

BRIDGEWATER COLLEGE POLICY
AND PROCEDURES
FOR STUDENT SEXUAL MISCONDUCT COMPLAINTS

I. Introduction

- a. **Overview and Purpose.** Bridgewater College endeavors to educate the whole person and to provide students and employees, regardless of gender, sexual orientation or gender identity, with an educational environment free from discrimination. Creating a safe and respectful environment is the responsibility of all members of the campus community. This policy (“Policy”) is intended to help accomplish this goal. The College seeks to apply this Policy in a manner consistent with other protected rights. It is not intended to and it does not impair the exercise of any other protected rights.

Sexual Misconduct, as defined by this Policy, comprises a broad range of behavior that will not be tolerated, and can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. Sexual Misconduct may be committed by anyone, regardless of sex, gender, or gender identity, and it can occur between people of the same or different sex. Sexual Misconduct interferes with a student’s right to receive an education free from discrimination, violates Bridgewater College policy and federal civil rights laws, and may also result in criminal prosecution. Bridgewater College seeks to foster a community that promotes prompt reporting of Sexual Misconduct, support for those who have been subject to Sexual Misconduct, and prompt, fair and impartial resolution of Sexual Misconduct complaints. A complaint under this Policy is considered to be an alleged incident(s) of Sexual Misconduct until an adjudication is made that an incident of prohibited Sexual Misconduct occurred, consistent with the provisions of this Policy.

- b. **Scope.** This Policy applies to complaints of alleged Sexual Misconduct committed by Bridgewater College students, faculty, staff, or third parties, regardless of whether the Complainant is a Bridgewater student. As with other forms of misconduct, this Policy applies to Sexual Misconduct committed against or by a Bridgewater College student that occurs on and off the Bridgewater College campus, taking into account the effects of off-campus misconduct when evaluating whether there is a hostile environment on campus.
- i. An employee of Bridgewater College, whether alleging an act of Sexual Misconduct, or alleged to have committed an act of Sexual Misconduct, will be accorded the protections, process and procedures as provided in the College’s Employee Handbook.
 - ii. An individual who is not a Bridgewater College student or employee who either alleges Sexual Misconduct by a Bridgewater College student or employee, or is alleged to have committed an act of Sexual Misconduct against a Bridgewater College student or employee, is not accorded any of the protections, process or procedures applicable to Complainants or Respondents under this Policy.

- c. **Title IX Coordinators.** Bridgewater College has a Title IX Coordinator and two Deputy Title IX Coordinators.

Title IX Coordinator – Heidi Hoover; 540-828-8063;

TitleIXCoordinator@bridgewater.edu;

Deputy Title IX Coordinator – Allyson Kenyon; 540-828-5784;

akenyon@bridgewater.edu

Deputy Title IX Coordinator – Jordyn Bailey; 540-828-8072;

jbailey2@bridgewater.edu

The Title IX Coordinator interprets this Policy; oversees the College’s response to Title IX reports and complaints; identifies and addresses any patterns or systemic problems revealed by such reports and complaints; is to be provided with notice of all complaints raising Title IX issues throughout the College; provides training, education and prevention opportunities on Title IX issues for the campus community; evaluates a student’s request for confidentiality in the context of the College endeavoring to provide a safe and nondiscriminatory environment for all students; conducts Title IX

investigations, including investigating facts relevant to a complaint and determining appropriate interim measures and support for the Complainant; and is available to meet with students as needed. The College also has two Deputy Title IX Coordinators, whose responsibilities are to perform the same duties when the Title IX Coordinator is unavailable or when delegated or assigned some or all of those duties. For any reporting of Sexual Misconduct and other process under the provisions of this Policy, when reference is made to the Title IX Coordinator, it also includes the Deputy Title IX Coordinators, regardless of whether the Title IX Coordinator is otherwise available and regardless of whether duties have been delegated or assigned to a Deputy Title IX Coordinator. All reporting of Sexual Misconduct should be directly to the Title IX Coordinator.

- d. **Medical Attention.** **The hospital serving the Bridgewater area is Sentara RMH Medical Center, located at 2010 Health Campus Drive, Harrisonburg, VA. You may contact the hospital at 800-736-8272, or 540-689-6000, or call 911.** Your safety and health are most important. Please consider seeing a health care provider even if you do not want to make an official report of Sexual Misconduct to the College or to the police. The health care provider can check for injuries and talk about possible pregnancy concerns and/or sexually transmitted infection. If you think you may want to report the assault, the health care provider can collect evidence of the assault from your body. This is called a P.E.R.K. (physical evidence recovery kit) exam. If you think you may want to report the assault to the police, the sooner you have evidence collected, the better. A P.E.R.K. exam will not be done if more than three days have passed since the assault.

In order to preserve any evidence collected in a P.E.R.K. exam, it is important to follow these suggestions:

- DO NOT bathe or shower**
- DO NOT brush or comb your hair**
- DO NOT douche**
- DO NOT urinate (if possible)**
- DO NOT change clothes. If clothes are changed, take the clothes worn at the time of the assault to the hospital in a PAPER bag (evidence deteriorates in plastic)**
- DO NOT eat or drink anything or brush or rinse your teeth if there was oral contact**
- DO NOT touch items at the incident or crime scene**
- DO NOT put on or remove makeup**

Take a change of clothes to the hospital because some items of clothing may be kept as evidence. At the emergency room the physician may collect hair samples, semen and other evidence. The police will be contacted to take possession of these samples until the Complainant makes a decision about prosecution. You may have evidence collected through a P.E.R.K. exam even if you are not ready to report the assault or talk to the police. The Commonwealth of Virginia will pay for the costs of the P.E.R.K. exam. Your insurance will be billed first if you have Medicaid, Medicare, CHAMPUS, Tri-Care or another type of federal insurance. If you do not want the insurance information to be sent to your home, please tell the health care provider.

II Definitions

- a. **“Complainant”** is a person who has made a report of a possible violation of this Policy to a Responsible Employee. A Complainant may be the victim or alleged victim of Sexual Misconduct or any other person, as the context requires, who makes a report of Sexual Misconduct. A Complainant shall be a “party” for purposes of this Policy only if the Complainant is the victim or alleged victim of Sexual Misconduct.
- b. **“Dating Violence”** is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency

of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. It does not, however, include acts covered under the definition of Domestic Violence.

- c. **“Domestic Violence”** is a felony or misdemeanor crime of violence committed—
- (i) By a current or former spouse or intimate partner of the Complainant;
 - (ii) By a person with whom the Complainant shares a child in common;
 - (iii) By a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner;
 - (iv) By a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or
 - (v) By any other person against an adult or youth who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- d. **“Effective Consent”** is clear, knowing, informed, mutual and voluntary, and can be withdrawn at any time. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable, clear permission regarding willingness to engage in (and the conditions of) sexual activity. Consent to any one form of sexual activity cannot automatically imply consent to any other form of sexual activity. Previous relationships or prior consent cannot imply consent to any future sexual act. Consent cannot be gained by force and/or incapacitation (see definitions below). In order to give effective consent, one must be of legal age.
- e. **“Force”** can never result in or lead to Effective Consent. Force includes the use of (i) physical violence, (ii) threats, (iii) intimidation, and/or (iv) coercion.
- i) Physical violence means that a person is exerting control over another person through the use of physical force. Examples of physical violence include hitting, punching, slapping, kicking, restraining, choking, and showing or using any weapon.
 - ii) Threats are words or actions that would compel a reasonable person to engage in unwanted sexual activity. Examples include threats to harm a person physically or threats to harm themselves, to reveal private information to harm a person's reputation, or to cause a person academic or economic harm.
 - iii) Intimidation is an implied threat that menaces or causes reasonable fear in another person. A person's size, alone, does not constitute intimidation; however, a person's size may be used in a way that constitutes intimidation (e.g., blocking access to an exit).
 - iv) Coercion is the use of an unreasonable amount of pressure to gain sexual access. Coercion is more than an effort to persuade, entice, or attract another person to have sex. When a person makes clear a decision not to participate in a particular form of Sexual Contact or Sexual Intercourse, a decision to stop, or a decision not to go beyond a certain sexual interaction, continued pressure can be coercive. In evaluating whether coercion was used, the College will consider:
 - the frequency of the application of the pressure,
 - the intensity of the pressure,
 - the degree of isolation of the person being pressured, and
 - the duration of the pressure.
- f. **“Gender-based Harassment”** means unwelcome acts of aggression, intimidation, stalking, or hostility based on gender or gender-stereotyping unreasonably interferes with a person's college employment, academic performance or participation in college programs or activities or creates a working, learning, program, or activity environment that a reasonable person would find intimidating, hostile or offensive. Gender-based harassment can occur if a student is harassed either for exhibiting what is perceived as a stereotypical characteristic of one's sex, or for failing to conform to stereotypical notions of masculinity or femininity. In evaluating any complaint of gender-based harassment, the perceived offensiveness of a particular expression, standing alone, is not sufficient by itself to constitute gender-based harassment. The conduct in question must create a Hostile Environment in order to violate this Policy.

- g. “Hostile Environment” may arise when unwelcome conduct of a sexual or gender-based nature affects a student’s ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening or abusive educational and/or living environment. In determining whether a Hostile Environment exists, the College considers the conduct in question from both a subjective and objective perspective. It will be necessary, but not enough, that the conduct was Unwelcome to the student who was harassed. The College will also need to find that a reasonable person in the student’s position would have perceived the conduct as undesirable or offensive in order for that conduct to create or contribute to a Hostile Environment. To make the ultimate determination of whether a Hostile Environment exists for a student or students, the College considers a variety of factors related to the severity, persistence, and pervasiveness of the sex-based harassment, including:
- (1) the type, frequency, and duration of the conduct;
 - (2) the identity and relationships of persons involved;
 - (3) the number of individuals involved;
 - (4) the location of the conduct and the context in which it occurred; and,
 - (5) the degree to which the conduct affected one or more student’s education.

A single, isolated incident of Sexual or Gender-based Harassment may, based on the facts and circumstances, be sufficient to create a Hostile Environment. Likewise, a series of incidents, whether occurring close in time or not to each other, may be sufficient to create a Hostile Environment even if each of the incidents is not particularly severe.

- g. “Incapacitation” or diminished capacity, means the physical and/or mental inability to make informed, rational judgments. States of Incapacitation include, without limitation, sleep, blackouts, and flashbacks. When alcohol and other drugs are involved, one does not have to be intoxicated or drunk to be considered incapacitated. Incapacitation is determined by how the alcohol consumed impacts a person’s decision-making capacity, awareness of consequences, and ability to make informed judgments. Signs of Incapacitation include, but are not limited to: slurred speech, stumbling, vomiting, and loss of consciousness. Some individuals may exhibit all or none of these symptoms and still be considered Incapacitated. In evaluating Effective Consent in cases of alleged Incapacitation, the College asks two questions:
- (1) Did the person initiating sexual activity know that the other party was incapacitated? and if not,
 - (2) Should a sober, reasonable person in the same situation have known that the other party was incapacitated?

If the answer to either of these questions is “YES,” Effective Consent was absent and the conduct is likely a violation of this Policy. Because Incapacitation may be difficult to discern in some circumstances, students are strongly encouraged to err on the side of caution; when in doubt, assume that another person is Incapacitated and therefore unable to give Effective Consent. The responsibility to ensure Effective Consent when either party has been drinking falls on the initiator of further sexual activity. Being intoxicated, drunk or under the influence of a drug is never a defense for a Respondent to a complaint of Sexual Misconduct under this Policy.

- i. “Respondent” is a person against whom a report of a possible violation of this Policy has been made. A “Respondent” shall be a “party” for purposes of this Policy.
- j. “Responsible Employee” is an employee of the College who (i) is identified below, (ii) has the authority to take action to redress the alleged misconduct with appropriate College officials, or (iii) a student could reasonably believe has the authority or responsibility to redress or report the alleged misconduct. All Responsible Employees are expected to report any actual or suspected discrimination or harassment directly to the Title IX Coordinator. Federal law has defined the following employees as Responsible Employees:
- Title IX Coordinators
 - Student Life staff, to include Area Coordinators
 - Student Resident Advisors
 - International Education Coordinator
 - Athletic Coaches and Staff Trainers

- Faculty members
 - Director of Human Resources
 - Campus Police and Safety Officers
 - Work Study supervisors
 - Student Organization and Club Advisors
 - Executive Administrators to include the President and Vice Presidents
 - Director level staff and above
- k. “Review Committee” (a) is mandated by Virginia law to determine whether reporting an act of alleged Sexual Misconduct to law enforcement is required; (b) consists of three or more persons, including the Title IX Coordinator or designee, a representative of law enforcement, and a student life representative; (c) reviews information related to acts of sexual violence; (d) may obtain law-enforcement records, criminal history record information, health records, available institutional conduct or personnel records, and known facts and circumstances of the information reported or information or evidence known to the College or to law enforcement; and (e) conducts its review in compliance with federal privacy law.
- l. “Sexual Assault” is actual or attempted sexual contact with another person without that person’s Effective Consent. Sexual assault includes, but is not limited to:
- “Non-Consensual Sexual Contact,” which is Sexual Contact that occurs without Effective Consent. “Sexual Contact” means the deliberate, direct or indirect, touching of a person's intimate parts (including genitalia, groin, breast or buttocks, or clothing covering any of those areas), or using Force to cause a person to touch one’s own or another person's intimate parts.
 - “Non-Consensual Sexual Intercourse,” which is Sexual Intercourse that occurs without Effective Consent. “Sexual Intercourse” means penetration, no matter how slight, of (1) the vagina or anus of a person by any body part of another person or by an object, or (2) the mouth or any other body orifice of a person by the genitalia of another person.
- m. “Sexual Exploitation” means taking sexual advantage of another person without Effective Consent and includes, without limitation, causing or attempting to cause the Incapacitation of another person in order to gain a sexual advantage over such person; causing the prostitution of another person; recording, photographing, or transmitting identifiable images of private sexual activity and/or intimate parts (including genitalia, groin, breast or buttocks) of another person; knowingly allowing third parties to observe private sexual acts; engaging in voyeurism; distributing intimate or sexual information about another person; and/or knowingly or recklessly exposing another person to a significant risk of sexually transmitted infection, including HIV.
- n. “Sexual Harassment” means unwelcome conduct of a sexual nature which unreasonably interferes with a person’s college employment, academic performance or participation in college programs or activities or creates a working, learning, program, or activity environment that a reasonable person would find intimidating, hostile or offensive. Sexual Harassment may include, for example, unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, including acts of sexual violence. In evaluating any complaint of sexual harassment the perceived offensiveness of a particular expression, standing alone, is not sufficient by itself to constitute sexual harassment. The conduct in question must create a Hostile Environment in order to fall under this Policy.
- o. “Sexual Misconduct” means Sexual Harassment, Sexual Assault, Force, Sexual Exploitation, Domestic and Dating Violence, Intimidation, Gender-based Harassment, and Stalking and other prohibited behavior that interferes with a student’s right to receive an education free from discrimination.
- o. “Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to either fear for the person's safety or the safety of others, or suffer substantial emotional distress. For the purpose of this definition—
- (i) “*Course of conduct*” means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method,

device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

- (ii) “*Substantial emotional distress*” means significant mental suffering or anguish that may, but does not necessarily, require or involve medical or other professional treatment or counseling.
- (iii) “*Reasonable person*” means a reasonable person under similar circumstances and with similar identities to the Complainant.

- p. “Unwelcome” means something that was not requested or invited and is considered undesirable or offensive, and may be physically threatening, harmful, or humiliating. Something that is Unwelcome does not have to include intent to harm, be directed at a specific target, or involve repeated incidents, and can involve persons of the same or opposite sex. Participation in or failure to complain about something does not always mean that it was welcomed. The fact that a student may have welcomed something does not necessarily mean that the student welcomed other conduct, or that something welcomed on one occasion will be welcomed on a subsequent occasion.

C. Reporting Sexual Misconduct

- a. General. The College strongly encourages students impacted by Sexual Misconduct to talk promptly to someone about what happened, so that any student who is the victim of Sexual Misconduct can get the support needed, and the College can respond appropriately. The following information describes the various reporting and confidential disclosure options available to students so they can make informed choices about whom to contact should they be a victim of Sexual Misconduct. These reporting options are available to students both on and off campus or who may be abroad or studying at another campus location.
- b. Confidential Resources. Professional, licensed counselors, pastoral counselors and licensed health care professionals who provide mental-health counseling to members of the school community (and including those who act in that role under the supervision of a licensed counselor) are not required to report any information about alleged Sexual Misconduct to the Title IX Coordinator without a student’s permission.

If a student wishes to discuss the details of an incident but does not yet wish to have it reported to the Title IX Coordinator, the student may speak with:

- Randy Hook, Counselor – 540-828-5358; rhook@bridgewater.edu
- Paige French, Nurse Practitioner – 540-828-5384; pfrench@bridgewater.edu
- Linda Bowers, College Nurse – 540-828-5384; lbowers@bridgewater.edu
- Robbie Miller, College Chaplain – 540-828-5383; rmiller@bridgewater.edu

- c. Campus Police and Safety. A member of the Bridgewater College Campus Police and Safety Department is always on patrol on or about campus and is available to provide assistance to our students. **A report of Sexual Misconduct may be made at any time, day or night, by contacting the Campus Police and Safety officer on duty at 540-828-5609.** Campus Police and Safety officers are considered Responsible Employees who are required to report information about a Sexual Misconduct incident to the Title IX Coordinator.
- d. Responsible Employees. Responsible Employees must report all alleged incidents of Sexual Misconduct that they observe or of which they are informed directly to the Title IX Coordinator, who, subject to student consent, is required to conduct an investigation and take appropriate action. Failure of a Responsible Employee, as described in this section, to report an incident or incidents of Sexual Misconduct of which the employee knew or in the exercise of reasonable care should have known, is a violation of College policy and may result in disciplinary action, up to and including termination of employment. As noted above, the College has defined the following employees as Responsible Employees:
 - Title IX Coordinators
 - Student Life staff, to include Area Coordinators
 - Student Resident Advisors
 - International Education Coordinator
 - Athletic Coaches and Staff Trainers

- Faculty members
- Director of Human Resources
- Campus Police and Safety Officers
- Work Study supervisors
- Student Organization and Club Advisors
- Executive Administrators, to include the President, Vice Presidents and Associate Vice Presidents
- Director level staff and above

Before a Complainant reveals any information to a Responsible Employee, the employee should explain to the Complainant the employee's reporting obligations, and, if the Complainant wants to maintain confidentiality, direct the Complainant to confidential resources. If the Complainant wants to tell the Responsible Employee what happened but also wants to maintain confidentiality, the employee should tell the Complainant that the College will consider the request, but cannot guarantee that the College will be able to honor it. In reporting the details of the Sexual Misconduct to the Title IX Coordinator, the Responsible Employee will also inform the Coordinator of the Complainant's request for confidentiality.

Information reported to a Responsible Employee will be shared only with people responsible for handling the College's response to the report, as well as those responsible for recording and reporting criminal activity while, to the extent reasonable, maintaining the confidentiality of personally identifying information. A Responsible Employee should not share information with law enforcement without the Complainant's consent or unless the Complainant has also reported the incident to law enforcement.

All employees will endeavor to safeguard the privacy of the parties. Employees not deemed to be a Responsible Employee are strongly encouraged to share any information about alleged Sexual Misconduct of which they become aware with the Title IX Coordinator. Centralized reporting is an important tool to address, end, and prevent prohibited misconduct. Similarly, all students (who are not otherwise required to report as a Responsible Employee) are strongly encouraged to report any information about alleged Sexual Misconduct, including reports or partial reports, to the Title IX Coordinator.

- e. Campus Events. Public awareness events such as "Take Back the Night," the Clothesline Project, candlelight vigils, protests, "survivor speak outs" or other forums in which students disclose incidents of Sexual Misconduct, are not considered notice to the College of Sexual Misconduct for purposes of triggering its obligation to investigate any particular incident(s). Such events may, however, inform the need for campus-wide education and prevention efforts, and the College may provide information about students' Title IX rights at these events.
- f. Reporting to Local Law Enforcement. As noted earlier, Sexual Misconduct may constitute *both* a violation of College policy *and* criminal activity. The College strongly encourages students to report alleged Sexual Misconduct promptly to Campus Police and Safety and/or the Town of Bridgewater Police Department. A Complainant has the option not to make a report with law enforcement. In circumstances of sexual assault, if a Complainant does not opt for a P.E.R.K. exam, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease and provide for support.

A Complainant may seek assistance to commence a criminal investigation from Campus Police, the Town of Bridgewater Police Department, or the Rockingham County Sheriff's Office. College authorities will, upon request from a Complainant, assist the Complainant in notifying law enforcement authorities. The Campus Police Department can assist in contacting either the Town of Bridgewater police or the Rockingham County Sheriff's Office. Once contacted, law enforcement's primary concern will be the Complainant's physical well-being and emergency medical needs, to include arranging for transportation to the hospital. Criminal investigations may be useful in the gathering of relevant evidence, particularly forensic evidence. Because the standards for finding a violation of criminal law are different from the standards for finding a violation of this Policy, criminal investigations or reports are *not* determinative of whether Sexual Misconduct, for purposes of this Policy, has occurred. In other words, conduct may constitute Sexual Misconduct

under this Policy even if law enforcement agencies lack sufficient evidence of a crime and, therefore, decline to prosecute.

The procedures set forth in this Policy following the filing of a complaint of Sexual Misconduct are independent of any criminal investigation or proceeding, and (except that the College's investigation may be delayed temporarily while police criminal investigators are gathering evidence) the College typically will not wait for the conclusion of any criminal investigation or proceedings to commence its own investigation and, as appropriate, take Interim Measures to protect the Complainant and the College community.

Campus Police and Safety may be contacted by calling 540-828-5609. Town of Bridgewater Police may be contacted by calling 540-828-2611 or 911, and the Rockingham County Sheriff's Office may be contacted by calling 540-564-3800 or 911.

- g. Off-Campus Resources. Off-campus counselors, advocates, and health care providers are available to assist and support Complainants following an act of alleged Sexual Misconduct. Those off-campus resources will generally maintain confidentiality and not share information with the College unless the Complainant requests the disclosure and signs a consent or waiver form.

Off-campus resources include the following organizations and contact information:

- Collins Center, 24-Hour Sexual Assault Crisis Hotline - 540-432-6430
The Collins Center is a sexual assault crisis center located in Harrisonburg, and all services are free of charge and strictly confidential.
- First Step, 24-Hour Domestic and Dating Violence Hotline - 866-223-9169
- Sentara RMH Medical Center - 540-689-1300
- Crime Victim Assistance Info-Line – 888-887-3418

- h. Office for Civil Rights. A student also has the option of contacting the Office for Civil Rights of the U.S. Department of Education regarding sex discrimination issues at: Washington D.C. (Metro), Office for Civil Rights, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202-1475, Telephone: 202-453-6020, FAX: 202-453-6021; TDD: 800-877-8339; e-mail: OCR.DC@ed.gov.
- i. Reporting while Abroad. Victims of sexual misconduct abroad can still access the support and resources they need. There are several ways to ensure the recovery and support of victims abroad. Contact the Office for Study Abroad at 540-828-8024 or atmarsh@bridgewater.edu. If no one is available or if it is after hours, call the Bridgewater Campus Police and Safety Department at 540-828-5609. As a Responsible Employee, a Bridgewater faculty/staff member accompanying the student abroad must notify the Title IX Coordinator.

Additional Resources for Help if Outside the U.S.

- i. US Consulate - Contact the U.S. consulate and ask to talk to the warden (or emergency officer) on call. They are available to help 24 hours a day, seven days a week. The Department of State website explains how to get help. When you call the consulate, they will ask your name and a number where you can be reached. The consulate officer on duty will return your call. In addition, you may be contacted by the Regional Security Officer at the embassy as well as a representative of the American Citizen Services. They will help you with medical, legal and other advice. They will not require you to make a police report, but will help you do so if you wish to take legal action. You can ask someone from the consulate to accompany you to the medical exam and to help you make a police report. If you want your parent or another family member to talk to the U.S. consulate, then you will need to sign or give a verbal privacy waiver. They will only communicate with this individual about your situation. <http://travel.state.gov/content/passports/english/emergencies/victims.html>
- ii. RAINN (Rape, Abuse and Incest National Network) –Toll-free 24/7 hotline for sexual assault counseling and referrals: 1-800-656-HOPE <http://www.rainn.org/get-help/sexual-assault-and-rape-international-resources>

- iii. SASHAA (Sexual Assault Support and Help for Americans Abroad) - Free and confidential services for all genders and sexualities available 24 hours a day, 7 days a week. Support services include an international toll free hotline, 866-USWOMEN, a live chat feature, and a crisis email: crisis@866uswomen.org. More information can be found at <http://sashaa.org/>.
 - iv. U.S. Department of Justice Violence Against Women Office – Information about local sexual assault victim assistance: <http://ojp.gov/programs/victims.htm>
- j. False Reporting. All College community members are expected to provide truthful information in any report or proceeding under this Policy. Submitting or providing information that the person knew or reasonably should have known was false or misleading, or was submitted or provided with a view to personal gain or with the intent to harm another in connection with an alleged incident is prohibited and subjects the one submitting or providing the information to disciplinary action and possible sanctions. 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.
- k. Retaliation. It is a violation of College Policy for anyone to retaliate against any person who (i) reports an act of Sexual Misconduct, (ii) makes a complaint of Sexual Misconduct, or (iii) cooperates in the investigation of (including testifying as a witness to) any allegation of Sexual Misconduct. Retaliation by anyone against a person accused of Sexual Misconduct is also a violation of this Policy. Retaliation does not include good faith actions lawfully pursued in response to a report of Sexual Misconduct. For these purposes, “Retaliation” includes intimidation, threats, or harassment against any Complainant, Respondent, or third party. Retaliation should be reported promptly to Campus Police and Safety, the Title IX Coordinator, or the Department of Student Life and may result in disciplinary action independent of the sanction or Interim Measures imposed in response to the underlying allegations of Sexual Misconduct.

D. Initial Process

- a. Meeting with Complainant. Following notification to the Title IX Coordinator of a report of an alleged act of Sexual Misconduct, the Title IX Coordinator will schedule a meeting with the Complainant to (a) determine the name of the Respondent, and the date, location and nature of the alleged Sexual Misconduct, and (b) obtain the Complainant’s consent to begin an investigation.

The Title IX Coordinator will provide the Complainant with an electronic or written copy of this Policy, and shall inform the Complainant of: (i) the available law enforcement options for investigation and prosecution; (ii) the importance of collection and preservation of evidence; (iii) the available options for a protective order; (iv) the available campus options for investigation and adjudication under the College’s policies; (v) the Complainant’s rights to participate or decline to participate in any investigation to the extent permitted under state or federal law; (vi) the applicable federal or state confidentiality provisions that govern information provided by a Complainant; (vii) the available on-campus resources (e.g., the College’s Counseling Center, Student Health Services, financial aid office) and any unaffiliated community resources, including sexual assault crisis centers, domestic violence crisis centers (e.g., the Collins Center), or other victim support services (e.g., counseling, health, mental health, victim advocacy, legal assistance, and visa and immigration assistance); and (viii) the importance of seeking appropriate medical attention and the opportunity for referrals for medical treatment. The meeting may also involve a discussion of any Interim Measures or remedies that may be appropriate concerning the Complainant’s academic, College housing, and/or College employment arrangements.

- b. Complainant Requests Confidentiality. If the Complainant does not wish to pursue a complaint and/or requests that the complaint remain confidential, the College nevertheless is required to investigate and take reasonable action to the extent it can do so within the restrictions requested by the Complainant. The Title IX Coordinator will inform the Complainant that the College’s ability to meaningfully investigate the incident and pursue disciplinary action against the Respondent(s) may be limited if the Complainant does not wish to pursue a complaint and/or requests that the complaint remain confidential. In order to determine the extent to which the College can honor the Complainant’s request for

confidentiality, the Title IX Coordinator may conduct a preliminary investigation into the alleged Sexual Misconduct.

When weighing a Complainant's request for confidentiality or that no investigation or discipline be pursued, the Title IX Coordinator will consider a range of factors, including but not limited to:

1. The increased risk that the Respondent will commit additional acts of Sexual Misconduct or violence, such as:
 - a. whether there have been other Sexual Misconduct complaints about the same Respondent;
 - b. whether the Respondent has a history of arrests or records from a prior school indicating a history of Sexual Misconduct or violence;
 - c. whether the Respondent threatened further Sexual Misconduct or violence against the Complainant or others; or
 - d. whether the Sexual Misconduct was committed by multiple Respondents;
2. Whether the Sexual Misconduct was perpetrated with a weapon;
3. Whether the Complainant is a minor;
4. Whether the College possesses other means to obtain relevant evidence of Sexual Misconduct (e.g., security cameras or personnel, physical evidence, etc.)
5. Whether the Complainant's report reveals a pattern of perpetration (e.g., via illicit drugs or alcohol) of Sexual Misconduct at a given location or by a particular group.

The presence of one or more of these factors and others could lead the College to investigate, and if appropriate, pursue disciplinary action. If none of these factors are present, the College may likely respect the Complainant's request for confidentiality. Even if the College does not take disciplinary action against the Respondent because the Complainant requests confidentiality or that the complaint not be adjudicated, the College nonetheless will endeavor to limit the effects of the alleged Sexual Misconduct and to prevent its recurrence through, for example, increased monitoring, supervision or security at locations where the reported sexual violence occurred; increasing education and prevention efforts, including to targeted population groups; conducting climate surveys; and/or revisiting its policies and practices. If the College determines that it cannot maintain a Complainant's confidentiality, the College will (a) inform the Complainant prior to starting an investigation; (b) to the extent reasonable, only share information with people responsible for handling the College's response; and (c) if requested by the Complainant, inform the Respondent that the Complainant asked the College not to investigate or seek discipline, but that the College made the decision to go forward. The College may not require a Complainant to participate in any investigation or disciplinary proceeding.

- c. Meeting with Respondent. If not inconsistent with any request of the Complainant for confidentiality, the Title IX Coordinator will meet with the Respondent to inform the Respondent of the allegation of Sexual Misconduct and obtain a preliminary account of the Respondent's response to the allegation of Sexual Misconduct. The Title IX Coordinator will: (a) provide the Respondent with an electronic or written copy of this Policy; (b) inform the Respondent of campus options for investigation and adjudication under the College's policies; (c) inform the Respondent about available on-campus resources (e.g., the College's Counseling Center and Student Health Services) and any unaffiliated community resources; and (d) inform the Respondent of available Interim Measures.
- d. Review Committee. Notwithstanding the provisions of paragraph (b) above, upon receipt of information regarding an act of sexual violence (as defined in Va. Code § 23.1-806) committed against a student attending the College or which may have occurred on campus, in or on a noncampus building or property, or on public property (all as defined in Va. Code § 23.1-806), the Title IX coordinator shall promptly report the information, including any personally identifiable information, to the Review Committee. The Review Committee shall meet to review the information within 72 hours of the Title IX Coordinator receiving information.

If, based on the consideration of all factors, the Review Committee, or if the Review Committee cannot reach a consensus, the representative of law enforcement on the Review Committee, determines that the disclosure of the information, including personally

identifiable information, is necessary to protect the health or safety of the Complainant or other individuals, the representative of law enforcement on the review committee shall immediately disclose such information to the law enforcement agency that would be responsible for investigating the alleged act of sexual violence. Such disclosure shall be for the purposes of investigation and other actions by law enforcement. Upon such disclosure, the Title IX Coordinator or designee shall notify the Complainant that such disclosure is being or has been made.

In cases in which the alleged act of Sexual Misconduct is sexual violence that would constitute a felony, the representative of law enforcement on the Review Committee shall inform the other members of the Review Committee and shall, within 24 hours of receiving the information, consult with the attorney for the Commonwealth or other prosecutor responsible for prosecuting the alleged act of sexual violence and provide the information received by the Review Committee without disclosing personally identifiable information, unless such information was disclosed as described above. In addition, if such consultation does not occur and any other member of the Review Committee individually concludes that the alleged act of sexual violence would constitute a felony, that member shall, within 24 hours of receiving the information, consult with the attorney for the Commonwealth or other prosecutor responsible for prosecuting the alleged act of sexual violence and provide the information received by the Review Committee without disclosing personally identifiable information, unless such information was disclosed as describe above.

At the conclusion of the review by the Review Committee, the Title IX Coordinator and the law enforcement representative shall each retain (i) the authority to proceed with any further investigation or adjudication allowed under state or federal law and (ii) independent records of the Review Committee's considerations, which shall be maintained under applicable state and federal law.

- e. Other Related Misconduct and Amnesty. In accordance with its policies, the College is empowered to hear allegations of, and to impose sanctions for, Sexual Misconduct and any other violations of the College's code of conduct directly related to the circumstances involved in the alleged Sexual Misconduct or any alleged violations of this Policy. It is not, however, the practice of the College to pursue disciplinary action against a Complainant or witness for improper use of alcohol or drugs that occurred during the events involved in the alleged Sexual Misconduct, provided that such student is acting in good faith related to such events. Students, whether as parties to the proceedings or as witnesses, are expected to provide truthful information and testimony in accordance with the College's Honor Code.
- f. Interim Measures. Interim Measures are those services, remedies, or other assistance that the College puts in place for all students after receiving notice of alleged Sexual Misconduct but before any final outcomes – investigatory, disciplinary, or remedial – have been determined. Interim Measures may remain in place for the duration of the investigation and adjudication process. The College wants students to be safe, to receive appropriate medical attention, and to get the help they need to heal and to continue to access their educational opportunities. The College also wants students to understand their reporting options and how to access available Interim Measures. The College encourages victims of Sexual Misconduct to report such incidents to the College's Title IX Coordinator or any Responsible Employee with whom the victim feels comfortable. The College recognizes that Sexual Misconduct can be traumatic and may leave victims feeling overwhelmed and confused. This Policy seeks to provide clear guidance regarding available resources and who can help in securing them.

Upon receiving a report of Sexual Misconduct, the College will provide all involved students, including parties and witnesses, with a written explanation of the Interim Measures available on campus and through local community resources. Some possible Interim Measures are listed below, and the College determines which measures are appropriate on a case-by-case basis. Not all of the measures listed below will be necessary in every case to ensure equal access to educational programs and activities. If a student identifies an Interim Measure that is not already provided by the College, the College will consider whether the request can be granted. In those instances where Interim Measures affect both a Complainant and the Respondent, the College will seek to minimize the

burden on the Complainant where appropriate. The following Interim Measures may be requested by the Complainant, the Respondent, or any witnesses:

- Academic accommodations
- Medical and mental health services, including counseling
- Change in campus housing and/or dining locations
- Assistance in finding alternative housing
- Assistance in arranging for alternative College employment arrangements and/or changing work schedules
- A “No Contact” directive pending the outcome of an investigation. Such a directive serves as notice to both parties that they must not have verbal, electronic, written, or third party communication with one another
- Providing an escort to help the student feel safe as the student moves between school programs and activities
- Transportation accommodations, such as shuttle service, cab voucher, or parking arrangements to help the student feel safe and provide access to other services
- Assistance identifying an advocate to help secure additional resources or assistance including off-campus and community advocacy, support, and services

The College will work with students to identify what Interim Measures are appropriate in the short term (e.g., during the pendency of an investigation or other school response), and will continue to work collaboratively throughout the College’s process and as needed thereafter to assess whether the instituted measures are effective, and if not, what additional or different measures may be helpful for the students.

The Respondent may be required prior to and during the investigation and hearing process to comply with the determined Interim Measures. In addition, the College may determine that an interim suspension of the Respondent during the investigation and hearing process may be appropriate. The College will maintain as confidential any interim or protective measures provided to students, to the extent that maintaining such confidentiality would not impair the ability of the College to provide the interim or protective measures. The Respondent will be informed of Interim Measures requested by the Complainant or witnesses only to the extent necessary to ensure that the Respondent complies with Interim Measures which impact the Respondent’s conduct.

If a Complainant’s counselor requests any of the above measures on the Complainant’s behalf without disclosing that Sexual Misconduct is the basis for the request, the College will consider those requests for supportive measures consistent with its general policy of allowing counselors to seek such measures for victims of trauma without requiring that the nature of the trauma be disclosed.

The College will provide reasonable remedial and protective measures to third parties as appropriate and available, taking into account the role of the third party, the actions of the Respondent, and the nature of any relationship with the College.

- g. Protective Orders. Protective orders are civil court orders meant to protect victims who have experienced or are reasonably in fear of physical violence, sexual assault or stalking by another individual. The Bridgewater College Campus Police can provide assistance in the process of obtaining protective orders. A Complainant also may seek the assistance of the Town of Bridgewater Police Department or the Rockingham County Sheriff’s Department.

An emergency protective order (EPO) aims to protect the health or safety of any person regardless of a decision to arrest. A police officer may request an EPO for a Complainant for any act involving violence, force, or threat that results in bodily injury, or places one in reasonable apprehension of death, sexual assault, or bodily injury. Such acts include, but are not limited to, any forceful detention, stalking, or criminal sexual assault in violation of Virginia law that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury.

An EPO is issued by a judge or magistrate, upon request of a law enforcement officer or a Complainant. To obtain an EPO, the Complainant must have been subjected to an act of violence, force, or threat, and the judge or magistrate must find that (i) there is probable danger of further such acts being committed by the Respondent against the Complainant or (ii) a petition or warrant for the arrest of the Respondent has been issued for a criminal offense resulting from the commission of an act of violence, force, or threat. An EPO can:

- Prohibit acts of violence, force, or threat or criminal offenses resulting in injury to person or property;
- Prohibit contacts by the Respondent with the Complainant or the Complainant's family or household members; and
- Grant other conditions that the judge or magistrate deems necessary to prevent (i) acts of violence, force, or threat, (ii) criminal offenses resulting in injury to person or property, or (iii) communication or other contact of any kind by the Respondent.

The EPO remains in effect for 72 hours. The Complainant may request a preliminary protective order, within a reasonable period of time following the incident, through the General District Court. A preliminary protective order (PPO) is issued by a judge, upon request of a Complainant or law enforcement officer. To obtain a PPO, the Complainant must have been subjected to an act of violence, force, or threat, or a petition or warrant has been issued for the arrest of the alleged perpetrator for any criminal offense resulting from the commission of an act of violence, force, or threat. A Complainant must appear before a judge in person to request a PPO. A PPO can:

- Prohibit acts of violence, force, or threat or criminal offenses that may result in injury to person or property;
- Prohibit contacts by the Respondent with the Complainant or the Complainant's family or household members; and
- Grant other conditions that the court deems necessary to prevent (i) acts of violence, force, or threat, (ii) criminal offenses resulting in injury to person or property, or (iii) communication or other contact of any kind by the Respondent.

A PPO is valid for 15 days or until the date of the next hearing scheduled at the time of issuance of the PPO for a permanent or full protective order. A full protective is issued by a judge, following a hearing at which both the Complainant and Respondent are present. A full protective order can:

- Prohibit acts of violence, force, or threat or criminal offenses that may result in injury to person or property;
- Prohibit contacts by the Respondent with the Complainant or the Complainant's family or household members; and
- Grant other conditions that the court deems necessary to prevent (i) acts of violence, force, or threat, (ii) criminal offenses resulting in injury to person or property, or (iii) communication or other contact of any kind by the Respondent.

A full protective order is valid for any period of time up to a maximum of two years. It is very important to keep a copy of the Protective Order with you at all times. Show it to the police officer, magistrate, prosecutor, or judge if the Respondent violates the order.

The Campus Police and Safety Department will enforce valid protective orders issued in jurisdictions of the United States as if they were issued in the Commonwealth of Virginia. Students are encouraged to inform Campus Police of any protective orders upon arrival on campus.

- h. Privacy. The College seeks to respect the privacy of all parties involved with a report of Sexual Misconduct, except insofar as it interferes with the College's obligation to fully investigate allegations of Sexual Misconduct. Witnesses are required to maintain the privacy of information shared with them during interviews and/or hearings. Violations of the privacy of the Complainant or the Respondent may lead to disciplinary action by the College, though the parties may share their perspectives and experiences. All parties, including witnesses, involved in an allegation are strongly encouraged to maintain the privacy of information and/or written materials related to the Complaint.

V. Resolution

- a. Timing. The period from commencement of an investigation through resolution (finding and sanction, if any,) will be approximately sixty (60) calendar days. This timeframe may be extended for good cause, which may exist if additional time is necessary to ensure the integrity, thoroughness, and completeness of the investigation, including circumstances related to: a request by external law enforcement for a temporary delay to gather evidence for a criminal investigation; accommodating the availability of witnesses; College breaks or vacations; complexities of a case, including the number of witnesses and volume of information provided by the parties; the unavailability of necessary information; or for other legitimate reasons. The parties will be notified in writing of any extension of this timeframe and the reason for such extension. The time for consideration and disposition of any appeal of the resolution will be in addition to the initial timeframe (approximately sixty (60) calendar days) described above.

- b. Investigation and Informal Processes. Upon receiving a report (either verbally or in writing) of an act of alleged Sexual Misconduct, the Title IX Coordinator will conduct an initial assessment of the available information, including: the Complainant's immediate and ongoing safety and well-being; the incident or conduct at issue; any risk of harm to the parties, any other individuals, or the broader campus community; the existence of severe, persistent or pervasive conduct, including evidence of a pattern, use of a weapon or other predatory conduct; and the necessity for any Interim Measures or accommodations. As outlined above, the Title IX Coordinator will also consider the interest of the Complainant and the Complainant's expressed preference for manner of resolution, which may include confidentiality, the initiation of a formal investigation, or an informal resolution. The use of mediation for Sexual Assault complaints is prohibited. Informal processes and resolutions may be used for other Sexual Misconduct cases as appropriate following consultation with the Complainant and Respondent.

If the report and/or intake appear upon initial assessment to be a possible violation of this Policy, taking into consideration any requests for confidentiality from the Complainant, the Title IX Coordinator will either, if appropriate, institute informal resolution proceedings or assign an investigator to investigate the allegation of Sexual Misconduct. Investigators will receive annual training on issues related to Dating Violence, Domestic Violence, Sexual Assault, and Stalking and on how to conduct an investigation that protects the safety of victims and promotes accountability. The investigation will usually include interviews with and obtaining statements from both or all parties, interviews with witnesses, and a review of documentary or other related evidence. The College will conduct the investigation regardless of whether a report has been made to law enforcement, but the College, in interviewing witnesses and gathering evidence on the matter, will be mindful of an active law enforcement investigation.

- c. Determination to Charge. Following the conclusion of the investigation, the Title IX Coordinator will determine, based on the information obtained from the investigation, whether there is sufficient information available to charge the Respondent with an alleged violation of the Policy. The Title IX Coordinator will provide written notification of the determination to charge to the Complainant and Respondent concurrently. If the Title IX Coordinator determines that there is sufficient information to charge a violation of this Policy, the Title IX Coordinator will refer the case for a hearing. Any written report of the investigation will be made available for review by the parties. The Title IX Coordinator will cause a transcript hold to be placed on the Respondent's transcript pending final resolution of the complaint.

The determination to charge the Respondent does not mean that the Respondent will be found responsible for a violation of the Policy. Instead, it means that the Title IX Coordinator has determined that, based upon the available information obtained from the investigation, the matter warrants further review in a hearing. The Respondent will be found in violation only if the hearing officer determines, by a preponderance of the evidence, that the Respondent has committed a violation of this Policy.

Should the Title IX Coordinator determine that there is not sufficient information to charge the Respondent, the Title IX Coordinator will so inform the parties in writing concurrently, and will document the matter as closed. Either party may appeal the determination that there is not enough information to charge the Respondent by submitting a letter to any of the Deputy Title IX Coordinators outlining all reasons for the appeal. The appeal must be submitted to a Deputy Title IX Coordinator within five (5) calendar days of receipt of the written determination of the Title IX Coordinator. The Deputy Title IX Coordinator will review the appeal and notify the Complainant and Respondent in writing whether the appeal has been granted or denied based on a new review of the evidence. This determination by the Deputy Title IX Coordinator will generally be made within twenty (20) calendar days of when the appeal was received. That determination is final and may not be appealed further.

- d. Advisors. The Complainant and Respondent may seek the advice and assistance of an advisor of their choice, at their own expense. The advisor may be any person, including an attorney, who is not otherwise a party or witness involved in the investigation. An Advisor may accompany a party to meetings and any hearing, but may not present evidence, question witnesses, or otherwise participate in the meeting or hearing. Any party may request a brief recess of a meeting or hearing to consult with their Advisor, which may be granted at the discretion of the person conducting the meeting or the hearing officer, as appropriate.
- e. Notice of Hearing. The Complainant and Respondent will receive written or electronic notification of the specific charges; the date, time, and location of the hearing; and an electronic or written copy of this Policy. The parties may request a reasonable extension of time to prepare for the hearing. Requests for an extension will not be granted for a period to exceed two business days except in unusual circumstances when the party can demonstrate the necessity for a longer delay. All requests for an extension of time must be made in writing to the Title IX Coordinator at least 24 hours prior to the scheduled hearing, except in cases of documented serious illness or emergency. The parties have the option not to appear and/or testify; however, failure to appear and/or testify will not preclude the hearing officer from proceeding and adjudicating the complaint on the basis of the evidence presented. A case may be decided notwithstanding an absence of the Complainant or Respondent who fails to appear at a scheduled hearing without good cause (e.g., serious illness), after proper notice of the hearing. In such cases, decisions will be based solely on witness testimony, documentary evidence (including any investigation report), and other information presented during the hearing. Failure to appear does not preclude a party from appealing a decision through the process detailed below.
- f. Hearing Officer. The hearing will be conducted by a hearing officer, or at the College's discretion, more than one hearing officer, selected by the College. The College may use College employees, or may ask other individuals with relevant experience and training to serve as a hearing officer. Hearing officers will receive annual training on issues related to Dating Violence, Domestic Violence, Sexual Assault, and Stalking and on how to conduct a hearing process that protects the safety of all parties and promotes accountability. If more than one hearing officer conducts the hearing, the hearing officers shall select one of them to serve as chair of the hearing, and decisions of the hearing officers shall be made by majority vote.
- g. Bias or Conflict of Interest. Investigators and hearing officers must be impartial and free from actual bias or conflict of interest. During the course of the investigation or hearing either party may contest the impartiality of an investigator or hearing officer by submitting the objection in writing to the Title IX Coordinator. The submission must detail why the party asserts that the investigator or hearing officer is biased or has a conflict of interest in the case. If the Title IX Coordinator determines that the investigator or hearing officer has demonstrated actual bias or has a conflict of interest, the Title IX Coordinator will assign an alternate investigator or hearing officer for the completion of the case.
- h. Pre-Hearing Submissions. Parties are strongly encouraged to provide all information they believe is relevant to the investigation to the investigator during that phase of the

proceedings. All parties will also have the opportunity to provide information in advance of the hearing to be considered by the hearing officer. Any such additional information must be submitted in writing to the Title IX Coordinator at least two business days prior to the scheduled hearing. The Complainant and Respondent each will have the opportunity to review any written information submitted by any other party.

All parties may provide to the Title IX Coordinator the names of witnesses a party believes to have information relevant to the incident and whom the party would like to be called to testify. Any witness list must be submitted in writing to the Title IX Coordinator at least two business days prior to the scheduled hearing. The hearing officer will determine whether the suggested witnesses will be permitted to participate in the proceeding. Character witnesses will not be heard. In general, a witness who is not a member of the College community will not be permitted to serve as a witness in the hearing. The parties are responsible for the attendance of their respective witnesses at the hearing. The Complainant and Respondent each will have the opportunity to review any witness list submitted by the other. In addition, the parties may submit in writing to the Title IX Coordinator questions the party would like the hearing officer to ask the other party or a witness. Any questions must be submitted in writing to the Title IX Coordinator at least one business day prior to the scheduled hearing. The hearing officer will determine whether to ask the questions.

- i. Resolution without a Hearing. The hearing officer will review the investigation report and any written submissions. The hearing officer may determine that a hearing is not necessary if the hearing officer concludes that the information in the investigation report and the written submissions (if any) is sufficient to make a determination. If the hearing officer decides that a hearing is not necessary, the hearing officer will so notify the parties and then proceed directly to make a determination and issue a decision as provided in paragraph (l) below, including an explanation of why a hearing is not necessary.

At any time prior to the hearing, the Respondent may elect to acknowledge the alleged violation of the Policy, take responsibility for the alleged Sexual Misconduct, and request that the hearing officer propose a resolution to the charges and any remedies and sanctions. With the consent of the Complainant, the hearing officer may resolve the complaint without a hearing. In the event that the Complainant does not consent, the proceeding will continue as provided in this Policy.

- j. Conduct of the Hearing. A hearing is closed to the public, including friends and parents of the parties and College personnel without an official interest in the case. Only the hearing officer, the Complainant, Respondent, and their advisors, witnesses, and necessary College personnel may be present in the hearing room during the proceeding, and the Complainant, Respondent, and their advisors, and the witnesses may be in the hearing room only when the respective individual is presenting testimony.

The hearing will not follow a courtroom model, and formal rules of process, procedure, and/or technical rules of evidence, such as applied in criminal or civil court, will not be observed. What might be considered hearsay or secondhand or other indirect evidence may be presented and given that weight to which it may be entitled, as determined by the hearing officer, as part of considering the totality of the information and the credibility of any witness. Deviations from prescribed procedures shall not necessarily invalidate a decision, unless such deviations result in significant prejudice to the Respondent, Complainant, or the College.

Absent extraordinary circumstances, the hearing officer will not consider the romantic or sexual history of either the Complainant or Respondent, except for testimony offered by one or the other about the Complainant's and Respondent's shared sexual history that the hearing officer deems relevant. If such information is offered by the Complainant or Respondent, the other party will be advised of the information and given an opportunity to respond. The existence of a prior consensual dating or sexual relationship between the Complainant and Respondent by itself does not support an inference of Effective Consent to alleged act(s) of Sexual Misconduct.

If the hearing officer determines that unresolved issues exist that would be clarified by the presentation of additional evidence, the hearing officer may recess the hearing and reconvene it in a timely manner to receive such evidence. A recess will not be based on the failure of witnesses to appear.

At the sole discretion of the hearing officer, an audio, video or stenographic recording of the hearing may be made for the use of the hearing officer, for sanctioning, and for purposes of appeal. Any such recording shall remain the sole property of the College.

- k. Evidentiary Standard. The evidence of alleged Sexual Misconduct will be evaluated under a “preponderance of the evidence” standard, meaning that the evidence must show that it is “more likely than not” that the Respondent violated the Policy. The Respondent will be found responsible for the alleged Sexual Misconduct if the hearing officer concludes that such Sexual Misconduct more likely than not occurred based upon a review of all the evidence presented.
- l. Decision. Following the hearing, the hearing officer will issue a written decision, and will deliver it concurrently to both the Complainant and the Respondent. The decision will set forth the names of the Complainant and Respondent; the violation(s) of the Policy for which the Respondent was found responsible, if any; any essential findings supporting the hearing officer’s decision on the issue of responsibility; and any sanction(s) imposed and any remedies provided. The Respondent shall not be notified of any individual remedies offered or provided to the Complainant.
- m. Sanctions and Remedies. If the hearing officer concludes that the alleged Sexual Misconduct occurred, the hearing officer may impose any sanction that is fair and proportionate to the violation. In determining an appropriate sanction, the hearing officer may consider any record of past violations of the College’s standards of conduct, as well as the nature and severity of such past violation(s). The hearing officer will consider whether the sanction will (a) bring an end to the violation in question; (b) reasonably prevent a recurrence of a similar violation; and (c) remedy the effects of the violation on the Complainant and the Bridgewater College community. Any sanction imposed will be described in the written decision of the hearing officer. The hearing officer may impose any one or more of the following sanctions on a Respondent determined to have violated this Policy. The hearing officer may also provide any one or more of the following remedies to the Complainant regardless of whether the hearing officer found a violation of the Policy.

Sanctions	Remedies
<ul style="list-style-type: none"> • Reprimand/warning • Assigned restorative activities • Removal from extracurricular activities and clubs • Restitution and/or fines • Changing the Respondent’s academic schedule • Disciplinary probation • Issuing a “no contact” and minimum distance order or requiring that such an order remain in place both as to campus and off campus contact • Revocation of honors or awards • Restricting access to College facilities or activities (including student activities and campus organizations and dining facilities) • Community service • Reassigning campus residence • Dismissal, suspension, demotion or restriction from College employment 	<ul style="list-style-type: none"> • Providing a campus escort • Ensuring the parties do not share classes or extracurricular activities • Moving the Respondent or Complainant (if the Complainant requests to be moved) to a different residence hall • Assistance in finding alternative housing • Issuing a “no contact” and minimum distance order or requiring that such an order remain in place both as to campus and off campus contact • Connecting Complainant with Counseling Services and/or Health Services on campus or through an outside provider • Providing academic support services, such as tutoring • Arranging for the Complainant to have extra time to complete or re-take a class or withdraw from a class

<ul style="list-style-type: none"> • Removal from student housing • Suspension (limited time or indefinite) • Notation on transcript • Expulsion • Revocation of degree • No trespass notice and ban from College campus or having any contact with or doing any transaction or attempted transaction with the College • Other sanctions as may be determined appropriate under the circumstances 	<p>without an academic or financial penalty</p> <ul style="list-style-type: none"> • Transportation accommodations • Other remedies as may be determined appropriate under the circumstances
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In addition to any other sanction (except when the sanction is expulsion or revocation of a degree), the College will require any Respondent determined to be responsible for a violation of the Policy to receive appropriate education and/or training related to the misconduct violation at issue. The College may also require counseling or other support services for the Respondent.

- n. Appeals. Either party may appeal the hearing officer’s decision by notifying the Title IX Coordinator in writing within five (5) business days after receipt of the hearing officer’s decision. The party appealing the decision shall submit a detailed statement to the Title IX Coordinator which shall include the reasons the party believes the decision of the hearing officer should be modified or reversed. The Title IX Coordinator will then provide the written appeal to the other party for response. The other party may submit to the Title IX Coordinator a written response to the written appeal. Any response must be delivered to the Title IX Coordinator with five (5) business days of the party’s receipt of the written appeal.

Disagreement with the finding or sanctions is not, by itself, grounds for appeals. The only permitted grounds for appeal are:

- i. A substantial procedural error that would materially change the determination or sanction;
- ii. New, substantial, and credible information that was not available at the time of the investigation or hearing and that would materially change the determination or sanction; and
- iii. Excessiveness or insufficiency of the sanction.

The appeal will be decided by an appeal officer, or at the discretion of the College, more than one appeal officer, selected by the College. The College may use College employees, or may ask other individuals with relevant experience and training to serve as an appeal officer. Appeal officers will receive annual training on issues related to Dating Violence, Domestic Violence, Sexual Assault, and Stalking and on how to conduct an appeals process that protects the safety of all parties and promotes accountability. If more than one appeal officer is used, the appeal and any other decisions on appeal shall be decided by majority vote.

Unless the appeal officer determines, in the officer’s sole discretion, that a hearing on the appeal is required, the appeal will be decided solely on the record below and any written submissions on appeal.

If, following consultation with the Title IX Coordinator, the appeal officer concludes that a change in the hearing officer’s determination is warranted, the appeal officer may enter a revised determination; reconvene the hearing to reconsider the determination; return the matter for additional investigation; or modify the sanction. If both the Complainant and Respondent appeal, the appeals will be considered concurrently. Within thirty (30) calendar days after receipt of the notice of appeal (or such longer time as the appeal officer may for good cause determine), the appeal officer will provide to both parties, concurrently, and to the Title IX Coordinator, a copy of the written decision on the appeal. The decision of the appeal officer is final and there is no further appeal following this decision.

- o. Transcript Notation. The College's registrar shall include a prominent notation on the academic transcript of each student who has been suspended for, has been permanently dismissed for, or withdraws from the College while under investigation for an offense involving sexual violence under this Policy. The notation shall state that such student was suspended for, was permanently dismissed for, or withdrew while under investigation for an offense involving sexual violence under this Policy, and shall read substantially as follows: "[Suspended, Dismissed, or Withdrew while under investigation] for a violation of the College's student conduct policies." The Respondent will be notified that any such suspension, permanent dismissal, or withdrawal will be documented on the student's academic transcript. The College shall remove from a student's academic transcript any notation placed on such transcript due to such student's suspension if the student (i) completed the term of the suspension and any conditions thereof and (ii) has been determined by the College to be in good standing according to the College's code, rules, or set of standards governing such a determination.
- p. Effective Date of Sanctions and Remedies. Sanctions imposed by the hearing officer are not effective until any timely appeal of the decision is resolved within the appeal process of this Policy; provided, however, if advisable to protect the welfare of the Complainant or the campus community, the hearing officer may include in its determination letter that any sanction be effective immediately and continue in effect until such time as any appeal is finally resolved. The hearing officer may notify other campus officials to implement a decision that includes sanctions to protect the welfare of the Complainant or the campus community. If the matter is appealed, the appeal officer may suspend the hearing officer's determination pending exhaustion of appeal, or allow the student to attend classes or other activity on a supervised or monitored basis, or make such other modifications to the determination as may be advisable. Remedies provided by the hearing officer for the Complainant are effective immediately.
- q. Readmission. A student who is suspended pursuant to this Policy, or who withdraws from the College while under investigation for a violation of this Policy, must apply for readmission through the admissions office. Readmission is never guaranteed. Readmission is dependent on (i) the applicant demonstrating full compliance with the terms of suspension and (ii) the College being satisfied that (a) the student takes responsibility for the student's individual choices and actions and (b) the student is ready to participate as a positive, contributing member of this academic community, which includes full acceptance of the expectations of the College for the members of its community.
- r. Effect of Policy. As with other College policies, this Policy does not create a contract and may be changed by the College at any time without consent or prior notice. Any incident of Sexual Misconduct shall be subject to the Policy in effect at the time of the alleged incident.

