Officer (or designee).

Third and Subsequent Offenses — Possible sanctions include, but are not limited to

- ◆ Extension of disciplinary probation
- ◆ Loss of housing for minimum of one calendar year
- ◆ Restorative Action within the Marymount or Arlington Community
- ◆ Notification of parents/guardians of dependent students, as defined by FERPA; and/or
- ◆ Other sanctions as determined by the Chief Conduct Officer (or designee).

Serious Violations of the University Alcohol Policy

Include but are not limited to: hosting a large or unruly party where persons under the age of 21 are consuming or have consumed alcohol; non-compliance with or disrespect toward staff while also violating a policy that would be categorized as a minor violation of the alcohol policy; consuming alcohol in a space other than designated areas; consuming alcohol to the point where intervention by staff, police, or EMS is required; and furnishing, selling or providing alcohol to a person under the age of 21.

First Offense — Possible sanctions include, but are not limited to:

- ◆ Disciplinary Probation and University Housing Probation for one calendar year;
- ◆ Mandated self-assessment
- ◆ Restorative Action: Engage Marymount University's Offerings
- ◆ Notification of parents/guardians of dependent students, as defined by FERPA; and/or
- ◆ Other sanctions as determined by the Chief Conduct Officer (or designee)

Second and Subsequent Offenses — Possible sanctions include, but are not limited to:

- ◆ Disciplinary probation through tenure
- ◆ Loss of housing for minimum of one calendar year
- ◆ Restorative Action within the Marymount or Arlington Community
- ◆ Notification of parents/guardians of dependent students, as defined by FERPA; and/or
- ◆ Other sanctions as determined by the Chief Conduct Officer (or designee)

Major violations of the University alcohol policy

Include but are not limited to: possessing, using, or serving from a common source of alcohol; driving under the influence where there is no injury or other aggravating factors; and other alcohol-related behaviors that pose a concern for the welfare of the student and/or community.

First Offense — Possible sanctions include, but are not limited to:

- ◆ Disciplinary probation for two calendar years, suspension, and/or expulsion
- ◆ Loss of housing for minimum of one calendar year
- ◆ Mandated self-assessment
- ◆ Restorative Action within the Marymount or Arlington Community
- ◆ Notification of parents/guardians of dependent students, as defined by FERPA; and/or
- ◆ Other sanctions as determined by the Chief Conduct Officer (or designee)

Second and Subsequent Offenses — Possible sanctions include, but are not limited to:

- ◆ Suspension or expulsion from the University
- ◆ Notification of parents/guardians of dependent students, as defined by FERPA; and/or
- ◆ Other sanctions as determined by the Chief Conduct Officer (or designee).

C. Illegal Drug Policy

Introduction

The following sections describe the University’s policy regarding the sale, manufacture, distribution, possession and use of illegal drugs on or off University property or at University-sponsored events, in accordance with federal, state, and local laws.

This policy provides flexibility for the University in addressing drug-related offenses, which occur on or off campus. Moreover, it permits the University to address its fundamental mission of holistic education and the development of human potential. While recognizing that there is a need to address violations related to the use or possession of controlled substances, the University must address the education and well-being of all its students and employees. In addition to University imposed sanctions, students and employees may be subject to all legal sanctions under federal, state, and local laws for any offenses involving illegal drugs on University property or at University-sponsored activities.

Safe Harbor

The University has a Safe Harbor rule for students. The University believes that students who have a drug and/or addiction problem deserve help. If any Marymount student brings his/her own use, addiction, or dependency to the attention of University officials outside the threat/use of drug tests or conduct sanctions and seeks assistance, a conduct complaint will not be pursued.

A written action plan may be used to track cooperation with the Safe Harbor program by the student. Failure to follow the action plan will nullify the Safe Harbor protection and campus conduct processes will be initiated.

Violations of the University Illegal Drug Policy

- ◆ Possessing or using any form of illegal drug, synthetic drug, or unlawfully obtained prescription drug

- ◆ Distributing, selling, or manufacturing any form of illegal drug, synthetic drug, or unlawfully obtained prescription drug
- ◆ Possessing or using paraphernalia (e.g. bongs, rolling paper, pipes, bats, etc.) that a reasonable person would believe is for the use or storage of an illegal drug, synthetic drug, or unlawfully obtained prescription drug

Sanctioning

Hearing Officers and Student Conduct Boards have been trained to carefully weigh a variety of factors when determining sanctioning. Below are two lists of violation categories and common sanctions for each offense. The list below is a suggestion; each Hearing Officer must consider a variety of aggravating and mitigating factors. Potential aggravating factors include, but are not limited to: failing to cooperate with the instructions of a University official or law enforcement officer; disorderly conduct; being verbally abusive toward staff or students; quantity of illegal drugs; potential for injury to self or others; and past conduct history. Potential mitigating factors include, but are not limited to: compliance with the instructions of staff; admitting responsibility during the Hearing or the documentation of the incident; conducting oneself in an appropriate manner; student is able to articulate personal responsibility; student creates and follows a treatment plan prior to Hearing; and assisting the staff addressing the incident.

Manufacture, Sale or Distribution of Illegal Drugs:

First Offense — Sanctions include, but are not limited to:

- ◆ Suspension or expulsion from the University
- ◆ Immediate removal from housing
- ◆ Notification of parents/guardians of dependent students, as defined by FERPA
- ◆ Notification of law enforcement authorities; and/or
- ◆ Other sanctions as determined by the Chief Conduct Officer (or designee)

For the Possession or Use of Drug Paraphernalia, Synthetic Substances, and/or Illegal Drugs: Drug Paraphernalia (e.g. bongs, rolling paper, pipes, bats, etc.), Illegal Drugs, and Synthetic Substances (e.g. K2, Spice) Whose Common Purpose is to Replicate the Effects of Illegal Substances are Prohibited on Campus

First Offense — small quantities of marijuana—Possible sanctions include, but are not limited to:

- ◆ Disciplinary probation for one calendar year
- ◆ Mandated self-assessment

- ◆ Restorative Action: Engage Marymount University’s Offerings
- ◆ Notification of parents/guardians of dependent students, as defined by FERPA; and/or
- ◆ Other sanctions as determined by the Chief Conduct Officer (or designee)

Second Offense—small quantities of marijuana— Possible sanctions include, but are not limited to:

- ◆ Loss of housing and disciplinary probation through tenure
- ◆ Restorative Action within the Marymount or Arlington Community
- ◆ Notification of parents/guardians of dependent students, as defined by FERPA; and/or
- ◆ Other sanctions as determined by the Chief Conduct Officer (or designee)

Offenses Other than Small Quantities of Marijuana

First Offense—other than marijuana—Possible sanctions include, but are not limited to:

- ◆ Loss of housing and disciplinary probation through tenure or suspension or Expulsion
- ◆ Mandated self-assessment
- ◆ Notification of parents/guardians of dependent students, as defined by FERPA; and/or
- ◆ Other sanctions as determined by the Chief Conduct Officer (or designee).

Second Offense—other than marijuana— Possible sanctions include, but are not limited to:

- ◆ Suspension or expulsion;
- ◆ Restorative Action within the Marymount or Arlington Community
- ◆ Notification of parents/guardians of dependent students, as defined by FERPA; and/or
- ◆ Other sanctions as determined by the Chief Conduct Officer (or designee)

D. Saints Act: Medical Amnesty Policy Statement

The University is committed to the development of a safe and healthy educational environment. As a community, it is imperative that we work together and report concerns for the safety and welfare of students. The University recognizes that possible consequences within the conduct system may deter students from promptly reporting alcohol and drug related medical concerns to those in a position to assist. This policy is designed to remove barriers to reporting while supporting the University’s commitment to community safety.

Policy

This policy applies to students who:

- ◆ Call for medical assistance for another person
- ◆ Receive medical assistance related to the consumption or use of alcohol or drugs
- ◆ Are bystanders.

Students acting under this policy will not be referred to the University conduct system provided:

- ◆ The alleged violations of University policy are non-violent

Utilizing this Policy

Students seeking help for others should call Campus Safety at 703-284-1600 and describe the nature of the emergency. Campus Safety will respond and assess the situation. Students who believe that there is a need for immediate medical attention should call 911 directly and then Campus Safety.

Follow-up

The University believes that this policy is part of a larger approach to addressing alcohol and drugs on-campus. Students will not be referred to the University conduct system provided that they complete follow-up meetings or actions required by the University administration. These may include but are not limited to meetings with administrators, attendance at educational programs, compensation for property damage, counseling assessment, and/or parental notification/involvement.

E. Health Effects of Alcohol and Drug Use

The University affirms that illegal drug use is harmful and detrimental to the educational objectives of the University. The illegal use of drugs and the abuse of alcohol by students and employees could result in cognitive deficits, loss of productivity, and other health risks. These risks include an increased incidence of accidents which may result in death or permanent injury.

Warning Signs

The use and abuse of alcohol and drugs are serious issues that should not be ignored or minimized, and we should not sit back and hope they just go away. If left untreated, use and abuse can develop into drug dependence or alcoholism. As a result, it is important to recognize the signs and symptoms of alcohol and drug abuse early. If you're worried that a friend or family member might be abusing alcohol or drugs, here are some of the warning signs to look for:

Physical and health warning signs of drug abuse

- ◆ Eyes that are bloodshot or pupils that are smaller or larger than normal
- ◆ Frequent nosebleeds could be related to snorted drugs (meth or cocaine)
- ◆ Changes in appetite or sleep patterns
- ◆ Sudden weight loss or weight gain
- ◆ Seizures without a history of epilepsy
- ◆ Deterioration in personal grooming or physical appearance
- ◆ Injuries/accidents and they won't or can't tell you how they got hurt
- ◆ Unusual smells on breath, body, or clothing
- ◆ Shakes, tremors, incoherent or slurred speech, impaired or unstable coordination

Behavioral signs of alcohol or drug abuse

- ◆ Drop in attendance and performance at work or school; loss of interest in extracurricular activities, hobbies, sports or exercise; decreased motivation
- ◆ Complaints from co-workers, supervisors, teachers or classmates
- ◆ Unusual or unexplained need for money or financial problems; borrowing or stealing; missing money or valuables
- ◆ Silent, withdrawn, engaging in secretive or suspicious behaviors
- ◆ Sudden change in relationships, friends, favorite hangouts, and hobbies
- ◆ Frequently getting into trouble (arguments, fights, accidents, illegal activities)

Psychological warning signs of alcohol or drug abuse

- ◆ Unexplained change in personality or attitude
- ◆ Sudden mood changes, irritability, angry outbursts or laughing at nothing
- ◆ Periods of unusual hyperactivity or agitation
- ◆ Lack of motivation; inability to focus, appears lethargic or "spaced out"
- ◆ Appears fearful, withdrawn, anxious, or paranoid, with no apparent reason

Acute Effects/Health Risks by Drug Type

- ◆ **Alcohol** – drowsiness, slurred speech, nausea, emotional volatility, loss of coordination,

visual distortions, impaired memory, sexual dysfunction, loss of consciousness, increased risk of injuries, violence, fetal damage (in pregnant women), depression, neurological deficits, hypertension, liver and heart disease, obesity, addiction, fatal overdose.

- ◆ **Amphetamines/Methamphetamines** – increased heart rate, blood pressure, body temperature and metabolism, tremors, reduced appetite, irritability, anxiety, panic, paranoia, violent behavior, psychosis, weight loss, insomnia, severe dental problems, cardiac and cardiovascular complications, stroke, seizures, addiction.
- ◆ **Cocaine** – increased heart rate, blood pressure, body temperature and metabolism, tremors, reduced appetite, irritability, anxiety, panic, paranoia, violent behavior, psychosis, nasal damage, weight loss, insomnia, cardiac or cardiovascular complications, stroke, seizures, Addiction.
- ◆ **Dissociative Drugs (Ketamine, PCP, Salvia divinorum, DXM)** – impaired motor function, anxiety, tremors, numbness, memory loss, nausea, analgesia, delirium, respiratory depression and arrest, psychosis, aggression, violence, slurred speech, hallucinations, dizziness, distorted visual perceptions, death.
- ◆ **Flunitrazepam** – sedation, confusion, memory loss, dizziness, impaired coordination, addiction.
- ◆ **Gamma Hydroxybutyrate (GHB)** – drowsiness, nausea, headache, disorientation, loss of coordination, memory loss, unconsciousness, seizures, coma.++
- ◆ **Hallucinogens (LSD, mescaline, psilocybin)** – hallucinations, nausea, increased body temperature, heart rate and blood pressure, loss of appetite, sweating, sleeplessness, numbness, dizziness, weakness, tremors, impulsive behavior, rapid shifts in emotion, flashbacks, hallucinations, Persisting Perception Disorder, nervousness, paranoia, panic.
- ◆ **Heroin/Opium** – drowsiness, impaired coordination, dizziness, confusion, nausea, sedation, feelings of heaviness in the body, slowed or arrested breathing, constipation, endocarditis, hepatitis, HIV, addiction, fatal overdose.
- ◆ **Inhalants** – loss of inhibition, headache, nausea or vomiting, slurred speech, loss of motor coordination, wheezing, cramps, muscle weakness, depression, memory impairment, damage to cardiovascular and nervous systems, unconsciousness, sudden death.
- ◆ **Marijuana/Hashish** – slowed reaction time, distorted sensory perception, impaired balance and coordination, increased heart rate and appetite, impaired learning and memory, anxiety, panic attacks, psychosis, cough, frequent respiratory infections, possible mental health decline, addiction.
- ◆ **Methylenedioxymethamphetamine (MDMA), Ecstasy/Molly** – lowered inhibition, anxiety, chills, sweating, teeth clenching, muscle cramping, sleep disturbances, depression, impaired memory, hyperthermia, addiction.
- ◆ **Nicotine** – increased blood pressure and heart rate, chronic lung disease, cardiovascular disease, stroke, cancers of the mouth, pharynx, larynx, esophagus, stomach, pancreas, cervix, kidney, bladder, and acute myeloid leukemia, adverse pregnancy outcomes, addiction.

More Information can be found on the National Institute on Drug Abuse website:

www.drugabuse.gov

F. Summary of Penalties Under Law

The following is a summary of penalties under law for illegal use and/or possession of controlled substances. While this list is updated regularly, the federal and state laws change and may not be accurately reflected in this summary. Students are encouraged to know and understand the legal implications of their actions prior to making decisions.

Federal Drug Schedules

Drugs, substances, and certain chemicals used to make drugs are classified under the Federal Controlled Substances Act into five (5) distinct categories or schedules depending upon the drug's acceptable medical use and the drug's abuse or dependence potential. The abuse rate is a determinant factor in the scheduling of the drug; for example, Schedule I drugs are considered the most dangerous class of drugs with a high potential for abuse and potentially severe psychological and/or physical dependence. As the drug schedule changes — Schedule II, Schedule III, etc., so does the abuse potential — Schedule V drugs represent the least potential for abuse.

A listing of drugs and their schedule can be found in the Controlled Substance Act (CSA) at: http://www.deadiversion.usdoj.gov/schedules/orangebook/c_cs_alpha.pdf. These lists are intended as general references and are not comprehensive listings of all controlled substances.

A substance need not be listed as a controlled substance to be treated as a Schedule I substance for criminal prosecution and may include a substance that is not an approved medication in the United States.

Federal Laws (Federal Controlled Substances Act, 21 U.S.C. § 801 et seq.)

Possession of Illicit Drug. Federal laws prohibit illegal possession of controlled substances.

1. First offense: prison sentences up to one year and a minimum fine of \$1,000.
2. Second offense: prison sentences up to two years and a minimum fine of \$2,500.
3. Third offense: prison sentences up to three years and a minimum fine of \$5,000.
4. Special sentencing provisions apply for possession of flunitrazepam, including imprisonment of up to three years, as well as the minimum fine schedules referenced above.

Trafficking of Illicit Drugs

Under federal law, the manufacture, distribution, dispensation, or possession with intent to manufacture, distribute or dispense of all Schedule I and II illicit drugs (e.g., cocaine, ecgonine, methamphetamines, heroin, PCP, LSD, Fentanyl, and all mixtures containing such substances) is a felony.

- ◆ First offense: (dependent upon the amount and type of substance) prison sentence of five years to 40 years (20 years to life, if death or serious bodily injury is involved) and fines of up to \$10,000,000 for offenses by individuals (\$50,000,000 for other than individuals)

Federal law also prohibits trafficking in marijuana, hashish and mixtures containing such substances.

- ◆ First offense: (dependent upon the amount and type of substance) prison sentence up to five sentences up to five years and fines of up to \$250,000 for offenses by individuals (\$1,000,000 for other than individuals).
- ◆ Second offense: prison sentence up to ten years and fines of up to \$500,000 for offenses by individuals (\$2,000,000 for other than individuals).

The illegal trafficking of medically useful drugs (e.g., prescription and over-the counter drugs) is illegal.

- ◆ First offense: prison sentence up to five years and fines of up to \$250,000 for offenses by individuals (\$1,000,000 for other than individuals).
- ◆ Second offense: prison sentence up to ten years and fines of up to \$500,000 for offenses by individuals (\$2,000,000 for other than individuals).

Commonwealth of Virginia Law

Alcohol

- ◆ It is a crime to sell, furnish, or give an alcoholic beverage to a person under age 21 or to any apparently intoxicated person (Virginia Ann. Code Section 4.1-304).
- ◆ It is a crime for a person under the age of 21 to purchase, possess or consume, or to attempt to purchase, possess or consume alcoholic beverages (Virginia Ann. Code Section 4.1-305(A)&(B)).
- ◆ It is a crime to sell alcohol without a valid alcoholic beverage license or permit (Virginia Ann. Code Section 4.1-302).
- ◆ It is a crime for any person to consume an alcoholic beverage while driving, to have an open container of alcohol in a moving vehicle or to drive under the influence of alcohol (Virginia Ann. Code Section 18.2-266 & 18.2-323.1).
- ◆ It is a crime to be intoxicated in public. (Virginia Ann. Code Section 18.2-388).
- ◆ Intoxication is presumed at blood alcohol content (“BAC”) level of .08%, or Student

Community Conduct Code 43 above, if 21 years of age, or older. If under 21 years of age intoxication is presumed at a BAC of .02% (Virginia Ann. Code Section 18.2-266).

Penalties for Drunk Driving Offenses

Penalties for a First Offense DUI in Virginia:

- ◆ A Class One misdemeanor. A jail sentence of up to 12 months, part of which may be suspended by the court. If the offender's BAC is greater than .15 but less than .20, the offender must serve a mandatory minimum sentence of five days. If the BAC is .20 or higher, the offender must serve a mandatory minimum 10-day jail sentence.
- ◆ The offender may also face the following penalties: A \$2,500 fine or less, with a mandatory minimum fine of \$250, part of which may be suspended by the court. The defendant must complete the Virginia Alcohol Safety Action Program (VASAP). Suspension of the defendant's driver's license for 12 months. If a person has not been convicted of "Refusal to take a Breath or Blood Alcohol Test", the court has discretion to issue a restricted driver's license. If the BAC was .15 or more, installation of an ignition interlock system is mandated for a minimum of six months on any vehicle registered to or owned by the defendant.

Penalties for a Second Offense DUI in Virginia:

- ◆ If the second DUI offense comes within 5 years of the first offense: A Class One misdemeanor. A mandatory minimum fine of \$500. A jail sentence of one month to one year, with a mandatory minimum jail sentence of 20 days. If the BAC is greater than .15 but less than .20, an additional 10 days is added to the mandatory minimum sentence; if the BAC is .20 or higher, the additional mandatory jail sentence is 20 days. Driver's license suspended for three years, restricted license may be obtained after 1 year. All restricted licenses require an ignition interlock system for a period of time not to exceed the period of license suspension and restriction, but not less than 6 months.
- ◆ If the second DUI offense comes within 5 to 10 years of the first offense: A Class One misdemeanor. A mandatory minimum fine of \$500. A jail sentence of not less than one month with a mandatory minimum jail sentence of 10 days. If the BAC is greater than .15 but less than .20, an additional 10 days is added to the mandatory minimum sentence and the total mandatory fine is \$1000. If the BAC is .20 or higher, the defendant must serve an additional mandatory jail sentence of 20 days and the total the mandatory fine is \$1000. Driver's license suspended for three years, restricted license may be obtained after four months. All restricted licenses require an ignition interlock system period of time not to exceed the period of license suspension and restriction, but not less than 6 months.

Penalties for a Third Virginia DUI Offense within 10 years:

- ◆ If the third DUI offense comes within 5 years of the other offenses: A Class Six felony. A fine of up to \$2,500, with a mandatory minimum fine of \$1,000. Jail sentence of up to 5 years, with a mandatory minimum sentence of 6 months. Indefinite license suspension.
- ◆ If the third DUI offense comes within 10 years of the other offenses: A Class Six felony. A fine of up to \$2,500, with a mandatory minimum fine of Student Community Conduct Code 44 \$1,000. Jail sentence of up to 5 years, with a mandatory minimum sentence of 90 days. Indefinite license suspension.

Penalties for a Fourth or Subsequent DUI charge within 10 years:

- ◆ A Class Six felony. A mandatory \$1,000 fine and discretionary fines of up to \$2,500. Jail sentence of up to 5 years, with a mandatory minimum sentence of 1 year.

Refusal to submit to a blood alcohol test:

- ◆ 1st Offense - 1 year license suspension
- ◆ 2nd Offense within 10 years - 3 year license suspension
- ◆ 3rd Offense within 10 years - 3 year license suspension

Illicit Drugs

Under Virginia law (Virginia Ann. Code § 18.2-248):

- ◆ Possession of marijuana, upon conviction, exposes the offender to a misdemeanor conviction for which the punishment is a jail sentence of up to 30 days, a fine of up to \$500, or both. Upon a second conviction, punishment is a jail sentence for up to 1 year, a fine of up to \$2,500, or both.
- ◆ Possession of a Schedule I or Schedule II controlled substance results in a Class 5 felony, with a jail sentence of 1 to 10 years or confinement in jail for up to 12 months, a fine of up to \$2,500, or both.
- ◆ Possession of a Schedule III controlled substance results in a Class 1 misdemeanor, with a jail sentence of up to 12 months, a fine of up to \$2,500, or both.
- ◆ Possession of Schedule IV controlled substance results in a Class 2 misdemeanor, with a jail sentence of up to six months, a fine of up to \$1,000, or both.
- ◆ Possession of a Schedule V controlled Substance results in a Class 3 misdemeanor, with a fine of up to \$500.
- ◆ Possession of a Schedule VI controlled substance results in a Class 4 misdemeanor, with a fine of up to \$25. Penalties are more severe for offenses involving the manufacture or distribution of illegal drugs by convicted felons or for distribution within 1,000 feet any public or private elementary, secondary, or post-secondary school, or any public or private two-year or four-year institution of higher education,

or any clearly marked licensed child daycare center.

- ◆ Virginia law provides that anyone dispensing or furnishing prescription drugs, controlled substances and dangerous devices without a license shall be guilty of a crime.

G. Available Treatment and Support Options

Marymount University is concerned about the health and welfare of its students. The University encourages any student who may have concerns about her or his alcohol or drug use to seek help and support. A list of local support resources are provided below. In addition to these resources, Marymount University Student Counseling Services maintains a list of private practice counselors specializing in substance abuse treatment. Students may contact Student Counseling Services at [703-526-6861](tel:703-526-6861) or by speaking with the receptionist in Berg Hall, Suite 1014.

Substance Abuse Treatment Centers and Resources:

- ◆ **Aquila Recovery Northern Virginia**
425-B Carlisle Drive | Herndon, VA
Phone: [703-782-8723](tel:703-782-8723)
Website: <https://www.aquilarecoveryva.com/>
- ◆ **Aquila Recovery Northern Virginia**
706 S. King Street, Suite 8 | Leesburg, VA
Phone: [703-782-8723](tel:703-782-8723)
Website: <https://www.aquilarecoveryva.com/>

NOTE: The Recovery Center of Northern Virginia (RCNV) is a licensed outpatient facility designed for adults and adolescents who are in need of a comprehensive, structured, and affordable alcohol or drug treatment program but may not require or desire residential or inpatient treatment.

- ◆ **Alcoholics Anonymous of Virginia**
Website: <http://www.aavirginia.org/>

Alcoholics Anonymous provides a community of support for those with the desire to stop drinking. There are no dues or fees for AA membership; we are self-supporting through our own contributions. AA is not allied with any sect, denomination, politics, organization or institution; does not wish to engage in any controversy, neither endorses nor opposes any causes. The primary purpose is to stay sober and help other alcoholics to achieve sobriety. AA Virginia's website provides an updated list of meetings. As of the publication of this document, multiple meetings take place within walking distance of Marymount University.

◆ **Behavioral Healthcare Division**

2120 Washington Blvd. | Arlington, VA

Phone: 703-228-5150

Emergency Phone: 703-228-5160

Website: <https://health.arlingtonva.us/behavioral-healthcare/>

Outpatient services include: substance abuse treatment, detoxification and halfway house.

Fee: Self payment, sliding fee scale based on income and other factors

Special Language Services: Spanish

◆ **Fairfax County Mental Health Services**

8221 Willow Oaks Corporate Drive | Fairfax VA

Phone: 703-383-8500

Emergency Phone: 703-573-5679

Website: <https://www.fairfaxcounty.gov/community-services-board/mental-health>

Provides assessment and referral, community prevention, volunteer/intern program, adult outpatient services, family services, recovery women's center, adult detention center services, community correction services, Fairfax detoxification program and a homeless shelter program.

◆ **Medstar Georgetown University Hospital**

Fifth Floor, Main Hospital Building

3800 Reservoir Road N.W. | Washington, D.C.

Phone: 202-444-3960

Website:

https://www.medstargeorgetown.org/our-services/psychiatry/locations/?_ga=2.25815486.2065878289.1588342485-1161191634.1588342485&opt_id=oeu1588342474431r0.4926586832875641

Provides Outpatient Programs in: alcohol and substance abuse, behavioral medicine, child/adolescent outpatients, eating disorders and a general adult outpatient program
Student Community Conduct Code 46

◆ **Narcotics Anonymous**

Website: <http://www.na.org/>

Narcotics Anonymous is a community organization with the goal of helping individuals to pursue and maintain a drug-free lifestyle. The name, Narcotics Anonymous, is not meant to imply a focus on any particular drug; NA's approach makes no distinction between drugs including alcohol.

Membership is free, and they have no affiliation with any organizations outside of NA including governments, religions, law enforcement groups, or medical and psychiatric associations. Narcotics Anonymous' website provides an updated list of meetings. As of the publication of this document, multiple meetings take place within a short distance of Marymount University.

◆ **New River Valley Community Services**

700 University City Boulevard | Blacksburg, VA

Phone: 540-961-8300

Emergency Phone: 540-961-8400

Website: <http://www.nrvcs.org/>

Serves: The Counties of Floyd, Giles, Montgomery and Pulaski, and the City of Radford. Provides mental health and substance abuse and prevention services to children, adults and families.

◆ **Women's Substance Abuse Recovery Center**

10388 Democracy Lane | Fairfax, VA

Phone: 703-352-2094

Hours: 8-4:30 M-F

Requirements: only Fairfax County residents

Fee: sliding fee based on income.

Website: <http://www.substancerehabcenter.com/>

◆ **Sagebrush Addiction and Substance Abuse Treatment Center**

7921 Jones Branch Drive, Suite 400 | McLean, VA

Phone: 866-488-1156

Sexual and Interpersonal Misconduct Policy and Resources

Marymount University students, faculty and staff are responsible for knowing the information, policies and procedures outlined in this Policy.

The University reserves the right to make changes to this Policy as necessary in its sole discretion, with or without advance notice, and once those changes are posted on-line, they are in effect. Students, faculty and staff are encouraged to check on-line for the most complete and current versions of this Policy.

Applies to all forms of sexual harassment, sexual assault, intimate partner violence, stalking, sexual exploitation, complicity and retaliation.

Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex in any federally funded education program or activity. Sexual harassment, sexual assault, intimate partner violence and retaliation may all be forms of sex discrimination.

Marymount University (“the University”) will not tolerate any sexual harassment, sexual assault, stalking, or intimate partner violence or retaliation (“Prohibited Conduct”). The University’s Title IX Coordinator oversees the resolution of all misconduct covered by this Sexual and Interpersonal Misconduct Policy (“Policy”). To make a report or discuss any aspect of the Policy, please contact the Title IX Coordinator at:

Laura Finkelstein, Ph.D.
Marymount University Title IX Office
Berg Hall 1001
2807 N. Glebe Road
Phone: (703) 526-6940
Email: TITLEIX@marymount.edu

How to Get Help If You Have Been Sexually Assaulted

Any member of the University community who has experienced such conduct is urged to seek immediate medical assistance and/or contact law enforcement.

Below is a listing of available emergency response, medical treatment and confidential counseling options.

EMERGENCY RESPONSE

Emergency Law Enforcement Response	911 (from anywhere)
Marymount University Office of Campus Safety Main Guardhouse - Glebe Road Entrance	703-284-1600 Hours: 24/7
Marymount University Ballston Center & 4040 Center Campus Safety	703-284-5900 Hours: M - F 7:00 am - 11:00 pm Saturday: 8:00 am - 6:00 pm
Inova Fairfax Hospital 3300 Gallows Road Falls Church, VA 22042	703-776-6666 Provides medical treatment and Sexual Assault Nurse Examiner (closest SANE)
MedStar Washington Hospital Center Emergency	202-742-1736 or 800-641-4028 On-call Sexual Assault Nurse Examiner (SANE) 24/7 D.C. SANE Program Office Hours: M - F 9:00 am - 1:00 pm
Marymount University Student Health Center Berg Hall, BERG 1014	703-284-1610 Hours: M - F 9:00 am - 5:00 pm
Marymount University Student Counseling Services Berg Hall, 1st Floor	703-526-6861 Hours: M - F 9:00 am - 5:00 pm
On Call Counselor: dial Campus Safety to get connected	703-284-1600

Understanding the Choice between a Confidential Resource and Making a Report of Prohibited Conduct to the University

There is a distinction between reporting to a confidential resource and making a report of Prohibited Conduct to the University. Any individual may choose to seek support from professionals on campus or in the community who hold a legally-recognized privilege of confidentiality, such as counselors, medical health providers, clergy and rape crisis counselors. Speaking with a confidential resource does not constitute a report to the University of Prohibited Conduct.

In contrast to a confidential resource who has a legally-recognized privilege of confidentiality, all other University employees, including faculty members, are considered responsible employees under this policy and are required to share information relating to a report of Prohibited Conduct with the Title IX Coordinator.

Confidential Resources

The trained professionals designated below can provide counseling, information and support under legally protected confidentiality privileges. Because these relationships involve privileged conversations, these confidential resources will not share information about a patient/client (including whether or not that individual has received services) with the Title IX Coordinator, or any other employee of the University without the individual’s express written permission, and cannot reveal the information to any third party except when an applicable law or a court order requires or permits disclosure. For example, information may be disclosed when: (1) the individual gives written consent for its disclosure; (2) there is a concern that the individual will likely cause serious physical harm to self or others; or (3) the information concerns conduct involving suspected abuse or neglect of a minor (under the age of 18).

On-Campus Confidential Resources

Student Counseling Services	Student Health Health Services	Campus Ministry
<ul style="list-style-type: none"> ◆ Berg Hall, BERG 1014 ◆ 703-526-6861 ◆ Provides 24/7 confidential psychological counseling, group counseling, outreach activities, crisis intervention and consultation ◆ Office Hours: 9:00 am - 5:00 pm 	<ul style="list-style-type: none"> ◆ Berg Hall, BERG 1014 ◆ 703-284-1610 ◆ Provides medical treatment ◆ Office Hours: 9:00 am - 5:00 pm, M - F 	<ul style="list-style-type: none"> ◆ Rev. Gabriel Muteru University Chaplain ◆ Gerard Hall Room 1005 ◆ Direct: 703-284-1607 ◆ Office Hours: 9:00 am - 5:00 pm, M - F

Off-Campus Confidential Resources

Doorways for Women and Families 24-Hour Sexual Violence Hotline	Fairfax County Domestic and Sexual Violence Hotline	Virginia State Domestic and Sexual Violence Hotline	National Domestic Violence Hotline (NDV)	Marymount University Employee Assistance Program for Faculty and Staff
<ul style="list-style-type: none"> ◆ 703-237-0881 ◆ Hours: 24/7 ◆ https://www.doorwaysva.org/about-us/ ◆ Provides advocacy, counseling, shelter and accompaniment to hospitals for forensic exams 	<ul style="list-style-type: none"> ◆ 703-360-7273 ◆ Hours: 24/7 ◆ Provides telephone counseling information on domestic and sexual violence issues 	<ul style="list-style-type: none"> ◆ 800-838-8238 ◆ Hours: 24/7 ◆ Provides telephone counseling information on domestic and sexual violence issues 	<ul style="list-style-type: none"> ◆ 800-799-7233 ◆ Provides telephone counseling information on domestic and sexual violence issues 	<ul style="list-style-type: none"> ◆ 800-267-8126 ◆ Hours: 24/7 ◆ Provides connection to a professional counselor or lifeworks online Assistance: www.lifeworks.com

Resolution of a Report of Prohibited Conduct

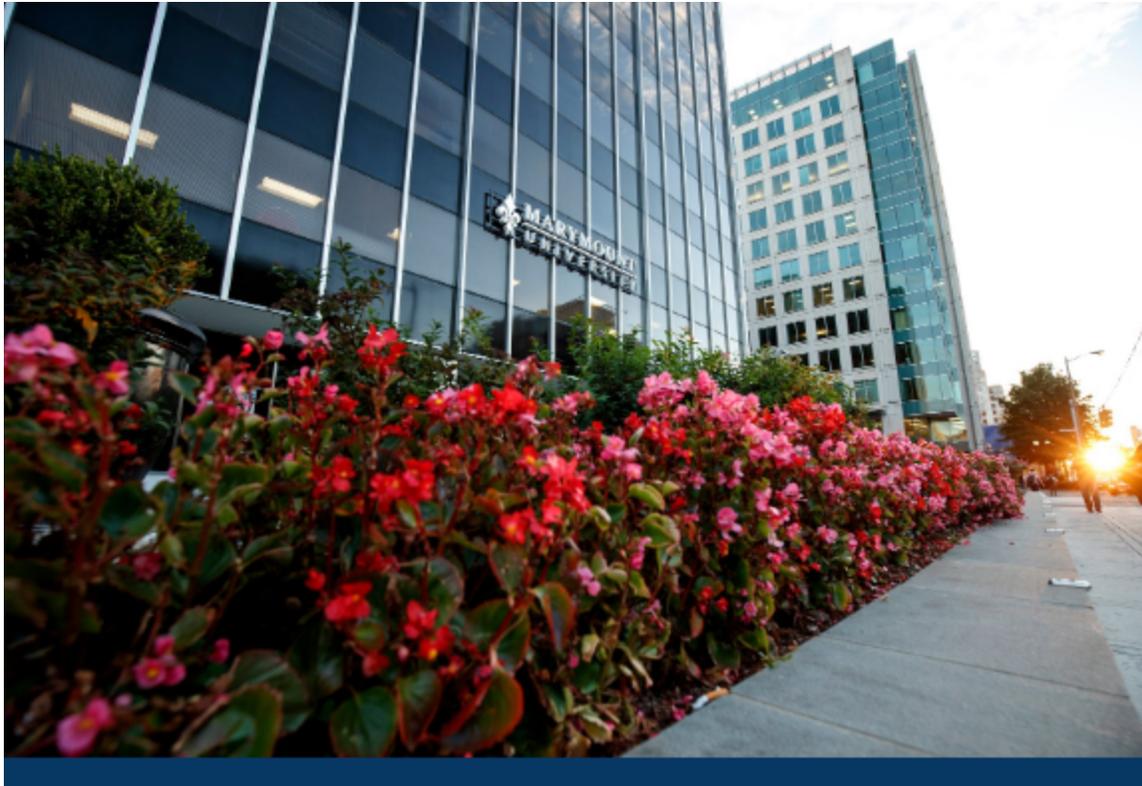
Upon receipt of a report of Prohibited Conduct, the University will take prompt and effective action by: (1) providing appropriate interim remedies and support for individuals who make a report of Prohibited Conduct or seek assistance under this Policy and for individuals against whom Prohibited Conduct has been alleged; (2) conducting a review of the reported conduct under Title IX of the Education Amendments of 1972; (3) addressing the safety of individuals and the campus community; and (4) as warranted, pursuing resolution of the reported conduct through remedies based measures or formal disciplinary action against the accused individual. The Policy provides specific procedures for investigation and resolution, depending on whether the Respondent is a student or employee (includes faculty).

Regardless of whether a Complainant chooses to pursue disciplinary action, the University will take appropriate interim measures to protect the parties involved and ensure that all safety, emotional and physical well-being concerns are being addressed. The University will not tolerate

retaliation and will take immediate and responsive action to any report of retaliation or any violation of protective measures.

Anonymous Reporting

If you are reporting a crime in progress, a past crime, a disturbance or suspicious activity, please call **911** for emergencies and then Campus Safety at **(703) 284-1600**. You can also submit an anonymous tip through the LiveSafe app.



Making a Report of Prohibited Conduct to Marymount University

Reporting Options	
Title IX Office	Laura Finkelstein, Ph.D. Berg Hall 1001 703-526-6940 TITLEIX@marymount.edu
Marymount University Office of Campus Safety (24/7)	703-284-1600 Main Guardhouse - North Glebe Road Entrance campus.safety@marymount.edu

Deputy Title IX Coordinators	Jessica Cherry, Athletics Rose Bente Lee Center 703-284-3334 jjcherry@marymount.edu
	YY Yiljep, Office of Wellness Berg Hall, Room 1001 703-284-6489

Amnesty for Personal Use of Alcohol or Drugs

The University seeks to remove any barriers to reporting an act of Prohibited Conduct. The University will generally offer any student, whether the Complainant, a witness or third party, who reports Prohibited Conduct, limited immunity from being charged for Policy violations related to the personal ingestion of alcohol or drugs, provided that any such violations did not, and do not, place the health and safety of any person at risk. The University may choose, however, to pursue educational or therapeutic remedies for those individuals.

Protection of Minors and Mandatory Reporting of Suspected Child Abuse

Under Virginia law, any person employed by a private institution of higher education who, in their professional or official capacity has reason to suspect that a child is abused or neglected, is required to report the matter immediately to child protective services. The University also requires that the information be immediately shared with the Title IX Coordinator and the Director of Campus Safety so the University can ensure timely compliance with Virginia law and enhance the protection of children.

The University will report all suspected child abuse and neglect, including sexual assault, to law enforcement and/or to the Virginia Department of Human Services toll-free child abuse and neglect hotline, at [1-800-522-7096](tel:1-800-522-7096).

It is the University’s intent to act quickly regarding all suspected child abuse. For the purposes of this reporting obligation, the word “child” means any individual under the age of 18, and the suspected abuse may involve physical, sexual or other forms of abuse or neglect, regardless of the identity of the suspected perpetrator. The duty to report is triggered by reasonable suspicion or belief. There is no requirement that you have actual evidence of abuse to report, nor is it the responsibility of any employee, student or volunteer to investigate suspected child abuse. This is the role of child protective services and law enforcement authorities, who are best positioned to do so.

All reports of suspected child abuse and neglect, including sexual assault, should be made as follows:

If a child is in immediate danger or immediate suspected danger:

- ◆ Call **911** to reach the Arlington County Police

If there is no immediate danger, call:

- ◆ Marymount University's Office of Campus Safety: **703-284-1600**; and
- ◆ Marymount University's Title IX Coordinator: **703-908-7561**

These entities will assist in making the mandated child protective services report:

- ◆ Arlington Police Department: **703-588-2222**
- ◆ Arlington Child Protective Services: **703-228-1500**
- ◆ Arlington Department of Human Services: **703-228-1200**

I. Purpose and Statement of Intent

Marymount University is a Catholic institution of higher education, founded by the Religious of the Sacred Heart of Mary (RSHM), and committed to excellence in teaching, learning, scholarship and service. As such, the University acknowledges specific core values that guide and govern the actions of its community. Sexual harassment, sexual assault, stalking, intimate partner violence and retaliation in any form are an affront to human dignity and fundamentally at odds with the values and mission of the University. Ultimately, each member of the University community is expected to assume responsibility for his/her conduct, to report behaviors that may violate this Policy and to take reasonable and prudent actions to prevent or stop acts of sexual harassment, sexual assault, stalking, intimate partner violence and/or retaliation.

This Policy prohibits a broad continuum of behaviors, all of which constitute a form of sexual or gender-based harassment, sexual assault, stalking, intimate partner violence and/or retaliation ("Prohibited Conduct"). In general, sexual assault refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to incapacitation. In general, intimate partner violence includes any act of violence or threatened act of violence against a person who is or has been involved in a sexual, dating, domestic or other intimate relationship with that person. Prohibited Conduct that may violate this Policy includes the following: sexual assault, interpersonal misconduct (dating violence, domestic violence and stalking), sexual exploitation, sexual harassment, retaliation and/or complicity of an act(s) of Prohibited Conduct.

The University will not condone or tolerate any Prohibited Conduct from any member of the University community. The University will respond according to the severity or pervasiveness or the offense and the threat it poses to the community. Individuals who are found responsible under this Policy may face disciplinary sanctions up to and including expulsion from the University for students, and/or termination of employment for University employees or faculty.

The University community has a responsibility to maintain an environment free from Prohibited Conduct. The University is committed to taking all appropriate steps to eliminate Prohibited Conduct, prevent its recurrence and address its effects. The University is committed to fostering a climate free from sex and gender-based harassment, sexual assault, stalking, intimate partner violence and/or retaliation through clear and effective policies, coordinated education and prevention programs and prompt and equitable procedures for resolution that are accessible to all. The University encourages all members of our community to participate in the process of creating a safe, welcoming and respectful campus environment.

The University will not tolerate retaliation or attempts of retaliation against an individual who makes a report of Prohibited Conduct or participates in an investigation. Retaliation, whether actual or threatened, destroys the sense of community and trust that is central to a quality environment. The University Policy prohibits any forms of reprisals or retaliation and community members engaging in reprisals or retaliation will be subject to disciplinary action, whether such acts are implicit or explicit, or committed directly or indirectly.

The University will make every reasonable effort to stop retaliation immediately, to conduct a complete and thorough investigation of alleged acts of retaliation in a timely manner, to provide remedies to victims of retaliation, and to sanction the perpetrators of retaliation as appropriate.

This Policy provides community members with the structure, tools, and guidance to assist those who have experienced or been affected by Prohibited Conduct whether as a complainant, a respondent, or a third party. The Policy has dual purposes:

1. It serves as a guide for all community members on the expectations Marymount has, preventatively, for sexual communication, responsibility, and respect; and
2. It serves as a measure to determine, after-the-fact, if behaviors trespassed on community values. However, this Policy is not a contract.

***“**Complainant**” means the student, employee or third party who presents as the victim of any Prohibited Conduct under this Policy, regardless of whether that person makes a report or seeks actions under this Policy.

***“**Respondent**” is defined as the student or employee alleged to have committed Prohibited Conduct under this Policy.

***A “**third party**” refers to any other participant in the process, including a witness to the incident(s) and/or an individual who makes a report on behalf of someone else.

The University will review the Sexual and Interpersonal Misconduct Policy on an annual basis in order to capture evolving requirements and to improve the delivery of services based on a review of each year's experience by the Title IX Coordinator, members of the Title IX Team, the Vice President for Student Affairs and University Counsel.

Links to the Employee, Faculty and Student Handbooks are:

- ◆ University Employee Handbook:
http://my.marymount.edu/my.marymount.edu/media/Offices-and-Resources/Human%20Resources/Human%20Resource%20Docs/MU-Employee-Handbook-Updated-June-23-2017_1.pdf
- ◆ University Faculty Handbook:
[https://www.marymount.edu/marymount.edu/media/Planning-Institutional-Effectiveness/Faculty-Handbook-2019-2020-\(2\).pdf](https://www.marymount.edu/marymount.edu/media/Planning-Institutional-Effectiveness/Faculty-Handbook-2019-2020-(2).pdf)
- ◆ University Part-Faculty Handbook:
<https://my.marymount.edu/my.marymount.edu/media/Academic-Affairs-and-Enrollment-Management/PT-FAC-Handbook-19-20.pdf>
- ◆ Student Community Conduct Code:
<https://marymount.edu/student-life/wp-content/uploads/sites/4/2021/01/2020-2021-Community-Standards-Blue-Book-FORMATTED.pdf>

**Also Available in Print*

II. Scope of Policy

This Policy applies to all members of the University community, including students, whether engaged in credit or non-credit bearing course work, full-time faculty, staff, administrators, Board members, guests and other third parties, and consultants, vendors and others engaged in business with the University. The University has jurisdiction to take disciplinary action against a respondent who is a current student or employee of the University, or a respondent who was a former student or employee of the University at the time of the alleged Prohibited Conduct. Each member of the University community is responsible for conducting themselves in accordance with this Policy and other University policies and procedures.

Visitors to and guests of the University are both protected by this Policy and subject to the restrictions herein. Visitors and guests may initiate a report of Prohibited Conduct committed against them by members of the University community. Visitors and guests may also be permanently trespassed from the University.

All members of the University community have a responsibility to adhere to University policies and local, state and federal law. Because this Policy is based on shared values, it sets a range of expectations for University students and employees no matter where or when their conduct may

take place. Therefore, this Policy applies to behaviors that take place on the campus, at University sponsored events and may also apply off-campus, including study abroad and internship programs, when the administration determines in its discretion that the off-campus conduct affects a substantial University interest.

A substantial University interest is defined to include:

- ◆ Any action that constitutes criminal offense as defined by federal or state law. This includes, but is not limited to, single or repeat violations of any local, state or federal law;
- ◆ Any situation where it appears that a student may present a danger or threat to the health or safety of him/herself or others;
- ◆ Any situation that significantly impinges upon the rights, property or achievements of self or others, or significantly breaches the peace and/or causes social disorder; and/or
- ◆ Any situation that is detrimental to the educational interests of the University.

This Policy may be applied to Prohibited Conduct that occurs from the time a person accepts enrollment as a student or accepts employment with the University and continues until the student withdraws or graduates or the employee ceases employment, including periods during semester breaks and between semesters. Furthermore, this Policy applies to guests of members of the University community whose hosts may be held accountable for the Prohibited Conduct of their guests.

*The “**Title IX Team**” includes the Title IX Coordinator and/or a Deputy Title IX Coordinator(s), Chief HR Officer, the Vice President for Enrollment Management and Student Affairs and/or the Associate Vice President and/or the Associate Director of Campus Safety and Security.

This Policy is applicable to acts of Prohibited Conduct committed by or against University students, faculty, employees and third parties when:

1. The Prohibited Conduct occurs on the University campus or other property owned or controlled by the University;
2. The Prohibited Conduct occurs in the context of University employment or a University education program or activity, including, but not limited to, University-sponsored study abroad, on-line or internship programs; or
3. The Prohibited Conduct occurs outside the context of University employment or a University education program or activity, but has continuing adverse effects on or creates a hostile environment for students, faculty, employees or third parties while on the University campus or other property owned or controlled by the University or in University employment or a University education program or activity.

This Policy also applies to Prohibited Conduct online, including via email, blogs, web page entries on social or digital media sites such as Facebook, Twitter, Instagram and other similar online postings that are in the public sphere and are not private. These postings can subject a University community member to allegations of conduct violations. The University does not regularly search for this kind of information but may take action if and when such information is brought to the attention of University officials.

III. Notice of Non-Discrimination and Relevant Laws

A. Notice of Non-Discrimination

The University is committed to establishing and maintaining a safe and nondiscriminatory educational environment in which all individuals are treated with respect and dignity. The University does not discriminate on the basis of sex in its educational, extracurricular, athletic or other programs, or in the context of employment. Sex discrimination is prohibited by Title IX of the Education Amendments of 1972 (“Title IX”), a federal law that provides that: **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.**

In addition, sexual harassment is also prohibited under Title VII of the Civil Rights Act of 1964 (“Title VII”), Virginia state law and other applicable statutes. The University does not permit discrimination or harassment in its programs and activities on the basis of race, color, national origin, ancestry, sex, gender, gender identification, sexual orientation, disability, age, religion, physical and/or mental disability, medical condition, veteran status, marital status or any other characteristic protected by institutional policy or state, local or federal law.

This Policy is applicable to all forms of “Prohibited Conduct” as defined by this Policy. (See VI. “Prohibited Conduct”.) This Policy also prohibits gender-based harassment that does not involve conduct of a sexual nature, including hazing, stalking and failure to provide equal opportunity in admissions, employment or athletics. This Policy is applicable to Prohibited Conduct against University community members of any gender, gender identity, gender expression or sexual orientation by any member of the University community, including students, faculty, staff, administrators, Board members, consultants, vendors and others engaged in business with the University.

The University, as an educational community, will promptly and equitably respond to reports of the Prohibited Conduct in order to eliminate the Prohibited Conduct, prevent its recurrence and address its effects on any individual or the community.

B. Links to Relevant Federal and State Laws

All University proceedings are conducted in compliance with the requirements of Title IX, the Clery Act, the Campus SaVE Act, FERPA, state and local law and University Policy.

Additional information about Title IX, the Clery Act, the Campus SaVE Act and FERPA, federal and state laws referenced in this Policy, can be found at the following links:

Title IX	http://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html
Clery Act	https://clerycenter.org/policy-resources/the-clery-act/
FERPA	https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html?src=rn
Campus Save Act	http://campussaveact.org/
Virginia Law, Title 23.1, Chapter 8, § 23.1-806-Reporting acts of sexual violence	https://law.lis.virginia.gov/vacode/title23.1/chapter8/section23.1-806/
Virginia Law, Title 23.1, Chapter 9, § 23.1-900-Academic transcripts; suspension, permanent dismissal, or withdrawal from institution.	http://law.lis.virginia.gov/vacode/title23.1/chapter9/section23.1-900/

IV. The Role of the Title IX Coordinator and the Title IX Team

A. Title IX Coordinator

The Title IX Coordinator is charged with monitoring the University's compliance with Title IX; ensuring appropriate education and training; coordinating the University's investigation, response and resolution of all reports under this Policy; and ensuring appropriate actions to eliminate Prohibited Conduct, prevent its recurrence and remedy its effects. The Title IX Coordinator is available to meet with any student, employee or third party to discuss this Policy or the accompanying procedures. The University has also designated Deputy Title IX Coordinators who may assist the Title IX Coordinator in the discharge of these responsibilities.

The Title IX Coordinator and Deputy Title IX Coordinators receive appropriate training to discharge their responsibilities.

The Title IX Office may be reached during regular business hours:

Laura Finkelstein, Ph.D.
Marymount University Title IX Office
Berg Hall 1001
2807 N. Glebe Road
Phone: (703) 908-7561
Email: TITLEIX@marymount.edu

The Title IX Coordinator is:

- ◆ Knowledgeable and trained in University policies and procedures and relevant state and federal laws;
- ◆ Available to advise any individual, including a complainant, a respondent or third party, about the courses of action
- ◆ Available at the University, both informally and formally, and in the community;
- ◆ Available to provide assistance to any University employee regarding how to respond appropriately to a report of sexual harassment, sexual violence, stalking or intimate partner violence or retaliation;
- ◆ Responsible for monitoring full compliance with all procedural requirements, record keeping and timeframes outlined in this Policy; and Responsible for overseeing training, prevention and education efforts and annual reviews of climate and culture.

B. Title IX Team

The Title IX Coordinator is supported by the Title IX Team. Members of this interdepartmental team include the Title IX Coordinator, Deputy Title IX Coordinators, the Director and the Associate Director of Campus Safety and Emergency Management. In addition, based on the role of the Complainant and the Respondent, the members of the team could include a representative from the Division of Student Affairs, Human Resources, Athletics and/or the Division of Academic Affairs. Composition of the Title IX Team will be limited to a small circle of individuals who “need to know” in order to implement procedures under this Policy.

Reporting Prohibited Conduct on Campus: It is important to understand that all University employees who are not designated as a confidential resource under this Policy, including faculty members, are “Responsible Employees” and required to disclose a report of the Prohibited Conduct or potential Prohibited Conduct to the Title IX Coordinator. A Responsible Employee shall report all relevant details, whether obtained directly or indirectly, about any occurrence or potential occurrence of the Prohibited Conduct, including dates, times, locations and names of the parties and witnesses.

The Title IX Coordinator is specifically charged with coordinating the initial assessment, initiating the investigation and responding to allegations of the Prohibited Conduct to stop the Prohibited Conduct, address its effects and prevent its recurrence. The Title IX Coordinator will conduct an initial assessment of the incident or behavior at issue, the complainant’s desired course of action and the necessity for appropriate interim measures or accommodations to protect the safety of the complainant, respondent and the community.

Inquiries or complaints concerning the application of Title IX may be referred to the University’s Title IX Coordinator and/or the United States Department of Education:

Title IX Office	Laura Finkelstein, Ph.D. Berg Hall 1001 2807 N. Glebe Road Phone: 703-908-7561 Email: TITLEIX@marymount.edu
United States Department of Education: Office for Civil Rights	Phone: 800-421-3481 Email: ocr@ed.gov

V. Privacy and Confidentiality

The University is committed to protecting the privacy of all individuals involved in a report of the Prohibited Conduct. In any report of the Prohibited Conduct under this Policy every effort will be made to protect the privacy interests of all individuals involved in a manner consistent with the need for a careful assessment of the allegation and imposition of any necessary steps to eliminate the harassment, prevent its recurrence and address its effects.

Privacy and confidentiality have distinct meanings under this Policy.

A. Privacy

Privacy generally means that information related to a report of Prohibited Conduct will only be shared with a limited circle of individuals. The use of this information is limited to those University employees who “need to know” in order to assist in the active review, investigation or resolution of the report of Prohibited Conduct. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process. The University will designate which University employees have a legitimate need to know about individual Prohibited Conduct complaints pursuant to the Family Educational Rights and Privacy Act (FERPA) and will share information accordingly.

B. Confidentiality

Confidentiality means that information shared by an individual with designated confidential campus or community professionals cannot be revealed to any other individual without express permission of the individual or meeting specific legal exceptions. Those confidential campus and community professionals include medical providers, mental health providers, ordained clergy and rape crisis counselors, as all have privileged confidentiality to the degree that has been recognized by the law. These individuals are prohibited from breaking confidentiality unless there is an imminent threat of harm to self or others or the conduct involves suspected abuse of a minor under the age of 18 years.

University Community members wishing to seek completely confidential assistance may speak with counselors in the Counseling Center, health service providers in the Student Health Center, off-campus rape crisis resources or members of the clergy/chaplains who will maintain confidentiality.

C. Release of Information

If a report of the Prohibited Conduct discloses a serious and immediate threat to the campus community, the University will issue a timely notification to the community to protect the health or safety of the community. The University may also share non-identifying information about

reports received in aggregate form, including data about outcomes and sanctions. At no time will the University release the name of the complainant to the general public without the express consent of the complainant or as otherwise permitted or required by law.

Under the Virginia Reporting Statute, the University is required to report information about certain allegations of the Prohibited Conduct to the law enforcement agencies and the prosecuting authorities who would be responsible, respectively, for investigating and prosecuting such allegations.

Pursuant to the Clery Act, anonymous statistical information must be shared with the University's Campus Safety Office, where required by the Clery Act. Annual Clery reporting to the U.S. Department of Education is required by educational institutions for certain offenses that have been reported at campus locations. The information contained in the University's Clery report tracks the number of Clery reportable offenses occurring at campus locations and does not include the names or any other identifying information about the persons involved in the incident.

Marymount University reserves the right to notify the parents/guardians of dependent students regarding any conduct situation, particularly disciplinary probation, and loss of housing, suspension and expulsion.

All University proceedings are conducted in compliance with the requirements of Title IX, the Clery Act, the Campus SaVE Act, FERPA, state and local law and University Policy. Links to these federal laws are provided in Section III of this Policy.

No information shall be released from proceedings under this Policy except as required or permitted by law or University Policy.

VI. Prohibited Conduct

The University prohibits a broad spectrum of behavior, including sexual assault, stalking, intimate partner violence and retaliation ("Prohibited Conduct"). Sexual assault, interpersonal misconduct and sexual harassment, refer to verbal or physical acts that are unwelcome or without consent. Intimate partner violence, also referred to as dating violence, domestic violence and relationship violence, includes any act of violence or threatened act of violence against a person who is, or has been involved in, a sexual, dating, domestic or other intimate relationship with that person. Intimate partner violence can encompass a broad range of behavior, including, but not limited to, physical violence, sexual violence, intimidation, emotional abuse and economic abuse.

The University will not tolerate Prohibited Conduct of any form. Such violations are subject to any combination of sanctions, including expulsion or suspension for students, or termination for employees. The following conduct is specifically Prohibited Conduct under this Policy:

A. Sexual Assault

Sexual assault is engaging in sexual contact or sexual intercourse with another person without that person's affirmative consent. Sexual assault includes, but is not limited to, rape, sexual battery, anal intercourse, oral copulation or penetration of a body cavity by a foreign object.

Sexual assault includes sexual violence, which is defined by Virginia law as "physical sexual acts perpetrated against a person's will or against a person incapable of giving consent."

1. Sexual Contact is:

Any intentional sexual touching, however slight, of the breasts, buttocks, groin or genitals, whether clothed or unclothed, with an object or body part performed by a person upon another person and/or making another touch you or themselves with or on any of these body parts- breasts, buttocks, groin or genitals.

2. Sexual Intercourse is:

Vaginal or anal penetration, however slight, with a body part (e.g., penis, tongue, finger, hand) or object, or oral penetration, however slight, involving mouth to genital contact.

3. Affirmative Consent is:

In accordance with Catholic teaching, the University does not condone engaging in sexual activity outside the confines of marriage. However, the University understands that students will make their own decisions with regard to sexual activity. Individuals who choose to engage in sexual activity of any type must first obtain affirmative consent. Affirmative consent is the informed, voluntary and willing participation or cooperation in action, behavior or attitude that is commonly understood to be consistent with the exercise of free will.

Affirmative consent requires participants who:

1. Are fully conscious, equally free and legally competent to act;
2. Have clearly communicated their willingness, cooperation or permission to participate in the specific sexual activity engaged in; and
3. Are positive and clear about their desires and are able to cease ongoing consensual activity at any time.

A person who wants to engage in a specific sexual activity is responsible for obtaining effective consent for that activity.

A lack of resistance, or silence and/or passivity, does not constitute consent. A refusal to consent, or withdrawal of consent, does not have to be verbal; it can be expressed with clear

gestures, body language or attitude. A prior sexual history between participants by itself does not constitute consent to future sexual activity.

Additional Guidance about Affirmative Consent:

- ◆ Consent to one form of sexual activity does not constitute consent to engage in other forms of sexual activity.
- ◆ Consent consists of an outward demonstration indicating that an individual has freely chosen to engage in sexual activity. Relying on non-verbal communication can lead to misunderstandings. Consent may not be inferred from silence, passivity, lack of resistance or lack of an active response alone. A person who does not physically resist or verbally refuse sexual activity is not necessarily giving consent.
- ◆ When consent is requested verbally, absence of any explicit verbal response constitutes lack of consent. A verbal “no” constitutes lack of consent, even if it sounds insincere or indecisive. Under this Policy, “no” always means “no” and “yes” may not always mean “yes.”
- ◆ If at any time during the sexual activity, any confusion or ambiguity arises as to the willingness of the other individual to proceed, both parties should stop and clarify, verbally, the other’s willingness to continue before continuing such activity.
- ◆ Either party may withdraw consent at any time. Withdrawal of consent should be outwardly demonstrated by words or actions that clearly indicate a desire to end sexual activity. Once withdrawal of consent has been expressed, sexual activity must cease.
- ◆ Individuals with a previous or current intimate relationship do not automatically give either initial or continued consent to sexual activity. Even in the context of a relationship, there must be mutually understandable communication that clearly indicates a willingness to engage in sexual activity.
- ◆ Consent is not affirmative if it results from the use or threat of physical force, intimidation, coercion or any other factor that would eliminate an individual’s ability to exercise his or her own free will to choose whether or not to have sexual contact. Examples of physical force include hitting, punching, slapping, choking or displaying and/or using a weapon. Examples of threats include using words or actions that would compel a reasonable person to engage in unwanted sex, including but not limited to threats of physical harm, threats to disclose private information that harms a person’s reputation or threats to cause a personal academic or economic harm.
- ◆ Coercion negates affirmative consent. Coercion is the use of unreasonable and persistent pressure to compel another individual to initiate or continue sexual activity against an individual’s will. Coercion can include a wide range of behaviors, including intimidation, manipulation, threats and/or blackmail. See Coercion (Section VII-B) for further information.
- ◆ Individuals who consent to sexual activity must be able to fully understand what they are doing. An individual who is physically and/or incapacitated from alcohol or drug

consumption (voluntarily or involuntarily) or is asleep, unconscious, unaware or otherwise physically helpless is considered unable to give consent. Incapacitation may also exist because of a mental or developmental disability that impairs the ability to consent to sexual contact. See Incapacitation (Section VII-C) for further discussion.

- ◆ In the Commonwealth of Virginia, the age of majority is 18. Under state law, consent cannot be given for any individual under the age of 18 to participate in sexual activity with an individual over the age of 18. In addition, consent can never be given by minors under the age of 13.

B. Interpersonal Misconduct

For the purposes of this Policy, engaging in dating violence, domestic violence or stalking is considered interpersonal misconduct. In accordance with reauthorization of the Violence Against Women Act, dating violence, domestic violence and stalking are defined below.

Dating Violence is violence committed by a person:

1. Who is, or has been, in a social relationship of a romantic or intimate nature with the victim.
2. The existence of such a relationship shall be determined based on consideration of the following factors:
 - a. The length of the relationship;
 - b. The type of the relationship; and
 - c. The frequency of interaction between the persons involved in the relationship.

Domestic Violence is a felony or misdemeanor crime of violence under Virginia law that is committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim, or by any other person against an adult or youth victim who is protected from the person's acts under Virginia law.

Violence, for purposes of this Policy, means physical, sexual, emotional or psychological actions or threats of actions that influence another individual, including actions or threats that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure or wound another person.

Stalking is a form of interpersonal misconduct that means engaging in a course of conduct directed at a specific person(s) that would cause a reasonable person under similar circumstances and with similar identities to the complainant to fear for his or her safety or the safety of others; or suffer substantial emotional distress.

Course of conduct means two or more acts, including but not limited to acts in which a person directly, indirectly, or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens or communicates to or about another person or interferes with another person.

Stalking occurs when a person engages in a pattern of repeated unwanted attention, harassment, contact or course of contact toward another person, including following the person without proper authority, under circumstances that demonstrate either of the following:

1. Placing the person in reasonable fear of bodily injury; or
2. Reasonably causing substantial emotional distress to the person.

When these acts occur in the context of intimate partner violence, or when the behavior is perpetrated on the basis of sex or gender, the conduct will be resolved under this Policy.

Stalking includes cyber-stalking, a particular form of stalking in which electronic media, such as the internet, social networks, blogs, cell phones, texts or other similar devices may be used to pursue, harass, monitor or to make unwelcome contact with another person in an unsolicited fashion.

Examples of stalking may include:

- ◆ Unwelcome and repeated visual or physical proximity to a person;
- ◆ Repeated oral or written threats;
- ◆ Extortion of money or valuables;
- ◆ Unwelcome/unsolicited written communication, including letters, cards, emails, instant messages and messages on on-line bulletin boards;
- ◆ Unwelcome/unsolicited communications about a person, their family, friends or co-workers;
- ◆ Sending/posting unwelcome and/or unsolicited messages with another username; or
- ◆ Implicitly threatening physical conduct or any combination of these behaviors directed toward an individual person.

When allegations of stalking are unrelated to sex and/or gender-based harassment or intimate partner violence, cases may be referred to the appropriate office and governed by either the Student Community Conduct Code, the University Faculty Handbook, or the University Employee Handbook.

C. Sexual Exploitation

Sexual exploitation is taking advantage of the sexuality of another person, without consent, or in a manner that extends the bounds of consensual sexual activity, without the knowledge or

consent of the other individual for any purpose, and includes sexual gratification, financial gain, personal benefit or any other non-legitimate purpose. Examples of sexual exploitation include:

- ◆ Observing another individual's nudity or sexual activity, or allowing another to observe consensual sexual activity, without the knowledge and consent of all parties involved;
- ◆ Non-consensual streaming of images, photography, video or audio recording of sexual activity or nudity, or distribution of such without the knowledge and consent of all parties involved;
- ◆ Prostituting another individual;
- ◆ Exposing one's genitals in non-consensual circumstances;
- ◆ Knowingly exposing another individual to a sexually transmitted disease or virus without that individual's knowledge; and
- ◆ Inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

D. Sexual Harassment

Sexual harassment is any unwelcome sexual advance, request for sexual favor or other unwanted verbal or physical conduct of a sexual nature, when one or more of the following conditions are present:

- ◆ Submission to, or rejection of, such conduct is an explicit or implicit condition of an individual's employment, evaluation of academic work or any aspect of a University program or activity; or
- ◆ Submission to, or rejection of, such conduct by an individual is used as the basis for decisions affecting the individual; or
- ◆ Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance, i.e., it is sufficiently severe or pervasive so as to create an intimidating, hostile, humiliating, demeaning or sexually offensive working, academic, residential or social environment under both an objective (a reasonable person's view) and subjective (the complainant's view) standard.

A single, isolated incident of sexual harassment alone may create a hostile environment, if the incident is sufficiently severe. The more severe the conduct, the less need there is to show a repetitive or pervasive series of incidents to create a hostile environment, particularly if the harassment is physical. The determination of whether an environment is objectively "hostile" must be based on all the circumstances, which include, but are not limited to:

- ◆ The frequency of the speech or conduct;
- ◆ The nature and severity of the speech or conduct;
- ◆ Whether the conduct was physically threatening;
- ◆ Whether the speech or conduct was humiliating;

- ◆ The effect of the speech or conduct on the complainant's mental and/or emotional state;
- ◆ Whether the speech or conduct was directed at more than one person
- ◆ Whether the speech or conduct arose in the context of other discriminatory conduct
- ◆ Whether the speech or conduct unreasonably interfered with the complainant's educational opportunities or performance (including study abroad), university-controlled living environment, work opportunities or performance;
- ◆ Whether a statement is a mere utterance of an epithet which engenders offense in an employee or a student or offends by mere discourtesy or rudeness; and/or
- ◆ Whether the speech or conduct deserves the protections of academic freedom.

Sexually harassing behaviors differ in type and severity and can range from subtle verbal harassment to unwelcome physical contact. There is a wide range of behaviors that fall within the general definition of sexual harassment and many differing notions about what behaviors are and are not acceptable. Key determinative factors are that the behavior is unwelcome, is gender-based, and is reasonably perceived as offensive and objectionable under both a subjective and objective assessment of the conduct.

Gender-Based Harassment includes harassment based on gender, sexual orientation, gender identity or gender expression, which may include acts of aggression, intimidation or hostility, whether verbal or non-verbal, graphic, physical or otherwise, even if the acts do not involve conduct of a sexual nature, submission to rejection.

E. Retaliation

The University will not tolerate retaliation in any form against any individual who makes an allegation, files a complaint, serves as a witness, assists a complainant or respondent or participates in an investigation of a complaint of discrimination or harassment. For purposes of this Policy, retaliation means any conduct that adversely and unjustifiably affects another's terms and conditions of the educational experience, employment or quality of life at the University, that is motivated by retribution or an intent to cause harm because of the targeted individual's involvement in the filing of a complaint, serving as a witness, providing assistance to a party to the complaint or otherwise participating in the investigation of a complaint.

Retaliation includes threatening, intimidating, harassing, coercing or engaging in any other conduct that is likely to discourage a reasonable person from engaging in the activities described in and protected under this Policy. Retaliation is a serious offense that is prohibited by University Policy and federal law and may subject the offender to discipline, under the terms of this Policy, and the University's Student Community Conduct Code, Employee Handbook, and Faculty Handbook. Allegations of retaliation should be directed to the University's Title IX Coordinator.

F. Complicity

Complicity is any act taken with the purpose of aiding, facilitating, promoting or encouraging the commission of an act(s) of Prohibited Conduct by another person.

VII. Understanding the Effect of Force, Coercion, Incapacitation and Alcohol or Drugs on Affirmative Consent

A. Force

Force is the use or threat of physical force or intimidation, coercion or any other factor to overcome an individual's freedom of will to choose whether or not to participate in sexual activity. There is no requirement that a party resists the sexual advance or request, but resistance will be viewed as a clear demonstration of non-consent.

B. Coercion

Coercion is the use of unreasonable and persistent pressure to compel another individual to initiate or continue sexual activity against an individual's will. Coercion can include a wide range of behaviors, including intimidation, manipulation, threats and blackmail. Coercion may be emotional, intellectual, psychological or moral. A person's words or conduct are sufficient to constitute coercion if they wrongfully impair another individual's freedom of will and ability to choose whether or not to engage in sexual activity. Examples of coercion include threatening to disclose another individual's private sexual information related to sexual orientation, gender identity, or gender expression, and threatening to harm oneself if the other party does not engage in the sexual activity. Coercing an individual into engaging in sexual activity violates this Policy in the same way as physically forcing someone into engaging in sexual activity.

C. Incapacitation

An individual who is incapacitated lacks the ability to make informed, rational judgments and decisions and, therefore, cannot affirmatively consent to sexual activity. Incapacitation is defined as the inability, temporarily or permanently, to give consent because an individual is mentally and/or physically helpless, asleep, unconscious or unaware that sexual activity is occurring.

Where alcohol or drugs are involved, incapacitation is a state beyond drunkenness or intoxication. The impact of alcohol or drugs varies from person to person; however, typical

warning signs that a person may be intoxicated or is approaching incapacitation include slurred and/or incomprehensible speech, vomiting, unsteady gait, odor of alcohol, combativeness and/or emotional volatility (e.g. unusual or unpredictable calm one second followed by enragement or extreme sadness the next).

Evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs affects an individual's abilities to:

- ◆ Communicate a choice;
- ◆ Understand relevant information;
- ◆ Reason about choices; and/or
- ◆ Appreciate the consequences of a situation.

In other words, a person may be considered incapacitated and unable to give affirmative consent if the person cannot appreciate the who, what, where, when, why or how of a sexual interaction. A person who is incapacitated may not be able to understand one or both of the following questions: "Do you know where you are?" or "Do you know how you got here?"

Evaluating incapacitation also involves an assessment of whether a respondent knew or should have been aware of the complainant's incapacitation based on objectively and reasonably apparent indications of impairment when viewed from the perspective of a sober, reasonable person in the respondent's position. The University will consider two questions when assessing incapacitation: (1) Did the person initiating sexual activity know their partner was incapacitated? And, if not, (2) Would a sober, reasonable person in the same situation have known that their partner was incapacitated? If the answer to either question is "yes," affirmative consent is lacking.

Incapacitation may also exist because of a mental or developmental disability that impairs the ability to consent to sexual contact. Engaging in sexual activity with an individual that the respondent reasonably should know is incapable of making a rational, reasonable decision about whether to engage in sexual activity is a violation of this Policy.

D. Alcohol or Drugs

In general, the University considers sexual contact while under the influence of alcohol or drugs to be risky behavior. Alcohol and drugs impair a person's decision-making capacity, awareness of consequences and ability to make informed judgments. It is especially important, therefore, that anyone engaging in sexual activity be aware of the other person's level of intoxication. If there is any doubt as to the level or extent of the other individual's intoxication or impairment, the prudent course of action is to forgo or cease any sexual contact or activity.

The perspective of a reasonable person will be the objective basis for determining whether a respondent should have been aware of the extent and amount of the ingestion of alcohol or

drugs by the complainant, or of the extent to which the use of alcohol or drugs impacted a complainant's ability to give consent. For example, an individual who is in a blackout state may appear to act normally and be giving consent, but may not actually have conscious awareness, the ability to consent or later recall of the events in question. In determining whether consent has been given, the University will consider both the extent to which a complainant affirmatively gives words or actions indicating a willingness to engage in sexual activity and whether the respondent was aware – or reasonably should have known – of the complainant's level of alcohol consumption and/or level of impairment.

Being intoxicated or impaired by alcohol or drugs is never an excuse for Prohibited Conduct and does not diminish one's responsibility to obtain informed and affirmative consent.

VIII. Prohibited Relationships by Persons in Authority

A. Consensual Relationships

The University is committed to a climate free from sexual and other forms of unlawful harassment in that it is both unwise and inappropriate for University managerial personnel to have romantic relationships with any subordinate University employee.

Such relationships have the potential for adverse consequences, including the filing of sexual harassment complaints. Given the unbalance of power in a relationship where one person awards grades, serves as a coach or makes promotion or salary decisions, the consensual nature of the relationship is inherently suspect. It is incumbent upon those with authority not to abuse or appear to abuse the power with which they have been entrusted. Should a charge of sexual harassment be brought by a person in a subordinate position, "consent to the relationship" shall not be deemed a sufficient defense or justification for conduct which otherwise would be deemed sexual harassment under the Policy of the University.

A romantic relationship in the workplace may raise perceptions of bias and favoritism; deterioration of the relationship may give rise to perceptions of harassment or retaliation. Prudence and the best interests of the participants in the relationship and others working with them dictate that if a romantic relationship develops between a University manager and a subordinate University employee, the managerial relationship cannot be permitted to continue.

B. Faculty and Staff Dating Students

The University strives to encourage academic excellence, professionalism, respect, integrity, diversity, faith and service. The University seeks to create an environment that is free of exploitation and unlawful harassment or discrimination that undermines the integrity of the institution.

The University prohibits consensual relationships of a dating, intimate and/or sexual nature between faculty or staff and any student with whom the faculty or staff member is in a direct/power relationship. Furthermore, the University strongly discourages these consensual relationships even when no power relationship exists. This Policy is rooted in the recognition that faculty– or staff–student relationships may be inherently unequal and contain an element of superiority or power. Consensual relationships between faculty or staff and students may give rise to the perception by others that there is favoritism or bias in educational decisions affecting students. These perceptions undermine the spirit of trust and mutual respect that is important to the University environment. Reporting of possible violations of the Policy may be made to the Title IX Office, Campus Safety or through EthicsPoint. In the event of such a relationship, it is the responsibility of the person in a position of authority to notify his/her own supervisor so that a resolution consistent with this Policy may be reached. Failure to comply with this requirement is a violation of this Policy, and the person in authority could be subject to disciplinary action, up to and including dismissal from employment by the University.

Any individual may file a complaint alleging the violation of the Prohibited Conduct, including an aggrieved party outside the relationship affected by the perceived harassment or discrimination. Retaliation against persons who report concerns about prohibited relationships by persons in authority is prohibited and constitutes a violation of this Policy.

For purposes of this Policy, the term “faculty” incorporates the definitions set forth in the Marymount University Faculty Handbook, and includes the following persons: Full-time faculty members; Part-time faculty members; Tenured faculty members; Non-tenured faculty members; Continuing Instructors; Postdoctoral Teaching Fellows; Visiting Faculty Members; Lecturers; Adjuncts; Artists-In-Residence; Externally Funded Faculty Members; Emeriti; Faculty Appointments in Library and Learning Sciences; Program Directors and Coordinators; Department Chairs; Associate Deans; Deans; and Academic Administrators.

IX. Reporting Prohibited Conduct

A first step for any complainant or third party witness may be choosing how to proceed following an incident of the Prohibited Conduct. The University provides two distinct kinds of institutional resources: Confidential Resources and Campus Reporting Options.

A. Confidential Resources

Confidential Resources do not involve notifying the University of the incident of the Prohibited Conduct, without express permission of the individual or meeting specific legal exceptions (See Confidential Resources, p. ii). For individuals who are seeking confidential consultation, there are several resources available to provide confidential support, both on campus and in the local community. The trained professionals designated below can provide counseling, information

and support under legally protected confidentiality (Confidentiality is defined in Policy Section V). Because these relationships involve privileged conversations, confidential resources will not share information about a patient/client (including whether or not that individual has received services) with the Title IX Coordinator or any other employee of the University without the individual's express written permission or for meeting specific expectations. They may, however, submit non-identifying information about the incident for purposes of making a statistical report under the Clery Act.

B. Reporting Options

The University is committed to providing a variety of welcoming and accessible means so that all instances of the Prohibited Conduct will be reported. Making a report of the Prohibited Conduct under this Policy means telling the Title IX Coordinator or any other University staff or faculty member who are considered responsible employees and are required to share the information with the Title IX Coordinator. Reporting to the Title IX Coordinator can be done in person, by telephone, in writing, by email or via the on-line reporting form on the University's Title IX webpage.

At the time a report is made, a Complainant does not have to decide whether or not to request any particular course of action. Nor does a complainant need to know how to label what happened. Choosing to make a report of the Prohibited Conduct, and deciding how to proceed after making the report, can be a process that unfolds over time. The University provides support that can assist each individual in making these important decisions, and to the extent legally possible, will respect an individual's autonomy in deciding how to proceed balancing the individual's interest with its obligation to provide a safe and non-discriminatory environment for all members of the University community.

Responsible Employees who are required to disclose information of any violations of the Prohibited Conduct to the Title IX Coordinator include: faculty, staff, administrators and those student employees/volunteers who have responsibility for the welfare of other students. Student employees/volunteers who are required to share reports of the Prohibited Conduct with the Title IX Coordinator include:

1. Community Assistants,
2. Graduate Assistants and
3. Interns from other institutions or organizations.

NOTE: These individuals are required to share with the Title IX Coordinator all information of violation of the Prohibited Conduct which they receive or become aware of, including the identities of the parties, if known. Responsible Employees

including faculty members are not prohibited by FERPA from disclosing instances of the Prohibited Conduct. FERPA has been construed to be subordinate to Title IX in the event of a conflict.

Any individual who reports the violation(s) of the Prohibited Conduct can be assured that all reports will be investigated and resolved in a fair and impartial manner. All individuals involved can expect to be treated with dignity and respect. In every report of the Prohibited Conduct under this Policy, the Title IX Coordinator will make an immediate assessment of any risk of harm to the University community and will take steps necessary to address those risks. These steps will include appropriate interim measures to provide for the safety of the individual and the University community.

To enable the University to respond to all reports in a prompt and equitable manner, the University encourages all individuals to directly report any incident of the Prohibited Conduct to the Title IX Coordinator and/or Campus Safety (24-hour availability).

C. Emergency Medical Support Services

The University encourages all individuals to seek assistance from a medical provider and/or law enforcement immediately after an incident of the Prohibited Conduct, whether or not the individual plans to pursue criminal action. A decision not to seek such assistance, however, does not impact an individual's ability to report an incident of the Prohibited Conduct to the Title IX Coordinator. The University has a strong interest in supporting victims and survivors of the violation(s) of the Prohibited Conduct and encourages all individuals or third party witnesses to report any incident of Prohibited Conduct to the University, and, if it involves potential criminal conduct, to law enforcement.

The University encourages individuals to seek assistance from a medical provider and/or law enforcement as soon as possible following an incident which poses a threat to safety or physical well-being. This is the best option to provide physical safety, emotional support and medical care to the complainant. It is also the best option to ensure preservation of evidence, which may only exist for a short period of time, and to begin a timely investigative and remedial response.

The Office of Campus Safety will escort any Marymount community member to a safe place, provide transportation to the hospital, assist in coordination with law enforcement, and provide information about the University's resources and complaint processes.

A forensic sexual assault examination should be obtained promptly from a hospital or sexual response center. The sexual assault examination has two goals: first, to diagnose and treat the full extent of any injury or physical effect (sexually transmitted infection or possibility of pregnancy) and, second, to properly collect and preserve evidence. The exam may include testing and prophylactic treatment for HIV/AIDS, STIs and pregnancy, a vaginal/anal

examination, collecting fingernail scrapings and/or clippings, examining for injuries and a blood draw. There is a limited window of time (typically 72 to 96 hours) following an incident of sexual assault to preserve physical and other forms of evidence. Taking the step to gather evidence immediately does not commit an individual to any course of action. The decision to seek medical attention and gather any evidence will preserve the full range of options to seek resolution through the University’s complaint processes or criminal action.

Individuals who believe they may have been drugged should consider seeking drug testing immediately to collect and preserve evidence, as most drugs exit an individual’s system quickly.

An individual can also contact a Student Health Center nurse or nurse practitioner (during open hours). The Student Health Center can provide follow-up medical services, and provide a forum to discuss any health care concerns related to the incident in a confidential medical setting. The Student Health Center, however, is not equipped to conduct forensic sexual assault examinations.

Medical Treatment

Inova Fairfax Hospital 3300 Gallows Road Falls Church, Virginia 22042	<ul style="list-style-type: none"> ◆ 703-776-6666 ◆ Provides medical treatment and Sexual Assault Nurse Examiner (Closest SANE hospital)
Marymount University Student Health Services Berg Hall, BERG 1014	<ul style="list-style-type: none"> ◆ 703-284-1610 ◆ Provides medical treatment ◆ Office Hours: 9:00 am - 5:00 pm, M - F

D. Reporting to Law Enforcement

The University encourages complainants to pursue criminal action for incidents of the Prohibited Conduct that may also be crimes under state criminal statutes. The University will assist a Complainant, at the complainant’s request, in contacting local law enforcement and will cooperate with law enforcement agencies if a complainant pursues the criminal process.

The University’s Policy, definitions and burden of proof may differ from Virginia criminal law. A complainant may seek resolution through the University’s complaint process, may pursue criminal action, may choose one but not the other or may choose both. Neither law enforcement’s determination whether or not to prosecute a respondent, nor the outcome of any criminal prosecution, are determinative of whether a violation of the Prohibited Conduct has occurred under this Policy. Proceedings under this Policy may be carried out prior to, simultaneously with or following civil or criminal proceedings off campus.

Arlington County Police Department	703-558-2222
Fairfax County Police Department	703-691-2131
Virginia State Police	703-803-0026

Where violations of the Prohibited Conduct are reported to law enforcement, it may be possible to obtain a court-ordered Emergency or Preliminary Protective Order. These Protective Orders may be issued if a magistrate or judge believes that there is an immediate threat to health or safety. The court may agree to issue a “Permanent” Protective Order, if appropriate, which may remain in place for up to two years under Virginia law and, in some cases, may be extended for a longer period of time. “Protective Orders” are not the same as a No Contact Order that is issued as an interim measure by the Title IX Coordinator (See Section XI-B). Protective Orders may be issued by a court of law; their violation may result in criminal charges.

Assistance is available from the University Office of Campus Safety and local law enforcement 24 hours a day, year round, by calling the Office of Campus Safety and/or the Arlington Police Department. Any individual can request that a member of the Office of Campus Safety and/or Arlington Police Department respond and take a report.

Anonymous Reporting Option

Any individual may make an anonymous report concerning an act of the Prohibited Conduct. A report can be made without disclosing one’s own name, identifying the respondent or requesting any action. Individuals can also report anonymously at:

https://cm.maxient.com/reportingform.php?MarymountUniv&layout_id=40

Depending on the level of information available about the incident or the individuals involved, anonymous reporting may impact the University’s ability to respond or take further action.

Anonymous reports of violations of the Prohibited Conduct can be made through EthicsPoint, an online reporting service that allows direct interaction with the Title IX Coordinator without providing identifying information. EthicsPoint may also be reached by calling (888) 355-9973. Ethics Point can be accessed online at:

<https://secure.ethicspoint.com/domain/media/en/gui/20363/index.html>

Anonymous reports of Prohibited Conduct can also be made by calling the Tip Line Service voice mail system at (703) 247-8345 or Make an Anonymous Report Online at:

Marymount.edu/tipline. Information received via EthicsPoint and the Anonymous Tip Line are not monitored twenty-four hours a day.

As with all other reports, all anonymous reports of Prohibited Conduct will go to the Office of Campus Safety and the Title IX Coordinator for review and appropriate response and action. Where there is sufficient information, the University will ensure that anonymous reports of Prohibited Conduct are reviewed and included for compliance with the Clery Act.

E. Reporting Considerations

1. Timeliness of Report

Complainants and third party witnesses are encouraged to report the violation of the Prohibited Conduct as soon as possible in order to maximize the University's ability to respond promptly and effectively. However, there is no time limit on reporting violations of this Policy. If the respondent is no longer a student or employee, the University may not be able to take judicial action against the respondent, but in those instances will still seek to meet its Title IX obligation by providing support for a complainant and taking steps to end the harassment, prevent its recurrence and address its effects.

2. Location of Incident

An incident of Prohibited Conduct does not have to occur on-campus to be reported to the University. Off-campus conduct that affects a substantial University interest may be covered under this Policy.

3. Amnesty for Personal Use of Alcohol or Drugs

The University seeks to remove any barriers to reporting an act of the Prohibited Conduct. The University will generally offer any student, whether the complainant, witness or third party, who reports the Prohibited Conduct, limited immunity from being charged for Policy violations related to the personal ingestion of alcohol or drugs, provided that any such violations did not, and do not, place the health and safety of any person at risk. The University may choose, however, to pursue educational or therapeutic remedies for those individuals.

4. Statement Against Retaliation

Retaliation is a violation of University Policy and is Prohibited Conduct. The University recognizes that retaliation can take many forms, may be committed by or against an individual or a group and that a Respondent or third party may also be the subject of retaliation by another individual, including the complainant.

An individual reporting the violation(s) of the Prohibited Conduct is entitled to protection from any form of retaliation following a report that is made in good faith, even if the report is not later substantiated. Retaliation for good faith reports of the Prohibited Conduct is a violation of University Policy and will result in disciplinary action.

5. Students, Faculty, and Staff with Disabilities

The University is committed to providing reasonable accommodations for students with documented disabilities. In accordance with University Policy, students with disabilities who need reasonable accommodations or modifications to address a suspected violation of the University's Sexual and Interpersonal Misconduct Policy and Resources are encouraged to meet with the Director of Student Access Services ("SAS")

[<https://www.marymount.edu/Academics/Services-Resources/Student-Access-Services>] as early in the process as possible to identify and plan specific accommodations. Employees with disabilities who need reasonable accommodations or modifications are encouraged to contact Marymount University's Human Resources as early in the process as possible to identify and plan specific accommodations. Students and employees typically will be asked to provide medical documentation. The Director of SAS or Human Resources will inform the Title IX Coordinator and any other University administrators who have a need to know of appropriate accommodations.

6. False Reporting

The University takes the validity of reported information very seriously. A charge of Prohibited Conduct may have severe consequences.

A complainant who makes a report of Prohibited Conduct that is later found to have been intentionally false or made maliciously without regard for truth may be subject to disciplinary action and may also violate state criminal statutes and civil defamation laws. This provision does not apply to reports made in good faith, even if the facts alleged in the report are not substantiated by an investigation.

Similarly, a respondent or witness who is later proven to have intentionally given false information during the course of an investigation or judicial action may be subject to disciplinary action.

X. Interim Measures

A. Overview

Upon receipt of a report of a violation of the Prohibited Conduct, the Title IX Coordinator will impose reasonable and appropriate interim measures designed to eliminate the reported condition and protect the safety and well-being of the complainant, the respondent and the University community and to promote an accessible educational environment for all parties. The Title IX Coordinator will maintain communications with the parties to ensure that all safety and emotional and physical wellbeing concerns are being addressed. Interim measures may be

imposed regardless of whether formal disciplinary action is sought by the complainant or the University, as may be needed to ensure the preservation of the complainant's educational experience and the overall University environment.

A complainant or respondent may request separation or other protections, or the Title IX Coordinator may choose to impose interim measures at the Title IX Coordinator's discretion to ensure the safety of all parties, the broader University community and/or the integrity of the investigative and/or resolution process. Appropriate interim measures may be available regardless of whether or not the complainant decides to report the alleged criminal conduct to law enforcement.

The University will maintain the privacy of any interim measure provided under this Policy to the extent practicable and will promptly address any violation of an interim measure. The Title IX Coordinator has the discretion to impose and/or modify any interim measure based on all available information and is available to meet with a complainant and respondent to address any concerns or modifications related to an interim measure.

B. Range of Interim Measures

Potential interim measures, which may be applied to the complainant and/or the respondent, to the extent reasonably available and warranted by the circumstances, at the discretion of the Title IX Coordinator or designee include:

- ◆ Access to counseling services and assistance in setting up initial appointment, both on-and off-campus;
- ◆ Imposition of an on-campus "no-contact order";
- ◆ Rescheduling of exams and assignments;
- ◆ Providing alternative course completion options;
- ◆ Change in class schedule, including the ability to transfer course sections or withdrawal from a course without penalty;
- ◆ Change in work schedule or job assignment;
- ◆ Change in student's University-sponsored or controlled housing;
- ◆ Assistance from University support staff in completing housing relocation;
- ◆ Limit, situationally, or on an as-needed basis, of an individual's or organization's access to certain University facilities or activities pending resolution of the matter;
- ◆ Voluntary leave of absence;
- ◆ Providing an escort to ensure safe movement between classes and activities;
- ◆ Providing medical services;
- ◆ Providing academic support services, such as tutoring;
- ◆ University-imposed administrative leave or separation;
- ◆ Interim suspension; and
- ◆ Any other remedy which can be tailored to the involved individuals to achieve the goals of this Policy.

C. University Imposed Interim Student Suspension

If the Title IX Coordinator (or designee) decides at any point that the health and safety of a student or of the University community is at stake, an interim suspension may be imposed on a student who is suspected of violating this Policy. In addition, interim suspensions may be used to preserve University property; pursue an investigation and/or hearing; prevent disruption of, or interference with, the normal operations of the University. An interim suspension typically will be used for short periods of time pending resolution of a report of Prohibited Conduct under this Policy. Imposition of an interim suspension does not affect the presumption that respondent is or is not responsible unless or until Investigators conclude that there is sufficient evidence, by a Preponderance of the Evidence, to support a finding that the respondent violated the Policy.

During an interim suspension, a student may be denied access to University housing and/or University campuses and facilities. As determined appropriate by Title IX Coordinator (or designee), this restriction may include classes and/or all other University activities or privileges for which the student might otherwise be eligible.

At the discretion of the Title IX Coordinator (or designee), and with the approval of, and in collaboration with, the appropriate Dean(s), alternative coursework options may be pursued to ensure as minimal an impact as possible on the respondent.

D. University Imposed Interim Employee Leave

If the Title IX Coordinator (or designee) decides at any point that the health and safety of a student or of the University community is at stake, the University may impose leave for any employee, to be implemented by the Assistant Vice President of Human Resources (for staff), and/or the Provost (for faculty) and in collaboration with the appropriate department head. Such leave will be structured at the University's discretion.

E. Notation on Student's Academic Transcript

Virginia Code § 23.1-900 requires that a student who has been suspended or is permanently dismissed after a resolution on the merits under this Policy, or withdraws from the University while under investigation for an offense involving sexual violence will have a prominent notation placed on his/her academic transcript. "Sexual violence" is defined by statute as "physical sexual acts perpetrated against a person's will or against a person incapable of giving consent."

The Title IX Coordinator will notify the student that the suspension, dismissal or withdrawal will be documented on his or her academic transcript. The student's academic transcript suspension notation will be removed, if he/she has completed the terms of a suspension and the University

has determined the individual to be in good standing, in accordance with University conduct standards.

XI. Title IX Assessment and Resolution of Prohibited Conduct

Although a report may come in through many sources, the University is committed to ensuring that all reports of Prohibited Conduct are referred to the Title IX Coordinator, who will ensure consistent application of the Policy to all individuals and allow the University to respond promptly and equitably to eliminate the Prohibited Conduct, prevent its recurrence and eliminate its effects.

The Title IX Coordinator may refer a report of conduct that does not constitute Prohibited Conduct under this Policy, at the discretion of the Title IX Coordinator, but may violate the University's Student Community Conduct Code, to the Office of Student Conduct and Academic Integrity. The decision of the Title IX Coordinator is a final decision for which there is no right of appeal.

The Title IX Coordinator is supported by the Title IX Team. Members of the Title IX Team include the Title IX Coordinator, Deputy Title IX Coordinators, the Vice President for Student Affairs, and the Director of Campus Safety and Emergency Management. In addition, depending on the role of the Complainant and the Respondent, the members of the Title IX Team could include a representative from the Office of Student Affairs, Human Resources, Athletics and/or Provost's Office. Composition of the Title IX Team will be limited to a small circle of individuals who "need to know" in order to implement procedures under this Policy.

A. Overview of Procedural Options

Upon receipt of a report of Prohibited Conduct, the Title IX Coordinator will conduct an initial Title IX assessment. The goal of the initial assessment is to provide an integrated and coordinated response to reports of Prohibited Conduct. The initial assessment will consider the nature of the alleged Prohibited Conduct, the safety of the individual and of the University community, the complainant's expressed preference for resolution and the necessity for any interim remedies or accommodations to protect the safety of the complainant or the University community.

Following the initial assessment of the Prohibited Conduct, the Title IX Coordinator may: (1) seek alternative resolutions that does not involve disciplinary action against a respondent (Section XII); or, (2) seek formal judicial resolution by initiating an investigation to determine if disciplinary action is warranted (Section XIII). The goal of the investigation is to gather all

relevant facts and determine if there is sufficient information to refer the report for disciplinary action.

Both resolution processes are guided by the same principles of fairness and respect for all parties. All individuals who violate these standards will be held accountable for their behavior through a process that protects the rights of both the complainant and the respondent. Resources are available for students and employees, whether as complainants or respondents, to provide support and guidance throughout the investigation and resolution of the complaint.

B. Initial Title IX Assessment

The Title IX Coordinator will conduct an initial Title IX assessment of the alleged Prohibited Conduct. In the course of this initial assessment, the Title IX Coordinator will consider the interest of the complainant and the complainant's expressed preference for the manner of resolution. Where possible, and as warranted by an assessment of the facts and circumstances, the University will seek action consistent with the complainant's expressed preference.

As part of the initial assessment of Prohibited Conduct, the University will:

- ◆ Assess the nature and circumstances of the allegation;
- ◆ Address immediate physical safety and emotional well-being;
- ◆ Notify the complainant of the right to contact law enforcement and seek medical treatment;
- ◆ Notify the complainant of the importance of preservation of evidence;
- ◆ Ascertain the ages of the complainant and the respondent, if known, and, if either of the parties is a minor (under 18), contact the appropriate child protective service agency; and
- ◆ Assess the reported conduct for the need for a timely warning under the Clery Act;
- ◆ Provide information about on- and off-campus resources;
- ◆ Discuss appropriate interim measures and remedies;
- ◆ Provide an explanation of the procedural options, including alternative resolution and judicial resolution;
- ◆ Assess for pattern evidence or other similar conduct;
- ◆ Discuss the complainant's expressed preference for the manner of resolution and any barriers to proceeding; and
- ◆ Explain the University's Policy prohibiting retaliation.

Under the Virginia Reporting Statute, the University is required to report information about certain allegations of Prohibited Conduct to the law enforcement agencies and the prosecuting authorities who would be responsible, respectively, for investigating and prosecuting such allegations.

The Title IX Coordinator's initial assessment will proceed to the point where a reasonable evaluation of the safety of the individual and of the campus community can be made, and the University has sufficient information to determine the best procedural option, which may include remedies-based actions or the initiation of an investigation to determine whether judicial action is warranted. The Title IX Coordinator has the sole discretion to determine which method of resolution is appropriate. Any individual wishing to explore alternative dispute resolution methods is encouraged to discuss these options with the Title IX Coordinator.

All University proceedings are conducted in compliance with the requirements of Title IX, the Clery Act, the Campus SaVE Act, FERPA, state and local law and University Policy. Links to these laws are provided in Section III of this Policy.

The Title IX Coordinator's determination as to how to proceed will be communicated to the complainant in writing. Depending on the circumstances and requested resolution, the respondent may or may not be notified of the report or resolution. However, the respondent will be notified if the University decides to seek action that would impact the respondent, i.e. to implement protective measures that would restrict the respondent's movement on campus, to initiate an investigation or to decide to involve the respondent in a remedies-based resolution.

The Title IX Coordinator will maintain records of all reports of Prohibited Conduct referred for remedies-based resolution, which will typically be completed within forty-five (45) business days of the initial report.

C. Complainant Preference Not to Proceed with a Report of Prohibited Conduct

The University will seek action consistent with the complainant's expressed preference, where possible. If a complainant makes a report of Prohibited Conduct, but requests that a name or other identifiable information not be shared with the respondent, or that no formal action be taken, the Title IX Coordinator will balance this request with the University's dual obligation to provide a safe and non-discriminatory environment for all University community members and to remain true to principles of fundamental fairness that require notice and an opportunity to respond before action is taken against a respondent.

In the event that a complainant does not wish to proceed with an investigation or judicial resolution of the Prohibited Conduct, the Title IX Coordinator will determine, based on the

available information, including any investigative report, whether the investigation or judicial resolution proceedings should nonetheless go forward.

In making this determination, the Title IX Coordinator will consider, among other factors:

- ◆ Whether the complainant has requested confidentiality;
- ◆ Whether the complainant wants to participate in an investigation or judicial hearing;
- ◆ The severity and impact of the conduct;
- ◆ The respective ages of the parties;
- ◆ Whether the complainant is a minor under the age of 18;
- ◆ Whether the respondent has admitted to the conduct;
- ◆ Whether the respondent has a pattern of similar conduct;
- ◆ The existence of independently verifiable evidence; and
- ◆ The extent of prior remedial methods taken with the respondent.

The University will take all reasonable steps to investigate and respond to a report of Prohibited Conduct consistent with the request for confidentiality or request not to pursue an investigation, but its ability to do so may be limited based on the nature of the request by the complainant. The Title IX Coordinator will assess any potential barriers to proceeding, including retaliation, and will inform the complainant and respondent that Title IX prohibits retaliation and that the University will take strong responsive action to protect all parties. Where the University is unable to take action consistent with the request of the complainant, the Title IX Coordinator (or designee) will communicate with the complainant about the University's chosen course of action, which may include a decision to pursue action against a respondent on its own behalf. Alternatively, the course of action may also include steps to limit the effects of the alleged Prohibited Conduct and prevent its recurrence that do not involve formal disciplinary action against a respondent or revealing the identity of the complainant.

XII. Alternative Resolution

The complainant may request Alternative Resolution in place of Title IX Investigation and Formal Resolution. The Title IX Coordinator, however, has the discretion to determine whether the nature of the reported conduct is appropriate for Alternative Resolution, to determine the type of Alternative Resolution that may be appropriate in a specific case and to refer a report of Prohibited Conduct for Investigation at any time. Forms of Alternative Resolution that involve face-to-face meetings between the complainant and the respondent, such as mediation, are not available in cases involving Sexual Assault.

Participation in Alternative Resolution (including any specific form of Alternative Resolution) is voluntary. The University will not compel a complainant or respondent to engage in Alternative Resolution, will not compel the parties to confront one another face to-face, and will allow a complainant or respondent to withdraw from Alternative Resolution at any time. The Title IX

Coordinator, or designee, may decline the request for Alternative Resolution in any particular case and may terminate an ongoing Alternative Resolution process at any time. Pursuing Alternative Resolution does not preclude later use of Formal Resolution, if the Alternative Resolution fails to achieve a resolution acceptable to the parties and the University. Where the Complainant or the Respondent withdraws from Alternative Resolution or Alternative Resolution is otherwise terminated for any reason, any statements or disclosures made by the parties during the course of the Alternative Resolution may be considered in a subsequent investigation and Formal Resolution.

With any form of Alternative Resolution, each party has the right to choose and consult with a Support Advisor (See Section XV-C). The Support Advisor may be any person who is not otherwise a party or witness to the reported incident(s). The parties may be accompanied by their respective Support Advisors at any meeting or proceeding held as part of Alternative Resolution. While the Support Advisors may provide support and advice to the parties at any meeting and/or proceeding, they may not speak on behalf of the parties or otherwise participate in, or in any manner disrupt, such meetings and/or proceedings.

Alternative Resolution may include:

- ◆ **Resolution with the Assistance of a Third Party:** A Complainant may seek assistance in informally resolving a report of Prohibited Conduct during a facilitated meeting or meetings between the parties. The availability of this form of Alternative Resolution, and any resolution reached through such form of Alternative Resolution, is subject to the agreement of the Title IX Coordinator, the Complainant and the Respondent. This form of Alternative Resolution may not be used where the alleged Prohibited Conduct involves Sexual Assault.
- ◆ **Interventions and Remedies:** Alternative Resolution agreements may involve a host of interventions and remedies, such as actions designed to maximize access to educational, extracurricular and/or University employment activities; increased monitoring, supervision and/or security at locations or activities where the Prohibited Conduct occurred or is likely to reoccur; targeted or broad-based educational programming or training for relevant individuals or groups; academic and/or University housing modifications for Student Complainants; workplace modifications for Employee Complainants; one or more of the restorative remedies or other sanctions described in these Procedures; and/or any other remedial or protective measures that can be tailored to the involved individuals to achieve the goals of the Title IX Policy.

Any form of Alternative Resolution and any combination of interventions and remedies may be utilized. If an agreement acceptable to the University, the Complainant and the Respondent is reached through Alternative Resolution, the terms of the agreement are implemented and the matter is resolved and closed. If an agreement is not reached, and the Title IX Coordinator

determines that further action is necessary, or if a Respondent fails to comply with the terms of the Alternative Resolution, the matter may be referred for an investigation and Formal Resolution under these Procedures.

The Title IX Coordinator will maintain records of all reports of Prohibited Conduct referred for remedies-based resolution, which will typically be completed within sixty (60) calendar days of the initial report.

XIII. Title IX Investigation and Formal Resolution

When the Title IX Coordinator concludes that formal resolution may be appropriate, the Title IX Coordinator will initiate an investigation and issue the Notice of Investigation and Charge(s). The Title IX Coordinator will designate an Investigative Team that has specific training and experience investigating allegations of Prohibited Conduct. The Investigative Team will typically consist of a team of two investigators and may include employees of the University or external investigators engaged to assist the University in its fact gathering. Any investigator chosen to conduct the investigation must be impartial and free of any actual conflict of interest.

The Investigative Team will conduct the investigation in a manner appropriate to the circumstances of the case. The Investigative Team will coordinate the gathering of information from the complainant, the respondent and any other individuals who may have information relevant to the investigation. The Investigative Team will also gather any available physical evidence, including documents, communications between the parties and other electronic records as appropriate. In gathering the facts, the Investigative Team may consider prior allegations of, or findings of responsibility for, similar conduct by the Respondent, to the extent such information is relevant to the investigation. The complainant and respondent will have an equal opportunity to be heard, to submit information and to identify witnesses who may have relevant information. Witnesses must have observed the acts in question or have information relevant to the incident. Witnesses cannot participate solely to speak about an individual's character. Witnesses are expected to cooperate with the Title IX Coordinator and any persons charged with implementing this Policy. If a witness fails to appear for a scheduled appointment, knowingly provides false information and/or otherwise refuses to cooperate, the witness may be subject to separate disciplinary action under the University's Student Community Conduct Code, Employee Handbook and/or Faculty Handbook, as applicable.

The investigation is designed to provide a fair and reliable gathering of the facts. The investigation will be thorough, impartial and fair. All individuals will be treated with appropriate sensitivity and respect. As described in the Privacy and Confidentiality section, the investigation will be conducted in a manner that is respectful of individual privacy concerns.

A. Presumption of Non-Responsibility and Participation by the Parties

The investigation is a neutral fact-finding process. The respondent is presumed to be not responsible; this presumption may be overcome only where the Investigative Team concludes that there is sufficient evidence, by a Preponderance of the Evidence, to support a finding that the respondent violated the Policy. Neither party is required to participate in the investigation under this Policy. The Investigators will not draw any adverse inference from a decision by either of the parties not to participate; however, selective participation in the investigation by either party may be taken into consideration by the Investigative Team.

Throughout the investigation, a complainant or respondent may have a Support Advisor (defined in Section XV-C) present at any meeting related to the investigation.

The University will seek to complete the investigation within sixty (60) calendar days of receiving the complaint, but this time frame may be extended for good cause, which may exist if additional time is necessary to ensure the integrity and completeness of the investigation, to comply with a request by external law enforcement for temporary delay to gather evidence for a criminal investigation, to accommodate the availability of witnesses, to account for University breaks or vacations, to account for complexities of a case, including the number of witnesses and volume of information provided by the parties or for other legitimate reasons. At the request of law enforcement, the University may defer its Title IX investigation until after the initial stages of a criminal case. The University will nevertheless communicate with the Parties regarding Title IX rights, procedural options and the implementation of interim measures to assure the safety and well-being of all affected individuals. The University will promptly resume its Title IX investigation as soon as law enforcement has released the case for review following the initial criminal investigation.

Information gathered during the investigation will be used to evaluate the merits of the report of Prohibited Conduct, provide for the safety of the complainant and the University community and take appropriate measures designed to end the Prohibited Conduct, prevent its recurrence and address its effects.

The Title IX Coordinator will document each report or request for assistance in resolving a report under this Policy and will review and retain copies of all reports generated as a result of an investigation. These records will be kept confidential to the extent permitted by law.

1. Review of Investigation Report

At the conclusion of the investigation of Prohibited Conduct, the Investigative Team will prepare a draft written investigation report that summarizes the information gathered and synthesizes the areas of agreement and disagreement between the parties and any supporting information

or accounts. In preparing the draft written investigation report, the Investigative Team will review the facts gathered to determine whether the information is relevant and material to a determination of responsibility, given the nature of the allegation. The Investigative Team has the discretion to redact information that is irrelevant, more prejudicial than probative or immaterial to a determination of responsibility. The Investigative Team also has the discretion to redact statements that are personal opinion, rather than direct observations or reasonable inferences from the facts and statements as to general reputation for any character trait, including honesty. The draft investigation report will not include any findings by the Investigative Team.

Before the draft investigation report is finalized, the complainant and respondent will be given the opportunity to review their own statement and, as permitted by FERPA, a summary of other information collected during the investigation, including statements of the other party and any witnesses. A Complainant and Respondent may submit any additional comment or evidence to the Investigative Team within three (3) business days of the opportunity to review the relevant portions of the report.

Upon receipt of any additional information by the complainant or respondent, or after the three (3) day comment period has lapsed without comment, the Investigative Team will make a written finding as to whether there is sufficient information alleged to suggest that a Policy violation may have occurred by a preponderance of the evidence and include the written finding in the investigation report. Information discoverable through the exercise of due diligence that is not provided to the Investigative Team during the designated investigation and response periods will not be considered in the determination of responsibility for a violation of this Policy, and will not be considered by the Adjudicator or on Appeal.

A Preponderance of the Evidence means a party has shown that its version of facts is more likely to be true than not true. The Preponderance of the Evidence standard is satisfied if there is a greater than fifty percent chance that the proposition is true.

2. Reconsideration of the Determination Not to Proceed to Judicial Adjudication

If the Investigative Team determines that there is insufficient information alleged to suggest by a preponderance of the evidence that Prohibited Conduct more likely than not has occurred, the Complainant and Respondent will be notified in writing. The complainant will have the opportunity to seek review by the Title IX Team by submitting a written request for review to the Title IX Coordinator within three (3) business days. The respondent will be notified and have the opportunity to respond within three (3) business days. Neither party shall have further right to respond. Upon the expiration of the review and response periods, the Title IX Team will render a decision, in writing, to both parties, within five (5) business days of receipt for review.

The Title IX Team may agree with the finding of the Investigative Team, reverse the finding of the Investigative Team and refer the case for judicial action, or request that the Investigative Team take additional investigative steps. The decision of the Title IX Team is final, and there is no right of appeal for either party.

3. Determination to Proceed to Judicial Action

If the Investigative Team determines that there is sufficient information alleged to suggest by a preponderance of the evidence that Prohibited Conduct has occurred, the Title IX Coordinator (or designee) will refer the investigative report for judicial action by the Adjudicator. The Adjudicator will make a finding, by a preponderance of the evidence, as to whether the Respondent is responsible for conduct in violation of this Policy.

University-issued email is the primary means of communication used by the University. The Title IX Coordinator may deliver notice by one or more of the following methods:

- ◆ In person by the Title IX Coordinator or designated University administrator;
- ◆ Mailed to the local or permanent address of the individual, as indicated in official University records; or
- ◆ Emailed to the individual's University-issued email account.

B. Judicial Adjudication

Judicial Adjudication is the process by which an Adjudicator designated by the Title IX Coordinator (or designee) determines responsibility and, if warranted, administers sanctions and/or discipline against a respondent. Because the relationships of students, staff and faculty to the University differ in nature, the procedures that apply when seeking disciplinary action necessarily differ in some respects. Each of the Judicial Adjudication procedures, however, is guided by the same principles of fundamental fairness and respect for all parties, which require notice, an equitable opportunity to be heard and an equitable opportunity to respond to a report under this Policy.

1. The Adjudicator

The Title IX Coordinator (or designee) will designate an Adjudicator to review all relevant information in order to make a finding, by a preponderance of the evidence, as to whether the respondent is responsible for Prohibited Conduct.

The Adjudicator may be an internal member of the University's administration or an external member of the community. Any individual designated by the University must have sufficient training or experience to serve as an Adjudicator. The Adjudicator may also consult with a panel

of individuals from the University or surrounding community in considering additional relevant factors.

For a complaint against a student, the Adjudicator is typically the Dean for Student Life, Dean for Student Success, Student Affairs Administrator, Academic Associate Dean or a faculty member.

For complaints against a staff member, the Adjudicator is typically the Assistant Vice President of Human Resources (or their designee).

For complaints against a faculty member, the Adjudicator is typically a senior, tenured member of the faculty as assigned by the Provost in consultation with the Title IX Coordinator. Either party may challenge the designation of the Adjudicator.

For a complaint against a student employee who was acting within the scope of their employment at the time of the Prohibited Conduct, the University may designate an Adjudicator related to the student's employment in addition to or in lieu of the Adjudicator typically assigned for complaints against students.

The Adjudicator must be a neutral and impartial decision-maker. The complainant and the respondent may submit a written request to the Title IX Coordinator to remove the designated Adjudicator, if there are reasonable articulable grounds to establish bias, conflict of interest or an inability to be fair and impartial. This challenge must be raised within two (2) business days of notice of the designated Adjudicator. A designated Adjudicator will only be removed if the Title IX Coordinator concludes that the Adjudicator's bias precludes an impartial hearing of the report. Additionally, any Adjudicator who has reason to believe she/he cannot make an objective determination must recuse oneself from the process.

2. Finding of Responsibility by the Adjudicator

In reaching a determination of responsibility, the Adjudicator will be provided with a copy of the Investigative Team's final Investigation Report, which will include any additional comments or evidence submitted by the parties to, and accepted as relevant by, the Investigative Team, and may consult with the complainant, the respondent, the Title IX Coordinator and other affected parties, as may be required in the Adjudicator's sole discretion, to ensure adequate assessment of the relevant facts. Each party may also submit a written impact statement to the Adjudicator for consideration. The written impact statement may not be longer than 2-typed pages and must be submitted within two (2) business days of the Notice of the Designated Adjudicator. At any time, the respondent may choose to agree to a finding of responsibility for some or all of the charged conduct. If the complainant or respondent is asked to meet with the Adjudicator during the process, they may be accompanied by a Support Advisor (See Section XV-C).

After consideration of all of the relevant information, the Adjudicator will make a written determination, using the preponderance of the evidence standard, as to whether the respondent is responsible for conduct in violation of this Policy.

3. Imposition of Sanction

If the respondent is found responsible, the Adjudicator will consider the imposition of sanctions designed to eliminate the Prohibited Conduct, prevent its recurrence and remedy its effects, while supporting the University's educational mission and Title IX obligations. Sanctions may also serve to promote safety or deter individuals from similar future behavior. The Adjudicator may also consult with the Title IX Coordinator (or designee). The Adjudicator may impose any sanction deemed appropriate, after a consideration of all relevant information and statements. The imposition of sanctions will take effect immediately and will not be stayed pending the resolution of the appeal.

Imposition of Sanctions for **Students**: Sanctions may include removal from specific courses or activities, probation, removal from University housing, suspension from the University or expulsion from the University. A full list of the range of sanctions for students is contained in the University's Student Community Conduct Code. If the sanction imposed is a suspension or expulsion from the University, refunds of tuition and/or fees will be given according to the schedule in the appropriate University catalog and/or the housing license agreement. For the purposes of a tuition refund, the University will base the refund on the date the suspension or expulsion is imposed.

Imposition of Sanctions for **Employees**: Sanctions may include any form of responsive action or progressive discipline as set forth in the Employee Handbook, including training, referral to counseling and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay or termination.

Imposition of Sanctions for a **Student Employee** acting within the scope of his/her employment at the time of the Prohibited Conduct: Sanctions may include any permissible sanction from the Student Community Conduct Code or the Employee Handbook.

Imposition of Sanctions for **Tenured Faculty or Faculty** whose stated period of appointment has not expired: Sanctions involving a recommendation of termination will implicate Section 1.9.1 Involuntary Termination of Full-Time Faculty Appointments as set forth in the Faculty Handbook. Under these circumstances, additional procedural steps may occur as set forth in 1.9.1.1 Description of Due Process.

4. Notice of Outcome

The Adjudicator's written determination will be provided simultaneously to the complainant and the respondent. The University neither encourages or discourages the subsequent disclosure or sharing of the Notice of Outcome by either party.

The respondent will be informed of any sanctions, the date by which the requirements must be satisfied (if applicable) and the consequences of failure to satisfy the requirements.

The complainant will be informed of any sanctions that directly relate to the complainant. The outcome letter will also provide each party with their appeal options.

The Title IX Coordinator may also notify appropriate University officials, including a direct supervisor of employee or faculty respondent, as necessary to implement the outcome and/or sanctions.

XIV. Title IX Appeal

Either party may appeal the Notice of Outcome. An appellate review of the Notice of Outcome will be prompt and narrowly tailored to the stated appeal grounds. The complainant and/or respondent may appeal only the parts of the Adjudicator's determination of responsibility or sanctions that directly relates to him/her. Dissatisfaction with the outcome of the investigation is not grounds for appeal. The limited grounds for appeal are as follows:

- ◆ A material deviation from this Policy that affected the outcome of the case;
- ◆ To consider new and relevant evidence, that was unavailable, with reasonable diligence and effort, during the original
- ◆ Investigation or adjudication, that could reasonably affect the original investigation finding or adjudication outcome or sanction. A summary of this new evidence and its potential affect must be included; and/or
- ◆ The sanction(s) imposed are substantially disproportionate to the severity of the violation.

The appeal, which may be no longer than 2-typed pages, shall consist of a plain, concise and complete written statement outlining the grounds for the appeal. The appeal must be submitted to the Title IX Coordinator within three (3) business days of the date of the Notice of Outcome.

Upon receipt of an appeal, the Title IX Coordinator will provide the other party notice of the appeal and the opportunity to respond in writing to the appeal. Any response to the appeal must be submitted in writing within three (3) business days from receipt of notice of the appeal and may not be longer than 2-typed pages. In the event that both parties initially appeal the findings, each party will be provided notice and a copy of the other party's appeal.

Upon receipt of an appeal and any response, the Title IX Coordinator will notify the designated Appellate Authority. For an appeal involving a student respondent, the Appellate Authority is typically the Provost and Vice President for Academic Affairs or the Vice President for Development. For an appeal involving a Respondent who is an employee, the Appellate Authority is typically a vice president or senior level administrator.

The appeal process outlined in this Policy supersedes the grievance procedures contained in the Employee Handbook and in the Faculty Handbook.

The appeal will be conducted in an impartial manner by the Appellate Authority. In any request for an appeal, the burden of proof lies with the party requesting the appeal; the original determination and sanction are presumed to have been decided reasonably and appropriately. The appeal is not a new review of the underlying matter. The Appellate Authority shall consider the merits of an appeal only on the basis of the grounds for appeal as set forth in this Section. Except as required to explain the basis of new information unavailable at the time of an investigation, the Appellate Authority's review of an investigation will be limited to the written investigation Report and all supporting documents.

The Appellate Authority can affirm the Adjudicator's original findings and sanctions, request a new investigation or adjudication and/or alter the sanctions, depending on the basis of the requested appeal. If the appeal is based on material deviation from the Policy that affected the outcome of the case, the Appellate Authority can ask that a new investigation and/or adjudication occur. If an appeal is based on newly discovered information that could affect the finding of the Adjudicator, the Appellate Authority can recommend that the case be returned to the Adjudicator to assess the weight and effect of the new information and render a determination after considering the new facts.

The Appellate Authority will communicate the result of the appeal to the complainant and respondent in writing, within ten (10) business days from the date of the submission of all appeal documents by both parties. A decision of the Appellate Authority is a final decision of the University.

XV. Additional Considerations

A. Time Frames for Resolution

The University will make every effort to resolve all reports of sexual harassment within sixty (60) calendar days. All time frames expressed in this Policy are intended to be guidelines rather than rigid requirements. Circumstances may arise that require the extension of time frames, including an extension beyond sixty (60) calendar days. Such circumstances may include the complexity of the allegations, the number of witnesses involved, the availability of the parties or

witnesses, the effect of a concurrent criminal investigation, any intervening school break or vacation or other unforeseen circumstances.

In the event that the investigation and resolution are anticipated to exceed the sixty (60) calendar day time frame, the Title IX Coordinator will notify all parties of the reason for the delay and the expected adjustment in time frames. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness. All parties involved are entitled to periodic status updates on the progress of the complaint investigation and any subsequent appeals.

B. Group Infractions

When members of a student group, organization, or team or individuals acting collusively, act in concert in violation of the Policy, they may be charged as a group or as individuals, and an investigation may proceed against the group as joint respondents, or against one or more involved individuals, as appropriate, given the available information and circumstances.

Both officers and members of a student group, organization or team may be held collectively and individually responsible when violations of this Policy by the organization or its members take place at an organization sponsored event, have received the consent or encouragement of the organization or of the organization's leaders or officers, or was known or reasonably should have been known to the membership or its officers.

In any such action, individual determinations as to responsibility will be made. Sanctions may be assigned collectively and individually and will be proportionate to the involvement of each individual.

C. Support Advisors

Support Advisor: Throughout the process, the Complainant and Respondent have the right to be assisted by a Support Advisor. The Support Advisor may accompany the Complainant or Respondent to any meeting with an investigator or a University employee.

For faculty and staff: The Support Advisor may not be a witness, legal counsel and/or a parent or guardian of the complainant or respondent. The Support Advisor can assist the party without conflict, should not be related to anyone involved in the complaint, or have another role in the process that could impair his or her role as Support Advisor. Any person who serves as a Support Advisor should plan to make themselves available for meetings throughout the process.

For students: Pursuant to the 2013 Reauthorization of the Violence Against Women Act, students have the right to be accompanied by a Support Advisor of her or his choice. The Support Advisor may be anyone of the student's choosing including a friend, mentor, family member, attorney or any other supporter. A Support Advisor is someone who is not otherwise a party or witness involved in the investigation. The Support Advisor must be able to assist the party without conflict and cannot have another role in the process that could impair his or her role as Support Advisor. Any person who serves as a Support Advisor should plan to make themselves available for meetings throughout the process.

The Support Advisor may be present at any meeting or hearing related to the resolution of a report under the Policy. However, the Support Advisor may not speak or otherwise participate in the meetings and must comport himself/herself in a manner that is not disruptive to the meetings. Disruptive behaviors include intervening in meetings or hearings, addressing the investigator or hearing panel, questioning witnesses or making objections. The Title IX Coordinator has the discretion at all times to determine what constitutes appropriate behavior on the part of the Support Advisor.

D. Role of the Attorney/Outside Agreements

A complainant or respondent may choose to seek the advice and assistance of an attorney at her or his own expense, but the attorney may not participate in investigatory interviews, mediation or adjudication or appeals. Similarly, the University will not recognize or enforce agreements between the parties reached outside of these procedures.

E. Prior Sexual History

In general, a complainant's prior sexual history is not relevant to the resolution of a report under this Policy and will not be accepted as evidence during an investigation. Where there is a current or ongoing relationship between the complainant and the respondent, and the respondent alleges consent, the prior sexual history between the parties may be relevant to assess the manner and nature of communications between the parties as set forth in Section VII of this Policy. However, the mere fact of a current or previous dating or sexual relationship, by itself, is not sufficient to constitute effective consent. Any prior sexual history of the complainant with individuals is typically not relevant and will not be permitted.

F. Pattern Evidence

Where there is evidence of a pattern of conduct similar in nature by the Respondent or Complainant, either prior to or subsequent to the conduct in question, regardless of whether there has been a finding of responsibility, this information may be deemed relevant and

probative to a determination of responsibility and/or assigning of a sanction. The determination of relevance will be based on an assessment of whether:

- ◆ The previous incident was substantially similar to the present allegation;
- ◆ The information indicates a pattern of behavior and substantial conformity with that pattern by the Respondent or Complainant; or
- ◆ The Respondent was previously found responsible for a Policy violation. Any party seeking to introduce information about pattern evidence should bring this information to the attention of the Investigative Team at the earliest opportunity. The Investigative Team may choose to consider this information, with appropriate notice to the parties.

Where a sufficient informational foundation exists, the Investigative Team, in consultation with the Title IX Coordinator, will assess the relevance, form, and reliability of the information (hearsay may be excluded) and determine if it is appropriate for inclusion in the written investigation report.

G. Self Defense

The Investigative Team has the discretion to determine whether a claim of self-defense is relevant to its investigation and, if so, what weight, if any, to give to the claim of self-defense.

H. Consolidation of Investigation

The Title IX Coordinator has the discretion to consolidate multiple reports against a Respondent into one investigation if the evidence related to each incident would be relevant and probative in reaching a determination on the other incident.

I. Records

The Title IX Coordinator will retain records of all reports, allegations and complaints, regardless of whether the matter is resolved by Title IX assessment, remedies-based resolution or judicial resolution. Complaints resolved by Title IX assessment or remedies-based resolutions do not become a part of a student's conduct file or academic record.

Affirmative findings of responsibility in matters resolved through judicial resolution become a part of a student's conduct record or an employee's personnel file. Such records shall be used in reviewing any further conduct or in developing sanctions and shall remain a part of a student's conduct record or employee's personnel records. In general, records will be maintained for the

duration of the Respondent's relationship with the University, and may be retained for no less than seven years following the Respondent's departure from the University. In allegations involving child abuse or misconduct by employees warranting termination, the records may be kept indefinitely.

J. Prohibition on Recording

Neither of the parties, witnesses, nor the support advisors and/or attorneys are permitted to make video, audio or other electronic, photographic or digital recording of any meeting or proceeding held under this Policy.

K. False Reporting

University community members are expected to provide truthful information in any report or proceeding under this Policy. Submitting or providing false or misleading information in bad faith or with a view to personal gain or intentional harm to another in connection with an incident of Prohibited Conduct is prohibited and subject to disciplinary sanctions under the University's Student Community Conduct Code, and disciplinary action under the appropriate Employee Handbook or Faculty Handbook disciplinary Policy. This provision does not apply to reports made or information provided in good faith, even if the facts alleged in the report are not later substantiated.

XVI. Education and Prevention Programs

The University is committed to the prevention of Prohibited Conduct through education and awareness programs. The University is also committed to the protection of minors and the prevention of child abuse. Throughout the year the University offers educational programs to promote awareness of Prohibited Conduct. Programs are held throughout the year, as announced. Prevention programs include an overview of the University's policies and procedures, relevant definitions, including Prohibited Conduct, discussion of the impact of alcohol and illegal drug use, effective consent, safe and positive options for bystander intervention, education on healthy relationships and information about risk reduction. Incoming first year students and new employees will receive primary prevention and awareness programming as part of their orientation. The University's Title IX Coordinator oversees the education and prevention calendar and tailors programming to campus needs and climate. All educational programs include a review of resources and reporting options available for students, faculty and staff.

The University reserves the right to make changes to this policy as necessary and once those changes are posted online, they are in effect. Individuals are encouraged to check online for the most current versions of all policies and procedures.

Annual Fire Safety Report

Fire Policies, Evacuation Procedures, Training

The Higher Education Opportunity Act of 2008 requires that institutions of higher education report policies, procedures, and statistics related to residence hall fire safety.

Fire Policies

All fires, regardless of severity, must be reported to the Office of Campus Safety immediately.

Marymount University considers fire safety extremely important. Students and employees have an obligation to adhere to the University's safety regulations, as well as city and state statutes. Fire and evacuation information is posted in each residence hall room, classroom, and office area on campus. Occupants should be familiar with this information.

Student Living conducts fire drills once each semester for all residence halls, in coordination with the Office of Campus Safety and Emergency Management and the Office of Physical Plant. All residents participate in fire drills; failure to respond appropriately to fire alarms will result in judicial action for those involved and necessitate additional drills for all residents.

The following are violations of fire policies at Marymount University, as described in the Student Handbook:

- ◆ **5.b.11.** Use of alarmed doors for entry into or exit from a Marymount University building. Activating an alarm may result in a \$75 fine.
- ◆ **5.b.13.** Violation of local, state, federal, or campus fire policies, including but not limited to: failure to evacuate a university-controlled building during a fire alarm; improper use of university fire safety equipment; or tampering with or improperly engaging a fire alarm or fire detection/control equipment while on university property. Such action may result in a \$1,000 fine in addition to university sanctions.
- ◆ **5.e.9.** Intentionally or recklessly causing a fire that damages university or personal property or causes injury to any member of the community.
- ◆ **5.f.11.** Covering more than one-third of the wall or door space of a residence hall room.

Possession of non-approved appliances, appliances in excess of 1,000 watts, oversized/non-approved refrigerators.

Possession or use of items determined to be a fire hazard, including, but not limited to, two-prong extension cords, halogen lights or lamps, high-heat or open-coil appliances.

Possession or use of open-flame source or flammable liquid in the residence halls, including, but not limited to: oil lamps, candles, incense, gasoline, and lighter fluid.

Fire Evacuation Procedures

Detailed information is posted on each floor in the residence halls. When the alarm sounds, residents are required to follow the established procedures:

- ◆ Residents should begin an immediate and orderly evacuation along the designated evacuation route established for the area
- ◆ Residents should not run. They should move quickly to the nearest designated stairwell and exit.
- ◆ Once they have exited the building, they should move a distance of at least 100 feet from the building and wait for instructions or permission to re-enter the building.
- ◆ Residence hall staff will signal when the building is safe and ready for re-entry. No one is allowed to re-enter until this signal is given. Personnel authorized to give re-entry instructions include the Student Living Primary on Call.
- ◆ Please note that firefighters may indicate that a building is safe, but they cannot give permission to re-enter the building.
- ◆ Firefighters should be treated with respect at all times. Anyone who does not evacuate or who does not comply quickly and properly with the instructions of a staff member will be referred to the Student Conduct Office.

Fire Safety Education

Fire safety information is provided to all students in Marymount University's Student Handbook.

Fire Statistics 2018

Residence Halls	Total Number of Fires	Fire Related Deaths	Fire Related Injuries	Amount of Damage to Property	Cause
Berg Hall	0	n/a	n/a	n/a	n/a
Butler Hall	0	n/a	n/a	n/a	n/a
Gerard Hall	0	n/a	n/a	n/a	n/a
Lee Ostapenko Hall	0	n/a	n/a	n/a	n/a
Rowley Hall	0	n/a	n/a	n/a	n/a
St. Joseph Hall	0	n/a	n/a	n/a	n/a

NOTE: Two fire drills were held during calendar year 2018 in each on-campus student housing facility.

Fire Statistics 2019

Residence Halls	Total Number of Fires	Fire Related Deaths	Fire Related Injuries	Amount of Damage to Property	Cause
Berg Hall	0	n/a	n/a	n/a	n/a
Butler Hall	0	n/a	n/a	n/a	n/a
Gerard Hall	0	n/a	n/a	n/a	n/a
Lee Ostapenko Hall	0	n/a	n/a	n/a	n/a
Rowley Hall	0	n/a	n/a	n/a	n/a
St. Joseph Hall	0	n/a	n/a	n/a	n/a

Fire Statistics 2020

Residence Halls	Total Number of Fires	Fire Related Deaths	Fire Related Injuries	Amount of Damage to Property	Cause
Berg Hall	0	n/a	n/a	n/a	n/a
Butler Hall	0	n/a	n/a	n/a	n/a
Gerard Hall	0	n/a	n/a	n/a	n/a
Lee Ostapenko Hall	0	n/a	n/a	n/a	n/a
Rowley Hall	0	n/a	n/a	n/a	n/a
St. Joseph Hall	0	n/a	n/a	n/a	n/a
The Rixey	0	na	n/a	n/a	n/a

Fire Safety System

Facility	Fire Alarm Monitoring Done On-Site	Fire Related Deaths	Smoke Detection	Evacuation Plans & Placards	Number of Evacuation (Fire) Drills Each Calendar Year*
Berg Hall	Y	N	Y	Y	2
Butler Hall	Y	N	Y	Y	2
Gerard Hall	Y	N	Y	Y	2
Lee Ostapenko Hall	Y	N	Y	Y	2
Rowley Hall	Y	N	Y	Y	2
St. Joseph Hall	Y	N	Y	Y	2
The Rixey	Y	N	Y	Y	n/a

Candles, Incense, and Smoking

The Office of Student Living is committed to providing students the latitude to define their personal living environment; however, Student Living is also concerned about potential fire safety hazards. One of the most common causes of fire in residence halls is from the use of candles and incense. Because of the threat this poses to persons and property, Student Living does not allow any possession of any fire or incendiary materials in the residence halls except for smoking materials. No tobacco products may be used on campus. Additionally, e-cigarettes and e-hookahs are also prohibited. Please see the University's tobacco policy for more details.

Cooking in Rooms

Microwave ovens are only permitted as part of a micro fridge rented through the university partnership or as provided in Ostapenko residence hall rooms. Residents may operate hot pots, popcorn poppers, and coffee pots in their rooms provided that they operate with an enclosed element. Student rooms are not equipped to accommodate the electrical and sanitary demands of other forms of cooking, such as George Foreman grills, toasters, or toaster ovens. Thus they are prohibited.

Lamps

Halogen lamps pose a threat to the safety of the residence halls when cloth, paper, or other flammable items are placed in contact with the halogen bulb. It has been shown that such contact can result in rapid ignition and combustion. Halogen lamps are prohibited in residential areas.

Procedures for Student Housing Evacuation in the Case of a Fire

Fire Alarm Procedures

Any time a fire alarm is activated, all residents are expected to immediately leave the building.

The following are some procedures to follow during fire alarms:

1. Once you hear an alarm, immediately prepare to leave the building. If possible first put on a pair of shoes, and if the weather is cold, take along a coat or a blanket.
2. Before opening any doors first use the backside of your hand to feel them for heat. Never open a door that is hot to touch.

3. If a hallway or corridor is partially filled with smoke, crawl with your head about three feet above the floor. Never proceed into a hallway that is entirely filled with smoke.
4. Never attempt to use the elevators. Always exit through the stairs. While using stairs, always stay next to the interior stairwell wall.
5. After you are out of the building, stay clear of all exits and stay at least 50 feet away from the building. If you are aware of any persons who were unable to get out of the building, report this to a residence hall or university staff member.
6. If you cannot leave the building because you are trapped by smoke or fire, you should then enter a resident room, stuff a towel or cloth under the bottom of the door to prevent smoke from entering. You should then drape a sheet or towel from the window as a signal, and close the window.

Once you are outdoors, if you know the specific location or cause of the fire, or are aware of someone still inside the building, provide that information to Campus Safety at (703) 284-1600 (ext. 1600 on campus) or emergency-response personnel.

Reporting Fires

When a resident becomes aware of a fire in the residence halls, he/she should immediately activate a fire alarm pull station; then, if possible, inform the complex front desk of the exact location and nature of the fire.

Procedures for Student Housing Evacuation in the Case of a Fire

Fire Safety Equipment

In most cases, residents should not attempt to use the fire safety equipment to extinguish fires. The hoses and extinguishers are designed to be used to either put out very small fires or to clear an exit through a fire. Any person who is found to be tampering with any residence hall fire safety equipment will be considered to be in violation of the residence hall misconduct policy. These incidents will be resolved by using the procedures defined in the “Resident’s Behavior” section of this publication.

Example of tampering with fire safety equipment would include but not be limited to the following:

- ◆ Activating a fire alarm when no fire emergency actually exists.
- ◆ Using fire hoses or extinguishers at any time other than during a fire emergency.
- ◆ Opening a fire extinguisher cabinet at any time other than during a fire Emergency.
- ◆ Vandalizing any fire safety related equipment.
- ◆ Tampering or rendering ineffective any smoke detector or fire alarm equipment.
- ◆ Knowingly acting as an accomplice with any person involved in the above mentioned activities.

Fire Safety Education and Training Programs for Students, Faculty and Staff

The Office of Campus Safety provides fire safety education and training to students at new student orientation, transfer student orientation, and through our mandatory Discover classes each year. Fire safety education and training are given to staff and faculty through new staff and employee orientation. The training includes information on fire protection features of facilities, fire prevention, emergency procedures, and conducting fire safety education sessions for residents.

Plan for Future Improvements in Fire Safety

The University has no future improvements in fire safety at this time. The University Student Living Housing Policy Guide can be found at marymount.edu/residencehallspolicyguide.