



# 2024

## Annual Security Report (ASR)

*prepared by:*

HAMPTON UNIVERSITY

# **Hampton University**

## **2024 COMBINED ANNUAL SECURITY REPORT & FIRE SAFETY REPORT**

### **Introduction**

This report is provided in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act, as amended. It provides students and employees of Hampton University ("University") with information on: the University's security arrangements, policies and procedures; programs that provide education on such things as drug and alcohol abuse, awareness of various kinds of sex offenses, and the prevention of crime generally; and procedures the University will take to notify the campus community in the event of an emergency. Its purpose is to provide students and employees with information that will help them make informed decisions relating to their own safety and the safety of others.

### **Policy for Preparing the Annual Report**

This report is prepared by the Hampton University Police Department in cooperation with local law enforcement authorities and includes information provided by them as well as by the University's campus security authorities and various other elements of the University. Each year an e-mail notification is made to all enrolled students and employees that provides the website link to access this report. Prospective students and employees are also notified of the report's availability. Hard copies of the report may also be obtained at no cost by contacting Each year an e-mail notification is made to all enrolled students and employees that provides the website link to access this report. Prospective students and employees are also notified of the report's availability. Hard copies of the report may also be obtained at no cost by contacting Hampton University Police Department, 607 Norma B. Harvey Way, Hampton, VA, 757-727-5300. . The University is committed to taking the actions necessary to provide a safe and secure working/learning environment for all students and staff. As a member of the campus community, you can feel safe and comfortable knowing that security procedures are in place that represent best practices in the field, and are constantly tested and re-evaluated for their effectiveness.

### **General Safety and Security Policies**

#### **Campus Security Personnel & Relationship with Local Law Enforcement**

The Hampton University Police Department is responsible for campus safety at the University.

Members of the Hampton University Police Department are commissioned law enforcement officers. They have the authority to make arrests and carry firearms The University Police Department is a professional organization providing quality training, equipment, and policy guidance to our officers to better serve the community through best practices in policing and safety services.

HUPD is a full service, state certified police agency committed to providing professional police and safety services to members of the university community. Police officers are sworn, full-time officers that have the authority to effect arrests for violations of law, occurring on and off campus. Our police officers are trained at the Hampton Roads Criminal Justice Training Academy (HRCJTA) alongside officers from a variety of local municipalities. Officers receive additional training designed to improve their skills, knowledge, and abilities, to enhance effective communication, provide police services, and investigate crimes. HUPD operates around the clock providing full police and safety services to the local community.

The department addresses safety and security-related issues proactively and educates members of our university community regarding their role in maintaining a safe campus environment. Members of the campus community are encouraged to actively participate in this partnership. The most extensive plan cannot succeed without the awareness and cooperation of those who work, study, and live on our campus.

The Department maintains mutual aid agreements with the City of Hampton Police Division, Newport News Sheriff's Office, Hampton Sheriff's Office, Virginia Department of Alcoholic Beverage Control, and the Virginia State Police.

## **Campus Security Authorities**

The University has designated certain officials to serve as campus security authorities. Reports of criminal activity can be made to these officials. They in turn will ensure that the crimes are reported for collection as part of the University's annual report of crime statistics. The campus security authorities to whom the University would prefer that crimes be reported are listed below.

- Assistant Vice President for Student Success and Dean of Students at 757-727- 5305
- University Police at 757-727-5300
- Director of Residence Life & Housing at 757-727-5486
- Director of Student Involvement & Leadership at 757-727-5691

## **Reporting a Crime or Emergency**

The University encourages accurate and prompt reporting of all criminal actions, emergencies, or other incidents occurring on campus, on other property owned by the University, or on nearby public property to the appropriate administrator and appropriate police agencies. Such a report is encouraged even when the victim of a crime elects not to make a report or is unable to do so.

- All crimes occurring on or near University property should be reported immediately to HUPD Dispatch. The number to contact is 757-727-5300. A dispatcher is available 24/7.
- If a crime is in progress or there is some other situation posing imminent danger, local law enforcement can be reached by dialing 911.
- Students, staff, and visitors should also report situations to one of the campus security authorities identified above. Once reported, the individual may also be encouraged to report the situation to the appropriate police agency. If requested, a University staff member will assist in making the report to police.
- Anonymous incident reports can also be made using the Hampton University LiveSafe app, to text, submit photos, or audio and video clips to report suspicious activity.

## **Confidential Reporting**

The University will protect the confidentiality of victims. Only those with a need to know the identity for purposes of investigating the crime, assisting the victim or disciplining the perpetrator will know the victim's identity.

Pursuant to the University's sexual misconduct policy, when an employee who is not a confidential resource becomes aware of alleged misconduct under that policy (including, but not limited to, dating violence, domestic violence, sexual assault, and stalking), the employee is responsible for reporting that information, including the status of the parties if known, to the Title IX Coordinator. A victim of other types of crimes (e.g., aggravated assault, burglary, etc.) who does not want to pursue action within the University disciplinary system or the criminal justice system is nevertheless encouraged to make a confidential report to a campus security authority. Upon the victim's request, a report of the details of the incident can be filed

with the University without revealing the victim's identity. Such a confidential report complies with the victim's wishes, but still helps the University take appropriate steps to ensure the future safety of the victim and others. With such information, the University can keep an accurate record of the number of incidents involving members of the campus community, determine where a pattern of crime may be developing and alert the community as to any potential danger. These confidential reports are counted and disclosed in the annual crime statistics for the University.

The University encourages its pastoral and professional counselors, if and when they deem it appropriate, to inform the person they are counseling to report crimes on a voluntary, confidential basis for inclusion in the annual report of crime statistics.

## **Security of and Access to Campus Facilities**

### **Access to Academic/Administrative Buildings and Residence Halls:**

The academic and administrative buildings are open during normal business hours and at other times for a multitude of educational lectures, classes, and activities. Most facilities have individual operating hours, which may vary at different times of the year. Building accessibility is controlled by card or key after normal business hours, and buildings have varied types and levels of access. HUPD officers and security officers patrol the academic and administrative buildings on a regular basis. For information about the access protocol for a specific building or campus see the building manager or appropriate department head.

Access to campus residence halls is restricted to residents, their approved guests, and other approved members of the university community. Residents are required to use their access cards to gain entry and are cautioned against permitting strangers to enter the buildings. It is important to report any suspicious persons or situations, vandalism or crimes occurring in residence halls to HUPD; be alert for persons who appear out of place or act in an unusual manner in the residence hall.

Housing and Residence Life staff also enforce security measures in the residence halls and work with residents to achieve a community respectful of individual and group rights and responsibilities.

Students and employees are asked to be alert and to not circumvent practices and procedures that are meant to preserve their safety and that of others.

- Do not prop doors open or allow strangers into campus buildings that have been secured.
- Do not lend keys or access cards to non-students and do not leave them unattended.
- Do not give access codes to anyone who does not belong to the campus community.

## **Security Considerations in the Maintenance of Facilities**

The HUPD works with the Physical Plant to identify maintenance issues on campus that may be safety hazards. Safety checks are completed to identify street or safety lights that are not functioning properly, or to determine if shrubs or other landscaping might need trimming. Maintenance personnel regularly check to ensure there is adequate lighting on pathways and that egress lighting is working in hallways and stairwells.

## **Educational Programs Related to Security Awareness and Prevention of Criminal Activity**

The University seeks to enhance the security of its campus and the members of the campus community by periodically presenting educational programs to inform students and employees about campus security procedures and practices, to encourage students and employees to be responsible for their own security and

the security of others and to inform them about the prevention of crimes. These programs are discussed below.

The University provides information at the beginning of each academic term for students and employees regarding security procedures and practices. This information is in the form of posters and other displays, articles in the University newspaper, and Public Service Announcement (PSA) emails. Students and employees are advised of the importance of reporting criminal activity, who crimes should be reported to, being responsible for their own safety and the safety of others and practices regarding timely warnings and emergency notifications.

Crime prevention programs are also presented each semester. In addition, email Public Service Announcements (PSA) are periodically sent out to students and employees with crime prevention and other safety tips. Pamphlets and handouts on crime prevention and other safety issues are available at the Campus Safety Office.

### **Monitoring Off Campus Locations of Recognized Student Organizations**

The University does not have any officially recognized student organizations with off campus locations and therefore does not monitor or record criminal conduct occurring at such locations.

### **Disclosure of the Outcome of a Crime of Violence or Non-Forcible Sex Offense**

Upon written request, the University will disclose to the alleged victim of a crime of violence (as that term is defined in section 16 of title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the University against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of the paragraph.

The previous paragraph does not apply to victims of dating violence, domestic violence, sexual assault, or stalking because under the Violence Against Women Act both the accused and accuser in these cases are given the results without the need to make a written request.

## **Drug and Alcohol Policy**

The University is committed to creating and maintaining an environment that is free of alcohol abuse. The University prohibits the possession, use, and sale of alcoholic beverages on campus.

### **Policy on Alcohol at Hampton University Sanctioned Events**

Prior University approval is required for the use of alcohol at any on or off-campus officially sanctioned University events. Upon such approval, appropriate guidelines and regulations will be distributed. Offenders will be subject to disciplinary action, up to and including suspension from the University.

The University also enforces federal and state drug laws. The possession, sale, manufacture or distribution of illegal drugs is prohibited on campus or as any part of the University's activities. Violators of the University's policies or federal and state laws regarding illegal drugs will be subject to disciplinary action and possible criminal prosecution.

1. Possession, use, distribution testing positive and sale of illegal drugs are prohibited on the Hampton University Campus.
2. Any administrator, faculty/staff member or student apprehended for the use, possession or illegal drugs on or off campus will be subject to termination.

3. Any administrator, faculty/staff member or student found guilty of the sale, distribution, and/or possession of unlawful drugs on or off campus will be subject to automatic and immediate permanent separation from the University. Such persons will also be reported to the proper authorities where applicable.

The University Police will rigidly enforce University policies concerning the use and possession of illegal drugs on campus. Hampton University has zero tolerance for drugs and weapons.

### **Federal Drug Laws** (updated 08.01.2023)

**Denial of Federal Benefits (21 U.S.C. § 862)** A federal drug conviction may result in the loss of federal benefits, including loans, grants, scholarships, contracts, and licenses, although the Department of Education has said it will no longer disqualify students from Title IV aid for a federal or state conviction for possession or sale of a controlled substance.

**Forfeiture of Personal Property and Real Estate (21 U.S.C. § 853)** Any person convicted of a federal drug offense punishable by more than one year in prison shall forfeit to the United States any personal or real property related to the violation. A warrant of seizure may be issued and property seized at the time an individual is arrested on charges that may result in forfeiture.

**Federal Drug Trafficking Penalties (21 U.S.C. § 841)** Penalties for federal drug trafficking convictions vary according to the type and quantity of the controlled substance involved in the transaction. Penalties for subsequent convictions are more severe. Federally-defined schedules of controlled substances are published at 21 U.S.C. 812.

In the case of a controlled substance in schedule I or schedule II, GHB (or, “liquid ecstasy”), or flunitrazepam (or, “rohypnol”), a person shall be sentenced to a term of imprisonment of not more than 20 years. If death or serious bodily injury results from the use of a controlled substance which has been illegally distributed, the person convicted on federal charges of distributing the substance faces the possibility of a life sentence and fines ranging up to \$10 million.

In the case of a controlled substance in schedule III, a person shall be sentenced to a term of imprisonment of not more than 10 years, and if death or serious bodily injury results, shall be sentenced to a term of imprisonment of not more than 15 years or a fine not to exceed \$500,000, or both, for a first offense.

For less than 50 kilograms of marijuana, the term of imprisonment shall not be more than five years, and the fine shall not be more than \$250,000, or both, for a first offense.

In the case of a schedule IV substance, the term of imprisonment shall not be more than five years, and the fine shall not be more than \$250,000, or both, for a first offense.

Persons convicted on federal charges of drug trafficking within 1,000 feet of an elementary school, secondary school, college, or university **(21 U.S.C. § 860)** face penalties of prison terms and fines which are twice as high as the regular penalties for the offense, with a mandatory prison sentence of at least one year, unless the offense involves five grams or less of marijuana.

**Federal Drug Possession Penalties (21 U.S.C. § 844)** Persons convicted on federal charges of possessing any controlled substance face penalties of up to one year in prison, a mandatory fine of no less than \$1,000, or both. Second convictions are punishable by not less than 15 days but not more than two years in prison and a minimum fine of \$2,500. Subsequent convictions are punishable by not less than 90 days but not more than three years in prison and a minimum fine of \$5,000.

For the most recent and complete Federal Trafficking Penalties information, visit the website of the U.S. Drug Enforcement Administration at [www.campusdrugprevention.gov/sites/default/files/2022-07/Federal Trafficking Penalties Chart 6-23-22.pdf](http://www.campusdrugprevention.gov/sites/default/files/2022-07/Federal_Trafficking_Penalties_Chart_6-23-22.pdf).

## Drug and Alcohol State Laws

Category	Summary (Virginia Code)
Possession of Marijuana	<p>Possession of up to one ounce of marijuana is permitted for adults 21 years of age and older. <i>See</i> VA Code Ann. § 4.1-1100. Possession of more than one ounce but less than four ounces of marijuana is a civil penalty with a maximum fine of \$25. <i>Id.</i> Possession in public of more than four ounces of marijuana will result in increasing penalties. For example, possession of more than one pound of marijuana in public is a felony punishable by one to 10 years in prison and/or a fine of up to \$250,000. <i>Id.</i></p> <p>Additionally, no person shall consume or offer marijuana to another in a public place. <i>See</i> VA Code Ann. § 4.1-1108. For a first offense, offender is subject to a civil penalty of no more than \$25. <i>Id.</i> Second and subsequent offenses may result in required substance abuse treatment and/or education and may receive greater penalties. <i>Id.</i></p> <p>Except as authorized in the Drug Control Act, it is unlawful for a person to sell, give, distribute, or possess with intent to sell, give, or distribute marijuana. <i>See</i> Va. Code Ann. § 18.2-248.1. There is a rebuttable presumption, however, that marijuana in an amount less than one ounce is for the personal use of the person who possesses it. <i>See id.</i> Otherwise, the sale or possession of marijuana in an amount of up to one ounce is a class 1 misdemeanor. <i>Id.</i> The sale or possession of marijuana with an intent to distribute in an amount more than one ounce but less than five pounds is guilty of a Class 5 felony, and possession in an amount greater than five pounds is a felony. <i>Id.</i> Third and subsequent felony offenses receive greater penalties. <i>Id.</i></p>
Controlled Substances	<p>Virginia statutes cover a wide range of offenses related to controlled substances. <i>See generally</i> Va. Code Ann. §§ 18.2-247 – 18.2-264. It is unlawful for any person knowingly or intentionally to possess a controlled substance without a valid prescription, unless an exception applies. <i>See</i> Va. Code Ann. § 18.2-250. Penalties for the possession and delivery of illegal drugs include prison sentences and monetary fines and vary widely by the type of drug, amount confiscated, the number of previous offenses by the individual, and whether the individual intended to manufacture, sell, or use the drug. <i>See id.</i> Distribution of certain drugs to persons under 18 and sale or manufacture of drugs on or near certain properties, including institutions of higher education, carry enhanced penalties. <i>See</i> Va. Code Ann. § 18.2-255 and Va. Code Ann. § 18.2-255.2.</p> <p>As an example, any person who knowingly manufactures, sells, gives, or distributes any anabolic steroid may be sentenced to a term of imprisonment from 1 to 10 years and/or a fine of up to \$20,000. <i>See</i> Va. Code Ann. § 18.2-248.5.</p> <p>In addition, any person who sells or possesses with intent to sell drug paraphernalia shall be guilty of a class 1 misdemeanor, with jail time up to 12 months and fines up to \$2,500. <i>See</i> Va. Code Ann. §§ 18.2-265.3, 18.2-11.</p>
Alcohol and Minors	<p>No person under the age of 21 may lawfully consume, purchase, or possess any alcoholic beverage unless in a private residence where he or she is accompanied by a parent/guardian or spouse who is 21 years of age or older. <i>See</i> Va. Code Ann. § 4.1-305; § 4.1-200. Use of an altered, fictitious, facsimile, or simulated form of identification to establish a false age in order to purchase or consume alcohol is unlawful. Va. Code Ann. § 4.1-305. Both of these offenses constitute Class 1 misdemeanors and are punishable by a minimum fine of \$500 or at least 50 hours of community service, as well as a license suspension between 6 months and 1 year (depending on the age of the offender). <i>Id.</i></p> <p>Any person other than a parent who purchases for, or otherwise gives, provides, or assists in the provision of alcoholic beverages to another person, when he knows or has reason to know that such person was less than 21 years of age is guilty of a Class 1</p>



Category	Summary (Virginia Code)
	misdemeanor. In addition to other applicable penalties, this offense carries a driver's license suspension of up to 1 year. <i>See</i> Va. Code Ann. § 4.1-306.
Driving While Intoxicated (DWI)	A person is guilty of driving while intoxicated if they have a blood or breath alcohol concentration of 0.08 grams. <i>See</i> Va. Code Ann. § 18.2-266. The offender will be guilty of a Class 1 misdemeanor with a mandatory minimum fine of \$250. <i>See</i> Va. Code Ann. § 18.2-270. The offender will be required to have a vehicle interlock system for no less than 6 consecutive months without alcohol-related violations. <i>See</i> Va. Code Ann. § 18.2-270.1. The offender's license may also be suspended for 1 year. <i>See</i> Va. Code Ann. § 18.2-271

## Drug and Alcohol Abuse Prevention Program

The University has a drug and alcohol abuse and prevention program and conducts a biennial review of this program to evaluate its effectiveness. For more information, see below.

- Student alcohol/drug policy: Official Student Handbook (Copies available at Dean of Students Office)
- Employee alcohol/drug policy: Educational Support Staff Handbook (Copies available at Human Resources Office)
- Alcohol/drug webpage: <https://home.hamptonu.edu/counseling/about-us/>
- Biennial review of the University's drug and alcohol abuse prevention program: To Be Developed

### Policy on Drug-Related Problems

When students with drug-related problems bring the situation to the attention of Student Affairs personnel or other campus officials, the student will be referred to outside agencies, as appropriate, through the Student Health Center, for counseling and intervention. However, students found to be in violation of drug use policies noted in this handbook will be dealt with as prescribed in the Drug Policy. While Hampton University will not become a haven for illegal drug or alcohol abuse, the University is committed to offering rehabilitation opportunities to persons who, prior to detection by HUPD or staff, confidentially come forward and admit to having a problem. All such referrals will be handled on a case-by-case basis, insuring the highest degree of confidentiality provided for under law.

Students are advised that the Virginia Code gives specific definitions and prescribes penalties which may be imposed for illegal involvement with drugs and other controlled substances. For reference, please see the Virginia Code. The Codes provide for punishments and/or fines upon conviction and are applicable to situations that occur on campus as it relates to enforcement and the University's intention to provide a drug-free living and learning environment. The University will, at its initiative, refer students found in violation of state and federal drug laws to the appropriate authorities for investigation and prosecution.

In accordance with the Drug Free Workplace Act of 1988, Hampton University will provide on-going drug awareness educational programs for its students as to the dangers of drug abuse in the living and learning environment, the intention of maintaining Hampton University as a drug-free living and learning workplace, and the availability of an assistance program for prevention, counseling and rehabilitation. Students will be made aware of penalties under applicable local, state and federal law and University policies which may be imposed upon students for drug-related violations.

### Policies Governing General Substance Abuse

Hampton University embodies the concept of quality education and a healthful living, learning and working environment based on historical practices and as is supported by the current mission statement. To that end, this policy is submitted to all administrators, faculty, staff and students. In addition, Hampton University is committed to the requirements of the Federal Drug Free Work Place Act of 1988, regarding the possession, use, distribution or sale of illegal substances on campus and on University affiliated properties. Hampton University has zero tolerance for drugs and weapons.

This policy applies to students who are enrolled and/or employed by Hampton University.



“Drug” is defined as any substance that has known mind or function-altering effects on human subjects, specifically substances controlled, regulated or prohibited by state and federal law including alcohol and psychoactive substances. For the purpose of this policy and in order to provide appropriate flexibility to address possible future development and use of non-regulated substances, “drug” may additionally be defined as any commercially or privately produced, manufactured or altered non-regulated substance used in a manner similar to or in the place of a drug or function-altering substance, such as K2/”Spice,” Salvia (salvia divinorum), Synthetic Cathinones (or “bath salts”).

Hampton University prohibits the illegal use, possession, transport, manufacture, distribution, promotion or sale of alcohol, drugs, drug paraphernalia or look-alike (simulated) drugs while performing work for or matriculating at Hampton University, or on Hampton University properties. Hampton University employees and students must not report to or work under the influence of alcohol, any drugs, or other substances which will in any way influence their work performance, alertness, coordination or response to or effect the safety of others on the job.

## **Policies, Procedures, and Programs Related to Dating Violence, Domestic Violence, Sexual Assault, and Stalking**

Consistent with applicable laws, the University prohibits dating violence, domestic violence, sexual assault, and stalking. The University's policy used to address complaints of this nature, as well as the procedures for filing, investigating and resolving complaints, may be found at:

- Title IX Policy Statement: <https://home.hamptonu.edu/titleix/>

The following sections of this report discuss the University's educational programs to promote the awareness of dating violence, domestic violence, sexual assault and stalking; provides information concerning procedures students and employees should follow and the services available in the event they do become a victim of one of these offenses, and advises students and employees of the disciplinary procedures that will be followed after an allegation that one of these offenses has occurred.

### **Primary Prevention and Awareness Program:**

The University conducts a Primary Prevention and Awareness Program (PPAP) for all incoming students and new employees. The PPAP advises campus community members that the University prohibits the offenses of dating violence, domestic violence, sexual assault and stalking. They are also informed of the topics discussed below, including relevant definitions, risk reduction, and bystander intervention.

### **Crime Definitions**

<b>Crime Type (Virginia Code)</b>	<b>Definitions</b>
Dating Violence	The institution has determined, based on good-faith research, that Virginia law does not define the term dating violence.
Domestic Violence	<p>The institution has determined, based on good-faith research, that Virginia law does not define the term domestic violence.</p> <p>However, Virginia law provides the following:</p> <ul style="list-style-type: none"><li>• Va. Code Ann. § 18.2-57.2: Any person who commits an assault and battery against a family or household member is guilty of a Class 1 misdemeanor.</li><li>• Va. Code Ann. § 16.1-228: “Family or household member” means (i) the person's spouse, whether or not he or she resides in the same home with the person, (ii) the person's former spouse, whether or not he or she resides in the same home with the person, (iii) the person's parents, stepparents, children,</li></ul>

Crime Type (Virginia Code)	Definitions
	<p>stepchildren, brothers, sisters, half-brothers, half-sisters, grandparents and grandchildren, regardless of whether such persons reside in the same home with the person, (iv) the person's mother-in-law, father-in-law, sons-in-law, daughters-in-law, brothers-in-law and sisters-in-law who reside in the same home with the person, (v) any individual who has a child in common with the person, whether or not the person and that individual have been married or have resided together at any time, or (vi) any individual who cohabits or who, within the previous 12 months, cohabited with the person, and any children of either of them then residing in the same home with the person.</p>
Stalking (Va. Code Ann. § 18.2-60.3)	<p>Any person, except [certain caveats established by statute], who on more than one occasion engages in conduct, either in person or through any other means, including by mail, telephone, or an electronically transmitted communication, directed at another person with the intent to place, or when he knows or reasonably should know that the conduct places that other person in reasonable fear of death, criminal sexual assault, or bodily injury to that other person or to that other person's family or household member is guilty of a Class 1 misdemeanor. If the person contacts or follows or attempts to contact or follow the person at whom the conduct is directed after being given actual notice that the person does not want to be contacted or followed, such actions shall be prima facie evidence that the person intended to place that other person, or reasonably should have known that the other person was placed, in reasonable fear of death, criminal sexual assault, or bodily injury to himself or a family or household member.</p>
Sexual Assault	<p>The institution has determined, based on good-faith research that Virginia law does not define the term sexual assault.</p>
Rape, Fondling, Incest, Statutory Rape	<p>For purposes of the Clery Act, the term “sexual assault” includes the offenses of rape, fondling, incest, and statutory rape. These definitions under Virginia law are as follows:</p> <ul style="list-style-type: none"> <li>• Rape (Va. Code Ann. § 18.2-61): If any person has sexual intercourse with a complaining witness, whether or not his or her spouse, or causes a complaining witness, whether or not his or her spouse, to engage in sexual intercourse with any other person and such act is accomplished (i) against the complaining witness's will, by force, threat or intimidation of or against the complaining witness or another person; or (ii) through the use of the complaining witness's mental incapacity or physical helplessness; or (iii) with a child under age 13 as the victim, he or she shall be guilty of rape.</li> <li>• Fondling: The institution has determined, based on good-faith research, that Virginia law does not define the term fondling.</li> <li>• Incest (Sexual Intercourse by Persons Forbidden to Marry; Incest; Penalties) (Va. Code Ann. § 18.2-366): (A) Any person who engages in sexual intercourse with any person whom he is forbidden by law to marry is guilty of a Class 1 misdemeanor except as provided by subsection B; (B) Any person who engages in sexual intercourse with his daughter or granddaughter, son or grandson, or father or mother, is guilty of a Class 5 felony. However, if a parent or grandparent engages in sexual intercourse with his child or grandchild, and such child or grandchild is at least 13 years of age but less than 18 years of age at the time of the offense, such parent or grandparent is guilty of a Class 3 felony. <ul style="list-style-type: none"> <li>○ For the purposes of the above, parent includes step-parent, grandparent includes step-grandparent, child includes a step-child, and grandchild includes a step-grandchild.</li> </ul> </li> <li>• Statutory Rape: The institution has determined, based on good-faith research, that Virginia law does not define the term statutory rape. Such offenses are</li> </ul>

Crime Type (Virginia Code)	Definitions
	<p>generally prosecuted under Virginia’s statute prohibiting “Carnal Knowledge of Child between Thirteen and Fifteen Years of Age” (Va. Code Ann. § 18.2-63).</p>
Other "sexual assault" crimes	<p>Other crimes under Virginia law that may be classified as a “sexual assault” include the following:</p> <ul style="list-style-type: none"> <li>• Carnal Knowledge of Child between Thirteen and Fifteen Years of Age (Va. Code Ann. § 18.2-63): (A) If any person carnally knows, without the use of force, a child thirteen years of age or older but under fifteen years of age, such person shall be guilty of a Class 4 felony; (B) If any person carnally knows, without the use of force, a child thirteen years of age or older but under fifteen years of age who consents to sexual intercourse and the accused is a minor and such consenting child is three years or more the accused's junior, the accused shall be guilty of a Class 6 felony. If such consenting child is less than three years the accused's junior, the accused shall be guilty of a Class 4 misdemeanor. In calculating whether such child is three years or more a junior of the accused minor, the actual dates of birth of the child and the accused, respectively, shall be used. <ul style="list-style-type: none"> <li>○ For the purposes of the above, (i) a child under the age of thirteen years shall not be considered a consenting child and (ii) “carnal knowledge” includes the acts of sexual intercourse, cunnilingus, fellatio, anilingus, anal intercourse, and animate and inanimate object sexual penetration.</li> </ul> </li> <li>• Forcible Sodomy (Va. Code Ann. § 18.2-67.1): An accused shall be guilty of forcible sodomy if he or she engages in cunnilingus, fellatio, anilingus, or anal intercourse with a complaining witness whether or not his or her spouse, or causes a complaining witness, whether or not his or her spouse, to engage in such acts with any other person, and (1) The complaining witness is less than 13 years of age; or (2) The act is accomplished against the will of the complaining witness, by force, threat or intimidation of or against the complaining witness or another person, or through the use of the complaining witness's mental incapacity or physical helplessness.</li> <li>• Object Sexual Penetration (Va. Code Ann. § 18.2-67.2): An accused shall be guilty of inanimate or animate object sexual penetration if he or she penetrates the labia majora or anus of a complaining witness, whether or not his or her spouse, other than for a bona fide medical purpose, or causes such complaining witness to so penetrate his or her own body with an object or causes a complaining witness, whether or not his or her spouse, to engage in such acts with any other person or to penetrate, or to be penetrated by, an animal, and (1) The complaining witness is less than 13 years of age; or (2) The act is accomplished against the will of the complaining witness, by force, threat or intimidation of or against the complaining witness or another person, or through the use of the complaining witness's mental incapacity or physical helplessness.</li> <li>• Aggravated Sexual Battery (Va. Code Ann. § 18.2-67.3): An accused is guilty of aggravated sexual battery if he or she sexually abuses the complaining witness, and (1) The complaining witness is less than 13 years of age, or (2) The act is accomplished through the use of the complaining witness's mental incapacity or physical helplessness, or (3) The offense is committed by a parent, step-parent, grandparent, or step-grandparent and the complaining witness is at least 13 but less than 18 years of age, or (4) The act is accomplished against the will of the complaining witness by force, threat or intimidation, and (a) The complaining witness is at least 13 but less than 15</li> </ul>

Crime Type (Virginia Code)	Definitions
	<p>years of age, or (b) The accused causes serious bodily or mental injury to the complaining witness, or (c) The accused uses or threatens to use a dangerous weapon; or (5) The offense is not a recognized form of treatment in the profession, and is committed, without the express consent of the patient, by (i) a massage therapist, or a person purporting to be a massage therapist, during an actual or purported practice of massage therapy, as those terms are defined in § 54.1–3000; (ii) a person practicing or purporting to practice the healing arts, during an actual or purported practice of the healing arts, as those terms are defined in §§ 54.1–2900 and 54.1–2903; or (iii) a physical therapist, or a person purporting to be a physical therapist, during an actual or purported practice of physical therapy, as those terms are defined in § 54.1–3473.</p> <ul style="list-style-type: none"> <li>• Sexual Battery (Va. Code Ann. § 18.2-67.4): An accused shall be guilty of sexual battery if he sexually abuses, as defined in 18.2-67.10 [below], (i) the complaining witness against the will of the complaining witness by force, threat, intimidation, or ruse, or (ii) within a two-year period, more than one complaining witness or one complaining witness on more than one occasion intentionally and without the consent of the complaining witness.</li> <li>• Sexual Abuse of Child under 15 Years of Age (Va. Code Ann. § 18.2-67.4:2): Any adult who, with lascivious intent, commits an act of sexual abuse, as defined in § 18.2-67.10 [below], with any child 13 years of age or older but under 15 years of age is guilty of a Class 1 misdemeanor.</li> <li>• Sexual Abuse (Va. Code Ann. § 18.2-67.10): “Sexual abuse” means an act committed with the intent to sexually molest, arouse, or gratify any person, where: (a) The accused intentionally touches the complaining witness's intimate parts or material directly covering such intimate parts; (b) The accused forces the complaining witness to touch the accused's, the witness's own, or another person's intimate parts or material directly covering such intimate parts; (c) If the complaining witness is under the age of 13, the accused causes or assists the complaining witness to touch the accused's, the witness's own, or another person's intimate parts or material directly covering such intimate parts; or (d) The accused forces another person to touch the complaining witness's intimate parts or material directly covering such intimate parts.</li> </ul> <p>In addition, Virginia statutes specific to institutions of higher education define sexual violence as follows (Va. Code Ann. § 23.1-806.A): “Sexual violence” means physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent.</p>
Consent (as it relates to sexual activity)	The institution has determined, based on good-faith research, that Virginia law does not define the term consent (as it relates to sexual activity).

### University Definition of Consent

The University uses the following definition of consent in its sexual misconduct policy for the purpose of determining whether sexual violence (including sexual assault) has occurred:

Consent: is knowing, voluntary, and clear permission by word or action to engage in sexual activity.

### Risk Reduction

If you find yourself in an uncomfortable sexual situation, these suggestions may help you reduce your risk:

- Make your limits known before going too far.

- You can withdraw consent to sexual activity at any time. Do not be afraid to tell a sexual aggressor “NO” clearly and loudly.
- Try to remove yourself from the physical presence of a sexual aggressor. Be direct as possible about wanting to leave the environment.
- Grab someone nearby and ask them for help.
- Be responsible about your alcohol and/or drug use. Alcohol and drugs can lower your sexual inhibitions and may make you vulnerable to someone who views an intoxicated/high person as a sexual opportunity.
- Attend large parties with friends you trust. Watch out for your friends and ask that they watch out for you.
- Be aware of someone trying to slip you an incapacitating “rape drug” like Rohypnol or GHB.

If you find yourself in the position of being the initiator of sexual behavior, these suggestions may help you to reduce your risk of being accused of sexual assault or another sexual crime:

- Remember that you owe sexual respect to the other person.
- Don’t make assumptions about the other person’s consent or about how far they are willing to go.
- Remember that consent to one form of sexual activity does not necessarily imply consent to another form of sexual behavior.
- If your partner expresses a withdrawal of consent, stop immediately.
- Clearly communicate your sexual intentions so that the other person has a chance to clearly tell you their intentions.
- Consider “mixed messages” a clear sign that the other person is uncomfortable with the situation and may not be ready to progress sexually.
- Don’t take advantage of someone who is really drunk or on drugs, even if they knowingly and intentionally put themselves in that state. Further, don’t be afraid to step in if you see someone else trying to take advantage of a nearly incapacitated person.
- Be aware of the signs of incapacitation, such as slurred speech, bloodshot eyes, vomiting, unusual behavior, passing out, staggering, etc.

It is also important to be aware of the warning signs of an abusive person. Some examples include: past abuse; threats of violence or abuse; breaking objects; using force during an argument; jealousy; controlling behavior; quick involvement; unrealistic expectations; isolation; blames others for problems; hypersensitivity; cruelty to animals or children; “playful” use of force during sex; Jekyll-and-Hyde personality.

### *Bystander Intervention*

In addition to reporting incidents to appropriate authorities, below are some ways in which individuals can take safe and positive steps to prevent harm and intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking against another person.

- Look out for those around you.
- Realize that it is important to intervene to help others.
- Treat everyone respectfully. Do not be hostile or an antagonist.
- Be confident when intervening.
- Recruit help from others if necessary.
- Be honest and direct.
- Keep yourself safe.
- If things get out of hand, don’t hesitate to contact the police.

### *Other Information Covered by the PPAP*

The PPAP also provides information on possible sanctions and protective measures that may be imposed following a determination that an offense of dating violence, domestic violence, sexual assault, or stalking

has occurred, an explanation of the disciplinary procedures that will be followed when one of these offenses is alleged, the rights of the parties in such a proceeding, available resources, and other pertinent information. Much of this information is set forth in the upcoming sections of this security report.

### **Ongoing Prevention and Awareness Campaign:**

The University also conducts an Ongoing Prevention and Awareness Campaign (OPAC) aimed at all students and employees. This campaign covers the same material as provided in the PPAP, but is intended to increase the understanding of students and employees on these topics and to improve their skills for addressing the offenses of dating violence, domestic violence, sexual assault and stalking.

### **PPAP and OPAC Programming Methods:**

The PPAP and OPAC are carried out in a variety of ways, using a range of strategies, and, as appropriate, targeting specific audiences throughout the University. Methods include, but are not limited to: presentations, online training modules, distribution of written materials, periodic email blasts, and guest speakers. A summary of this programming is provided below.

- New students receive education on the prevention of dating violence, domestic violence, sexual assault, and stalking through information made available through the Student Counseling Center during orientation.
- As part of its ongoing campaign, the University uses a variety of strategies, such as inperson presentations by sexual assault organizations, emails blasts with pertinent information, portal announcements, etc. While programming occurs throughout the year, the University also offers educational sessions and literature in coordination with nationally recognized observances such as Sexual Assault Awareness Month and Domestic Violence Awareness Month.

### **Procedures to Follow if You are a Victim of Dating Violence, Domestic Violence, Sexual Assault, or Stalking:**

If you are a victim of dating violence, domestic violence, sexual assault, or stalking, go to a safe place and call 911 or the University Police Department at 757-727-5666. You may also contact the University's Title IX Coordinator at 757-727-5426.

#### **REPORTING**

A guiding principle in the reporting of domestic violence, dating violence, sexual assault, and stalking is to avoid possible re-victimizing of the complainant by forcing the individual into any plan of action. It is recommended that a person who has experienced domestic violence, dating violence, sexual assault, or stalking consider each of the following:

1. Getting to a safe place. Contact University Police's emergency line at 757-727-5666, or call 911 immediately if you do not feel safe.
2. Avoiding the destruction of evidence. By not showering or bathing, douching, changing clothes, or cleaning up in any way. Preserve evidence in a paper bag for possible future action. Also, keep copies of e-mail, text messages, and voice messages.
3. Seek medical treatment. Post-assault medical care can be performed at a local emergency room. Many hospitals have a specialized examiner who can complete an exam for victims of sexual violence. Such an exam can help the victim receive an appropriate medical assessment and treatment, and can preserve evidence for possible future action.
4. Pursuing counseling services with appropriate agencies. Contact the Sexual Assault Nurse at 757- 727- 5315 or after hours and weekends through the University Police at 757- 727-5666. You do not have to tell them at this point that you were raped or sexually assaulted. Ask to speak with the "Nurse on Call" to discuss your options. Calling someone that is known and trusted, such as a friend or counselor, and discussing the assault with this person can help to evaluate the trauma to sort out next steps.
5. Making a report. You can file a police report, contact the Title IX coordinator, the Dean of Residence

Life or Dean of Judicial Affairs/Housing. Reporting an incident is an important decision. Reporting may help to protect you, and others from future assaults, apprehend the alleged assailant, and maintain future options regarding criminal prosecution, University disciplinary action, and/or civil action against the perpetrator. Prompt reporting could be the key to successful completion of the case.

6. Obtaining assistance in filing reports. Talk with counselors: On campus, call HU Counseling Center 757-727-5617. Off campus, call The Center for Sexual Assault Survivors 757-599-9844 or their Crisis Hotline 24 hours a day at 757-236-5260.

If the incident occurred outside of the University Police jurisdiction, the University Police will assist you in filing the complaint with the law enforcement authority in the jurisdiction where the incident occurred if you so desire.

Victims will be notified in writing of the procedures to follow, including:

1. To whom and how the alleged offense should be reported (contact the Title IX Coordinator or refer to the other resources listed in this report).
2. The importance of preserving evidence that may be necessary to prove the offense in a criminal proceeding or disciplinary action or to obtain a protective order.
3. The victim's options regarding notification to law enforcement, which are: (a) the option to notify either on-campus or local police; (b) the option to be assisted by campus security authorities in notifying law enforcement if the victim so chooses (the institution is obligated to comply with such a request if it is made); and (c) the option to decline to notify such authorities.
4. Where applicable, the rights of victims and the institution's responsibilities regarding orders of protection, no-contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court.

### Preservation of Evidence & Forensic Examinations

Victims of physical assault are advised to not remove clothing items worn during or following an assault, as they frequently contain valuable fiber, hair, and fluid evidence. Don't bathe or wash, or otherwise clean the environment in which the assault occurred. You can obtain a forensic examination at Riverside Hospital, 500 J.Clyde Morris Blvd., Newport News VA 23601, 757-594-3983 Sentara Careplex Hospital, 3000 Coliseum Dr., Hampton VA 23666 757-736-2010.

Completing a forensic examination does not require you to file a police report, but having a forensic examination will help preserve evidence in case you decide at a later date to file a police report.

Victims are also advised to retain evidence in electronic formats (e.g., text messages, emails, photos, social media posts, screenshots, etc.). Such evidence is valuable in all situations, and it may be the only type of evidence available in instances of stalking.

### Security/Law Enforcement & How to Make a Police Report

- Hampton University Police Department, 757-727-5300
- Hampton Police Division, 40 Lincoln Street, Hampton, VA 23666 757-727-6111
- To make a police report, a victim should contact the local police agency listed above either by phone or in-person. The victim should provide as much information as possible, including name, address, and when and what occurred, to the best of the victim's ability.

### Information about Legal Protection Orders

What You Need to Know About Protective Orders



In Virginia, victims may obtain an Adult Order of Protection, which provides protective relief for victims of domestic violence, stalking, or sexual assault. Information about Adult Orders of Protection may be found at: <https://www.vacourts.gov/courtadmin/aoc/judpln/programs/afapo/home.html>

What are Protective Orders? They are legal documents issued by a judge or magistrate to protect the health and safety of a person who is alleged to be a victim of any act involving violence, force or threat that results in bodily injury or places that person in fear of death, sexual assault or bodily injury.

In Virginia, there are 3 kinds of Protective Orders that can protect you and others in your family or home:

**Emergency Protective Order** (expires at the end of the third day following issuance or the next day court is in session, whichever is later)

**Preliminary Protective Order** (lasts 15 days or until a full hearing)

**Protective Order** (may last up to 2 years)

**How will I know when the Emergency Protective Order ends?** You should look on the order for the date and time it expires. If you need protection for a longer period of time, you must ask the court for a Preliminary Protective Order.

**Where do I go to request a Preliminary Protective Order?** If the person from whom you want protection is a family or household member or a juvenile, or if you are a juvenile, you should go to the juvenile and domestic relations district court. Otherwise, you should go to the general district court.

**How do I get a Preliminary Protective Order?** You must fill out court forms. If this matter will be in the juvenile and domestic relations district court, you file the forms with the Court Services Unit. If it will be in the general district court, you file the forms in the general district court clerk's office. You then may go into a courtroom where a judge may ask you questions to decide whether to give you a Preliminary Protective Order.

**How much does it cost to file for a Protective Order?**

There is no cost.

**What should I bring with me?** You should bring the name, address and identifying information of the person from whom you are seeking protection and a full description of the event that led you to seek a protective order. The address should be the place where the person can be found and not a P.O. box. You should also bring your copy of the Emergency Protective Order and information about the warrant or petition alleging an act of violence, force or threat, if either was issued.

**How long should I expect to spend at court?** You should allow at least two hours to complete your paperwork and file it with the court.

**How long does a Preliminary Protective Order last?**

If the judge gives you a Preliminary Protective Order, it will last 15 days or until the full hearing. The full hearing is when both you and the other person get to present evidence before the court. The judge will tell you when the full hearing is, and it will be written on the Preliminary Protective Order.

**What if I do not go to the full hearing?** If you do not go to the full hearing, the Preliminary Protective Order ends on the date of the hearing.

**What if I believe the other person is not coming to the hearing?** You should go to court on that day anyway and ask the court for a Protective Order.

**When does the Protective Order take effect?** A Protective Order is not effective until the person is "personally served." To be served, a law enforcement officer or court official must give the Protective Order to the person from whom you want protection. You should give law enforcement information about how to find the person. (Address, phone number, place of work, photograph, etc.)

**How will I know if the person against whom the order was issued has been served?** You can call law enforcement and ask if the person has been served.

**What if the person against whom the order was issued does not obey the order?** You should tell law enforcement. The person can be arrested and criminal charges filed.

**What if the person comes to my house or work place?**

You should call law enforcement and tell them you have a Protective Order against the person.

**What if I need to change part of the Protective Order?**

You must fill out and file forms with the court.

**What is a "no contact" provision in a Protective Order?**

No contact means the other person cannot contact you directly or indirectly except as authorized by the court.

**What if I must sometimes contact the other person?**

You should tell the judge that at the hearing.

**If I go to another state, will my Protective Order be valid in that state?** Federal law requires all states to enforce protective orders issued by other states. You should contact the nearest court in that state for more information.

This information is provided as general information only and is not legal advice.

When a protection order is granted, it is enforceable statewide. If you have obtained a protection order and need it to be enforced in your area, you should contact the local police department.

The institution will also enforce any temporary restraining order or other no contact order against the alleged perpetrator from a criminal, civil, or tribal court. Any student or employee who has a protection order or no contact order should notify the Title IX Coordinator and provide a copy of the restraining order so that it may be kept on file with the institution and can be enforced on campus, if necessary. Upon learning of any orders, the institution will take all reasonable and legal action to implement the order.

The institution does not issue legal orders of protection. However, as a matter of institutional policy, the institution may impose a no-contact order between individuals in appropriate circumstances. The institution may also issue a “no trespass warning” if information available leads to a reasonable conclusion that an individual is likely to cause harm to any member of the campus community. A person found to be in violation of a No Trespass Warning may be arrested and criminally charged.

**Available Victim Services:**

Victims will be provided written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available to them, both within the University and in the surrounding community. Those services include:

*University Resources*

- <https://home.hamptonu.edu/healthcenter/>
- <https://home.hamptonu.edu/healthcenter/>
- Student Financial Aid – Sometimes a victim of a crime may feel the need to take a leave of absence from school. If a student is considering a leave of absence based on the circumstances of a complaint, he/she should understand there may be financial aid implications in taking such leave. This should be discussed with financial aid personnel, and the Title IX Coordinator can assist in facilitating this conversation if desired. The [University’s] financial aid website can be found at: <https://home.hamptonu.edu/financialaid/>

### *State/Local Resources*

- <https://www.sentara.com/>
- <https://www.hnnscsb.org/>
- <https://hampton.gov/471/Victim-Services>
- <https://www.valegalaid.org/>
- <https://www.riversideonline.com/locations/hospitals/riverside-regional-medical-center>

### *National Resources*

- National Domestic Violence Hotline: 1-800-799-7233
- National Sexual Assault Hotline: 1-800-656-4673
- Rape, Abuse and Incest National Network (RAINN): <https://www.rainn.org/>
- US Dept. of Justice Office on Violence Against Women: <https://www.justice.gov/ovw>
- National Coalition Against Domestic Violence: <http://www.ncadv.org/>
- National Sexual Violence Resource Center: <http://www.nsvrc.org/>
- U.S. Citizenship and Immigration Services: <https://www.uscis.gov/>

- Immigration Advocates Network: <https://www.immigrationadvocates.org/>

## **Accommodations and Protective Measures:**

The University will provide written notification to victims about options for, and available assistance in, changing academic, living, transportation, and working situations or protective measures. If victims request these accommodations or protective measures and they are reasonably available the University is obligated to provide them, regardless of whether the victim chooses to report the crime to campus security or local law enforcement.

Requests for accommodations or protective measures should be made to the Title IX Coordinator at 757-727-5426. The Title IX Coordinator will determine deciding what, if any, accommodations or protective measures will be implemented.

When determining the reasonableness of such a request, the University may consider, among other factors, the following:

- The specific need expressed by the complainant.
- The age of the students involved.
- The severity or pervasiveness of the allegations
- Any continuing effects on the complainant
- Whether the complainant and alleged perpetrator share the same class or job location.
- Whether other judicial measures have been taken to protect the complainant (e.g., civil protection orders).

The University will maintain as confidential any accommodations or protective measures provided a victim to the extent that maintaining confidentiality would not impair the University's ability to provide them. However, there may be times when certain information must be disclosed to a third party in order to implement the accommodation or protective measure. Such decisions will be made by the University in light of the surrounding circumstances, and disclosures of this nature will be limited so that only the information necessary to implement the accommodation or protective measure is provided. In the event it is necessary to disclose information about a victim in order to provide an accommodation or protective order, the University will inform the victim of that necessity prior to the disclosure, including which information will be shared, with whom it will be shared and why.

## **Procedures for Disciplinary Action:**

2023 – 2024

Policy and Procedures on Notice of Non-Discrimination, and

Sexual Discrimination and Misconduct (Title IX)

### **I. NOTICE OF NON-DISCRIMINATION**

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

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

**Kori Harris**

Title IX Coordinator Wigwam Bldg. – Room 205 (757) 727-5426  
kori.harris@hamptonu.edu

**Terri Haskins**

Title IX Specialist Wigwam Bldg. – Rm 205 (757) 727-5426  
terri.haskins@hamptonu.edu

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

**Office for Civil Rights**

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

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

**Students**

Alecander Whitfield Dean of Students  
2nd Floor Student Center Hampton, VA 23668  
(757) 757-5303  
alecander.whitfield@hamptonu.edu

**Employees**

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

A person may also file a complaint with the appropriate federal, state, or local agency within the time frame required by law. Depending upon the nature of the complaint, the appropriate agency may be the federal Equal Employment Opportunity Commission (EEOC), the Office for Civil Rights (OCR) of the U.S. Department of Education, the Department of Justice, and/or the Virginia Employment Commission.

Inquiries concerning the application of the Title IX regulations also may be referred to the Assistant Secretary for Civil Rights:

Assistant Secretary for Civil Rights Office for Civil Rights, National Headquarters  
U.S. Department of Education  
Lyndon Baines Johnson Dept. of Education Building 400 Maryland Avenue, SW Washington, DC 20202-1100  
Phone: 800-421-3481  
Fax: 202-453-6012  
TDD: 800-877-8339  
Email: OCR@ed.gov

**II. DISCRIMINATION COMPLAINT PROCEDURES**

Hampton University has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging discrimination and/or harassment in violation of its policies of non-

discrimination, adopted in accordance with the various state and federal civil rights acts governing employees and students in education and employment including, but not limited to, Titles VI and VII of the Civil Rights Acts, Title IX of the Education Amendments Act ("Title IX"), Section 504 of the Rehabilitation Act, the Americans with Disabilities Act and the Age Discrimination in Employment Act.

#### **A. Complaints Alleging Sex Discrimination and/or Harassment in Violation of Title IX**

Complaints by Students and Employees including Faculty alleging sex discrimination and/or harassment in violation of Title IX should be directed to one of the following University officials:

##### **Title IX Coordinator:**

##### **Specialist:**

Kori Harris  
Wigwam Building-RM 205  
Building-RM 205  
Hampton University  
University  
Hampton, Virginia 23668  
Virginia 23668  
757-727-5426  
kori.harris@hamptonu.edu  
ptonu.edu

##### **Title IX**

Terri Haskins  
Wigwam

Hampton

Hampton,

757-727-5426

terri.haskins@ham

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

##### **i. EMPLOYEES INCLUDING FACULTY**

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

##### **Ms. Rikki R. Thomas**

Senior Director of Human Resources

53 Marshall Avenue Hampton, VA 23668  
757-727-5250  
Email: rikki.thomas@hamptonu.edu

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

##### **ii. STUDENTS**

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

##### **Mr. Alecander Whitfield Dean of Students**

2nd Floor Student Center Hampton, VA 23668  
Telephone: 757-727-5303  
Email: alecander.whitfield@hamptonu.edu

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

**a.** The student should make the complaint verbally or in writing to the Dean of Students. If, however, the complaint involves the Dean of Students, then the complaint should be directed to the Senior Director of Human Resources and will be handled in accordance with the Educational Support Staff Handbook.

**b.** In making a complaint, the student should provide sufficient information to identify the parties involved, any witnesses, the alleged discrimination and all facts that support the allegations of

discrimination.

**c.** The Dean of Students shall immediately begin an investigation of the complaint. The investigation will involve meeting with all parties and witnesses. The complainant and the person(s) against whom the allegation of discrimination have been made and their respective representatives, if any, will be provided an opportunity to submit information, written statements and documentation regarding the complaint allegations. To the extent appropriate, interim measures for the protection of the complaining party may be taken while the investigation is pending.

**d.** Within 30 days of receipt of the complaint, unless the Dean of Students has notified the parties in writing that the facts require a longer investigation, the Dean of Students shall issue a written determination as to the complaint, including the investigative findings, and provide such written determination to the complainant and the respondent. The Dean of Students will implement promptremedial action to remedy any discrimination or harassment that he concludes has occurred.

**e.** Either party may appeal the findings of an investigation by submitting a written document within seven (7) days of notification of the determination to the Vice President for Student Success and Enrollment Management, Hampton University, Hampton, VA 23668 who shall refer the appeal to a three (3) member Appeals Committee consisting of a representative from Student Affairs, a Faculty representative and the Assistant Provost. The appeal must specify with particularity the irregularities of the Dean of Student's determination. The Vice President for Student Success and Enrollment Management must inform the parties of the appeal decision within fourteen (14) days of the receipt of the appeal.

**f.** Although Hampton University will make every effort to comply with these timelines, circumstances such as school breaks, may justify an extension of time. If such an extension is warranted, the parties will be advised in writing.

**g.** Retaliation against any person who files a complaint of alleged discrimination or harassment, participates in an investigation, or opposes a discriminatory or harassing education practice or policy is prohibited under University policy and by state and federal law. An individual who believes he or she was subjected to retaliation can file a complaint about the alleged retaliation under these procedures. If it is determined that retaliation has occurred, sanctions may be imposed, including, but not limited to, suspension or termination.

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

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

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. ~ 20 U.S Code § 1681

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

Consistent with its mission, values and commitment to non-discrimination, the University is unwavering in its commitment to prevent sexual violence, respond promptly to reports of any type of sexual misconduct, support survivors of sexual misconduct, and investigate and adjudicate reports in a manner that is prompt, fair and equitable to all parties involved.

The term sexual misconduct, as further defined in this Policy, includes, but is not limited to, dating violence, domestic violence, non-consensual sexual contact, non-consensual sexual intercourse, sexual assault, sexual exploitation, sexual harassment, and stalking. This Policy prohibits sexual misconduct and sets forth the process by which the University will respond to and investigate sexual misconduct.

The conduct prohibited by this Policy may also violate criminal laws. As such, the University encourages members of the campus community to report sexual misconduct to both the University's Title IX Coordinator and to the Hampton University Police Department and/or Hampton City Police.

The University prohibits retaliation against anyone who opposes, reports or witnesses an incident of possible discrimination or sexual misconduct. In addition, the University prohibits retaliation against any person participating in any discrimination investigation or complaint process.



Any member of the campus community, guest, or visitor who acts to deny, deprive, or limit the educational, employment, residential, social access, opportunities and/or benefits of any member of the Hampton University community on the basis of sex is in violation of the Policy and Procedures on Non-Discrimination, Sexual Discrimination and Misconduct (Title IX Policy).

Any person may report sex discrimination, in person, by mail, by telephone, or by email, using the contact information listed for the Title IX Coordinator.

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

This policy applies to all students who are registered to take classes at Hampton University; all University employees including full-time and adjunct faculty; full-time, part-time and temporary staff; and contractors, vendors, visitors, guests and third parties. The term “student” includes all persons taking courses at the University, either full-time or part-time, pursuing undergraduate, graduate, or professional studies. Each student shall be subject to this Policy and the process described herein from their first day on campus through the actual awarding of a degree (even though the conduct may occur before classes begin or after classes end), as well as during the academic year and during periods between terms of actual enrollment.

This policy applies to conduct that takes place on the campus of Hampton University, at University sponsored events (including academic, social and athletic events), and University sponsored internships. This policy may apply to off-campus conduct and to any actions that occur online if the Title IX Coordinator determines the conduct falls within the scope of Title IX and policies pertaining thereto.

The purpose of this policy includes the prohibition of sexual harassment and retaliation in Hampton University programs, and is designed to help the University comply with the following statutes:

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

When an alleged violation of this policy is reported, the allegations are subject to resolution using Hampton University’s Formal Grievance Process as determined by the Title IX Coordinator.

This Policy and the process described herein to respond to and investigate reports of sexual misconduct are the same for all Complainants and Respondents regardless of an individual’s nationality or immigration status, gender, sexual orientation, gender identity or expression. No matter a person’s sexuality (e.g. bisexual, gay, lesbian, queer, straight, etc.) or how someone identifies (e.g. female, gender expansive, gender fluid, male, questioning, transgender, non-binary etc.), all members of the University community have the same rights and access to the same level of services and support.

## **IV. TITLE IX OFFICE**

The Title IX Coordinator oversees implementation of this policy. The Title IX Coordinator has the primary responsibility for coordinating Hampton University’s efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remediate, and prevent sexual harassment, and retaliation prohibited under this policy.

Complaints or notice of alleged policy violations, or any inquiries or concerns regarding this policy and its procedures may be made to:

**Kori Harris**  
Title IX Coordinator  
Wigwam Building – Room 205  
205

**Terri Haskins**  
Title IX Specialist  
Wigwam Building – Room

**Responsibilities of the Title IX Coordinator:**

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

**Responsibilities of the Title IX Specialist:**

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

**Responsibilities of the Title IX Investigator:**

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

**V. JURISDICTION**

This policy applies to the educational programs and activities of Hampton University, to conduct that takes place on the campus or on property owned or controlled by Hampton University, at Hampton University-sponsored events, or in buildings owned or controlled by Hampton University. **The Respondent must be a member of Hampton University's community in order for its policies to apply.**

This policy can also be applicable to the effects of off-campus misconduct that effectively deprive someone of access to Hampton University's educational program. Hampton University may also extend jurisdiction to off-campus and/or to online conduct when the Title IX Coordinator determines that the conduct affects a substantial Hampton University interest.

Regardless of where the conduct occurred, Hampton University will address notice/complaints to determine whether the conduct occurred in the context of its employment or educational program or activity and/or has continuing effects on campus or in an off-campus sponsored program or activity. A substantial Hampton University interest includes:

- a.** Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law;
- b.** Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any student or other individual;
- c.** Any situation that significantly impinges upon the rights, property, or achievements of oneself or others or significantly breaches the peace and/or causes social disorder; and/or
- d.** Any situation that is detrimental to the educational interests or mission of Hampton University.

If the Respondent is unknown or is not a member of the Hampton University community, the Title IX Coordinator will assist the Complainant in identifying appropriate campus and local resources and support options and/or, when criminal conduct is alleged, in contacting local or campus law enforcement if the individual would like to file a police report. Further, even when the Respondent is not a member of the Hampton University community, supportive measures, remedies, and resources may be accessible to the Complainant by contacting the Title IX Coordinator.

In addition, Hampton University may take other actions as appropriate to protect the Complainant against third parties, such as barring individuals from Hampton University property and/or events.

All vendors serving Hampton University through third-party contracts are subject to the policies and procedures of their employers.

## **VI. PROHIBITED CONDUCT AND DEFINITIONS**

The Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and the Commonwealth of Virginia regard Sexual Harassment as an unlawful discriminatory practice.

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

Hampton University has adopted the following definition of Sexual Harassment.

### **A. Sexual Harassment**

Sexual Harassment, as an umbrella category, includes the actual or attempted offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking, and is defined as conduct on the basis of sex or conduct that is sexual that satisfies one or more of the following:

- 1.** Quid Pro Quo – When an employee of Hampton University, conditions the provision of an aid, benefit, or service of Hampton University on an individual's participation in unwelcomed sexual conduct.
- 2.** Sexual Harassment - unwelcomed conduct, determined by a reasonable person, to be so severe, and pervasive, and, objectively offensive, that it effectively denies a person equal access to Hampton University's education program or activity.

## B. Other

**1. Sexual assault is defined as:**

**a. Forcible Sex Offenses** – Any sexual act directed against another person, without the consent of the Complainant, including instances in which the Complainant is incapable of giving consent. Sexual acts include:

**(1) Forcible Rape – Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the Complainant.**

**(2) Forcible Sodomy** – Oral or anal sexual intercourse with another person, forcibly, and/or against that person’s will (non- consensually), or not forcibly or against the person’s will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

**(3) Sexual Assault with an Object** – The use of an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person, forcibly, and/or against that person’s will (non-consensually), or not forcibly or against the person’s will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

**(4) Forcible Fondling** – The touching of the private body parts of another person (buttocks, groin, breasts), for the purpose of sexual gratification, forcibly, and/or against that person’s will (non- consensually), or not forcibly or against the person’s will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

**b. Non-forcible Sex Offenses:**

(1) Incest – Non-forcible sexual intercourse, between persons who are related to each other, within the degrees wherein marriage is prohibited by the Commonwealth of Virginia law.

(2) Statutory Rape – Non-forcible sexual intercourse, with a person who is under the statutory age of consent of 18 years old.

**2. Dating Violence** – Is defined as violence, on the basis of sex, committed by a person, who is in or has been in a social relationship or a romantic or intimate nature with the Complainant. Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse, determining the existence of such a relationship based on the Complainant’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 does not include acts covered under the definition of domestic violence.

**3. Domestic Violence** – Is defined as - violence, on the basis of sex, committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, or by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of the Commonwealth of Virginia, or by any other person against an adult or youth Complainant who is protected from that person’s acts under the domestic or family violence laws of the Commonwealth of Virginia.

**4. Stalking** – Is defined as engaging in a course of conduct, on the basis of sex, directed at a specific person, which would cause a reasonable person to fear for the person’s safety, or the safety of others; or suffer substantial emotional distress.

For the purposes of this definition:

**a.** Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent 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.

**b. Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.**

c. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

Hampton University reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension, expulsion or termination, for any offense under this policy.

### C. Force, Coercion, Consent and Incapacitation

As used in the offenses above, the following definitions and understandings apply:

**1. Force** is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent. Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

**2. Coercion** is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

**3. Consent** is knowing, voluntary, and clear permission by word or action to engage in sexual activity.

Individuals may experience the same interaction in different ways. Therefore, it is the responsibility of each party to determine that the other has consented before engaging in the activity.

If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain their consent to being kissed back.

Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease within a reasonable time.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent.

Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on Hampton University to determine whether its policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

**4. Incapacitation** is a person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs. As stated above, a Respondent violates this policy if they engage in sexual activity with someone who is incapable of giving consent. It is a defense to a sexual assault policy violation that the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated. "Should have known" is an

objective, reasonable person standard that assumes that a reasonable person is both sober and exercising sound judgment.

Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction).

Incapacitation is determined through consideration of all relevant indicators of an individual’s state and is not synonymous with intoxication, impairment, blackout, and/or being drunk. This policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs.

In May of 2020, the U.S. Department of Education issued new regulations for colleges and universities that address sexual assault and other sexual misconduct. These regulations cover specific forms of sexual misconduct. To comply with these regulations, Hampton University has revised its existing policy for those types of misconduct. All conduct not covered under the current definition of sexual harassment, including sexual misconduct, will be addressed by the Title IX Office in the same manner as conduct and alleged actions that fall under the Title IX definition of sexual harassment.

Hampton University is addressing current and previous actions covered under Title IX to help support and affirm a campus community that rejects all forms of sexual misconduct.

## **VII. CONFIDENTIALITY AND PRIVACY**

Every effort is made by the Title IX Office to preserve the privacy of reports. For the purpose of this policy, privacy and confidentiality have distinct meanings.

**A. Confidentiality** exists in the context of laws that protect certain relationships, including those who provide services related to medical care, mental health providers, counselors, and clergy. The law creates a privilege between certain health care providers, mental health care providers, attorneys, clergy, spouses, and others, with their patients, clients, parishioners, and spouses. Hampton University has designated individuals who have the ability to have privileged communications as Confidential Resources. For more information about Confidential Resources, see page below. When information is shared by a Complainant with a Confidential Resource, the Confidential Resource cannot reveal the information to any third party except when an applicable law or a court order requires or permits disclosure of such information. 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, elders, or individuals with disabilities.

**B. Privacy** means that information related to a complaint will be shared with a limited number of Hampton University employees who are on a need to know basis in order to assist in the assessment, investigation, and resolution of the report. All employees who are involved in Hampton University’s response to notice under this policy receive specific training and guidance about sharing and safeguarding private information in accordance with state and federal law.

The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act (“FERPA”), as outlined in Hampton University’s Student Records Policy. The privacy of employee records will be protected in accordance with Human Resources policies.

**C. Non-identifiable information** may be shared by Confidential Resources for statistical tracking purposes as required by the federal Clery Act. Other information may be shared as required by law.

The Title IX Office will not share the identity of any individual who has made a report or complaint of harassment or retaliation; any Complainant, any individual who has been reported to be the perpetrator of sexual harassment or retaliation, any Respondent, or any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g; FERPA regulations, 34 CFR part 99; or as required by law; or to carry out the purposes of 34 CFR Part 106, including the conducting of any investigation, hearing, or grievance proceeding arising under these policies and procedures.

Hampton University reserves the right to determine which officials have a legitimate educational interest in being informed about incidents that fall within this policy, pursuant to the Family Educational Rights and Privacy Act (FERPA).

Information will be shared as necessary with Investigators, the Sexual Discrimination and Misconduct Committee, witnesses, the parties, and their advisors. The individuals with this knowledge will guard its dissemination to preserve the parties' rights and privacy.

The Title IX Office may contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk but will usually consult with the student first before doing so.

## **VIII. RESOURCES AND REPORTING OPTIONS**

Under Title IX, it is the responsibility of the University to ensure that students are not denied the benefit of or limited in participating in any University education program or activity on the basis of sex. Hampton University has an obligation to respond to reports and notifications of sexual violence.

### **A. Confidential Resources**

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

Hampton University Student Counseling Center (757) 727-5617  
Hampton University Student Health Center (757) 727-5315  
Hampton University Chaplain (757) 727-5340

### **B. Community Resources**

For help after Sexual Assault

- Center for Sexual Assault Survivors (757) 599-9844

For help after Dating or Domestic Violence

- Transitions Family Violence Services (757) 722-2261

### **A. Emergency Resources**

Area Hospitals

- Riverside Regional Emergency/Trauma Center (757) 594-2050
- Sentara CarePlex Emergency Room (757) 736-2010
- City of Hampton Police Division (HPD) 911
- Non-Emergency number (757) 727-6111
- Hampton University Police Department (HUPD) (757) 727-5300

Hampton University

- Title IX Office
- Responsible Employees
- HUPD

### **D. Reporting Options**

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



## **1. HUPD**

At Hampton University, students can report these incidents directly to the Title IX Office or the Hampton University Police Department (HUPD).

## **2. Responsible Employee**

Students may also confide in faculty and staff members at the University. Those members have been deemed Responsible Employees and can receive reports on sexual violence from students, but are expected to contact the Title IX Office to report the incident revealed by the student.

A Responsible Employee is a University employee who, upon receiving information regarding an act of sexual violence involving a student, is responsible for contacting the Title IX Office to provide the details on the information they received in a memorandum to the Title IX Coordinator. The memorandum should contain the details revealed by the student and should be forwarded promptly to the Title IX Coordinator.

**a.** A Responsible Employee is an Official with Authority at the University, and includes faculty, administration, the Hampton University Police Department, Title IX Coordinator, Title IX Specialist, Title IX Investigator, the Dean of Students, and the Dean of Residence Life. All have authority or a duty to respond and/or report sexual discrimination, sexual harassment, sexual violence and retaliation to the Title IX Coordinator.

**b.** The University requires Responsible Employees, who in the course of their employment obtain information that an act of sexual discrimination, harassment and/or misconduct or retaliation has occurred against a student attending the University on campus, in or on a non-campus building or property used or controlled by the University, or University-controlled facility, to report the incident promptly to the University's Title IX Coordinator.

**c.** In addition, Hampton University also encourages anyone who is or knows someone who has been a victim of sexual violence and/or misconduct to report promptly the incident to the Hampton University Police Department (HUPD). Any criminal investigation will be separate and distinct from any investigation undertaken in accordance with Title IX. A criminal complaint and investigation may run simultaneously with a Title IX complaint and investigation.

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

## **E. Amnesty**

The Hampton University community encourages the reporting of misconduct and crimes by Complainants and witnesses. Sometimes Complainants or witnesses are hesitant to report to the Title IX Office or participate in grievance processes because they fear that they may be in violation of certain policies at Hampton University, such as underage drinking or use of illicit drugs at the time of the incident. Respondents may hesitate to be forthcoming during the process for the same reasons.

It is in the best interests of the Hampton University community that Complainants choose to report misconduct to the Title IX Office, that witnesses come forward to share what they know, and that all parties be forthcoming during the process.

In support of a Complainant and witness who participate in the complaint process, Hampton University may offer parties and witnesses amnesty from other student conduct policies at the University and violations of those policies, such as underage consumption of alcohol or the use of illicit drugs, related to the incident. This determination will be made by the Vice President for Student Success and Enrollment Management and other appropriate University Administrators. Amnesty does not apply to more serious allegations such as physical abuse of another or illicit drug distribution.

Hampton University maintains a policy of amnesty for students who offer help to others in need and pursuant to state law (VA Code § 23.1-808).

## **F. Failure to Comply**

When a Complainant, Respondent or witness is contacted by the Title IX Coordinator or other appropriate University official requesting an interview for the purposes of carrying out a Title IX investigation, students are expected to comply. Failure to comply, by not responding to inquiries to make an appointment with the Title IX Coordinator for an interview or scheduling an appointment, but failing to show up, will result in student sanctions pursuant to the Student Code of Conduct Policy on Personal Honesty and Integrity. (See Sanctions)

## **G. False Allegations**

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

## **IX. RECEIPT OF FORMAL NOTICE/COMPLAINT**

A Formal Complaint means a document submitted or signed by the Complainant or signed by the Title IX Coordinator alleging a policy violation by a Respondent and requesting that the Hampton University Title IX Office investigate the allegation(s).

A complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information below. The Formal Complaint is the document filed by a Complainant and means a document or electronic submission by email that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the complaint, and requests that the Title IX Office at Hampton University investigate the allegations. If notice is submitted in a form that does not meet this standard, the Title IX Coordinator will contact the Complainant to ensure that it is filed correctly.

### **A. Filing a Formal Notice**

Notice or complaints of sexual harassment and/or retaliation may be made using any of the following options:

- i. File a complaint with, and/ or give verbal notice to the Title IX Office:

#### **Kori Harris**

Title IX Coordinator  
Wigwam Building – Room 205  
Room 205  
(757) 727-5426  
kori.harris@hamptonu.edu  
u

#### **Terri Haskins**

Title IX Specialist  
Wigwam Building –  
757-727-5426  
terri.haskins@hamptonu.edu

Such a report may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail to the office address listed for the Title IX Coordinator and Title IX Office staff above.

- ii. Reports also can be filed with the Hampton University Police Department (HUPD). Anonymous reports will not be accepted. Hampton University tries to provide supportive measures to all Complainants, which is not possible with an anonymous report.

### **B. Intake Interview**

Following the filing of a written, formal complaint with the Title IX Office, an intake interview is scheduled with the Complainant and a Title IX Investigator to review the allegations in the formal complaint. At the intake interview, the investigator will describe the purpose of the intake interview and detail their role as an impartial fact finder and provide an overview of the Title IX policy, procedures and processes. This includes

an explanation of a party's rights in the administrative process, the choice of options to pursue the complaint, and resources available.

The Investigator will offer Supportive Measures as appropriate to the specific complaint, and coordinate with the Title IX Coordinator for implementation. A party will be advised about their right to an Advisor through the investigative process and at the final hearing proceeding and the appointment of an advisor by the university if no one is available. Additionally, a detailed description of how evidence is collected, potential witness interviews, the writing of the investigative report and its review by the parties prior to its dissemination to the Sexual Discrimination and Misconduct Committee will be provided. These steps are afforded to both parties involved in a Title IX complaint.

There will be no unauthorized audio or video recording of any kind permitted during the intake interview or investigation meetings. Only Investigator(s) can use audio and/or video recording for the interviews.

### **C. Supportive Measures**

The Title IX Office will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged sexual harassment and/or retaliation.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate to the parties to restore or preserve access to Hampton University's education program or activity. It includes measures designed to protect the safety of all parties or Hampton University's educational environment, and/or deter sexual harassment and/or retaliation.

The Title IX Coordinator promptly makes supportive measures available to the parties at the Intake Interview. At the time that supportive measures are offered, the Title IX Office will inform the Complainant, in writing, that they may file a formal complaint with the Title IX Office either at that time or in the future, if they have not done so already. The Title IX Coordinator works with the Complainant to ensure that their wishes are taken into account with respect to the supportive measures that are planned and implemented.

The Title IX Office will maintain the privacy of the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures and will act to ensure as minimal an academic/ occupational impact on the parties as possible.

Hampton University will implement measures in a way that does not unreasonably burden the other party. These actions may include, but are not limited to:

- Referral to the Student Counseling Center, the Student Health Center, and/or other healthcare services
- Referral to community-based service providers
- Education to the institutional community or community subgroup(s)
- Altering campus housing assignment(s)
- Altering work arrangements for employees or student-employees
- Safety planning
- Providing campus safety escorts
- Providing transportation accommodations
- Implementing No Contact Orders between the parties
- Academic support, extensions of deadlines, or other course/program-related adjustments.
- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Title IX Coordinator
- Employee Assistance Program. All employees have access to the University's Employee Assistance Program (EAP) offered through the University's insurance provider.

Violations of no contact orders will be referred to appropriate student or employee conduct processes for enforcement.

### **D. Emergency Removal**

Hampton University can act to remove a student Respondent entirely or partially from its educational

programs or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal.

This safety and risk analysis is performed by the Title IX Coordinator in conjunction with the Behavioral Assessment Team (BAT) at Hampton University using its standard objective violence risk assessment procedures.

In all cases in which an emergency removal is imposed, the student will be given notice of the action by the Behavioral Assessment Team (BAT) and an opportunity to challenge the decision immediately following the removal. The student may file a written request following an emergency removal based on the notice given by the Behavioral Assessment Team to demonstrate why his or her continued presence on campus does not constitute a direct threat to the safety of person or property. When this meeting is not requested in a timely manner, objections to the emergency removal will be deemed waived.

There is no appeal process for emergency removal decisions.

A Respondent may be accompanied by an Advisor of their choice when meeting with the Behavioral Assessment Team to review the determination of the Emergency Removal.

Where the Respondent is an employee, existing policies in the Faculty and Staff Handbooks are applicable.

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

Any complaint involving sexual violence will be forwarded to the Title IX Office who will convene the Sexual Assault Threat Assessment Team, following an initial assessment by the Title IX Coordinator. Per state law, the complaint will be reviewed and a determination will be made as to whether disclosure to local law enforcement is warranted.

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

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

#### **X. INFORMAL RESOLUTION**

##### **Informal Resolution**

To initiate Informal Resolution, a Complainant needs to submit a formal complaint, as defined above. A Respondent who wishes to initiate Informal Resolution should contact the Title IX Coordinator.

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

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

The Informal Resolution can include the following:

- When the Title IX Coordinator can resolve the matter informally by providing supportive measures **only** to remedy the situation (usually at the request of the Complainant).
- When all parties voluntarily agree to resolve the matter through participation in an Informal Resolution.

You must file a formal complaint first in order to pursue an Informal Resolution and any party participating in the Informal Resolution can stop the process at any time and begin or resume the Formal Grievance Process. **Informal Resolutions are NOT offered as a means of resolving a Formal Complaint involving a student and employee of Hampton University.**

Prior to implementing the Informal Resolution, the Title IX Office will provide the parties with written notice of the reported misconduct and any sanctions or measures that may result from participating in or violating such a process.

The Title IX Office will obtain voluntary, written confirmation that all parties wish to resolve the matter through Informal Resolution before proceeding. At no time will the parties be pressured into participating in an Informal Resolution. Failure to abide by the Informal Resolution agreement may result in appropriate disciplinary actions by Student Affairs. Results of complaints resolved by Informal Resolution are not appealable.

## **XI. FORMAL GRIEVANCE PROCESS**

Hampton University will act on any formal notice/complaint of violation of the Title IX Policy that is received by the Title IX Coordinator or any other Official with Authority by applying these procedures.

### **Procedures**

The procedures below apply **only** to qualifying allegations of sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined above) involving students, staff, administrators, or faculty members.

The procedures below may be used to address collateral misconduct arising from the investigation of or occurring in conjunction with reported misconduct (e.g., vandalism, physical abuse of another). All other allegations of misconduct unrelated to incidents covered by the Title IX Policy will be addressed through procedures described in the student, faculty, and staff handbooks.

#### **1. Notice/Complaint**

Upon receipt of a complaint or notice to the Title IX Coordinator of an alleged violation of the Policy, the Title IX Coordinator initiates a prompt initial assessment to determine the next steps needed to be taken.

The Title IX Coordinator will initiate at least one of three responses:

- a. Offering supportive measures because the Complainant does not want to file a formal complaint; and/or
- b. An informal resolution (upon submission of a formal complaint); and/or
- c. A Formal Grievance Process including an investigation and a hearing (upon submission of a formal complaint).

Hampton University uses the Formal Grievance Process to determine whether or not the Title IX Policy has

been violated. If so, the Title IX Office will promptly implement effective remedies designed to ensure that it is not deliberately indifferent to sexual harassment or retaliation, their potential recurrence, or their effects.

## **2. Initial Assessment**

Following receipt of notice or a complaint of an alleged violation of this Policy, the Title IX Coordinator engages in an initial assessment, typically within one to five business days.

The steps in an initial assessment can include the following:

- a.** When notice is given, the Title IX Coordinator will determine if the Complainant wishes to file a formal complaint, and will assist them in doing so.
- b.** If the Complainant does not wish to file a formal complaint, the Title IX Coordinator determines whether to initiate a complaint based on a violence risk assessment which indicates an immediate or compelling threat to the health and/or safety of individuals or the campus community.
- c.** Supportive Measures provided by the Title IX Coordinator to the parties.
- d.** Ensuring the parties are aware of the right to have an Advisor.
- e.** Work with the Complainant to determine which of the following three options is preferred; supportive measures and a remedial response, an informal resolution option, or a formal investigation and grievance process is preferred.
  - i.** If a **supportive and remedial response** is preferred, the Title IX Coordinator works with the Complainant to identify their wishes, assess the request, and implement accordingly. No Formal Grievance Process is initiated, though the Complainant can elect to initiate one later, if desired.
  - ii.** If an **informal resolution** option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for informal resolution, and will seek to determine if the Respondent is also willing to engage in informal resolution. **Informal Resolutions are NOT offered as a means of resolving a Formal Complaint involving a student and employee of Hampton University.**
  - iii.** If a **Formal Grievance Process** is preferred, the Title IX Coordinator will initiate the formal investigation and grievance process. The Title IX Coordinator may dismiss the complaint after reviewing the Title IX Policy and the conduct covered therein.

## **3. Dismissal of a Complaint (Mandatory and Discretionary)**

These dismissal requirements are mandated by the 2020 Title IX Regulations, 34 CFR §106.45.

- a.** Hampton University **must** dismiss a formal complaint or any allegations if, at any time during the investigation or hearing, it is determined that:
  - i.** The conduct alleged in the formal complaint would not constitute sexual harassment as defined above, even if proven; and/or
  - ii.** The conduct did not occur in an educational program or activity controlled by Hampton University (including buildings or property controlled by recognized student organizations), and/or Hampton University does not have control of the Respondent; and/or
  - iii.** The conduct did not occur against a person in the United States; and/or
  - iv.** At the time of filing a formal complaint, a Complainant is not participating in or attempting to participate in the education program or activity of Hampton University.
- b.** Hampton University may dismiss a formal complaint or any allegations if, at any time during the investigation or hearing:
  - i.** Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations; or
  - ii.** The Respondent is no longer enrolled in or employed by Hampton University; or
  - iii.** Specific circumstances prevent Hampton University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon any dismissal, Hampton University will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties.

#### **4. Notice of Investigation and Allegations**

The Title IX Coordinator will provide written notice of the investigation and allegations to the Respondent upon commencement of the Formal Grievance Process. This written notice will help facilitate the Respondent's ability to prepare for the interview and to identify and choose an Advisor to accompany them. The Notice of the Investigation and Allegations is also copied to the Complainant, who is to be given advance notice of its delivery to the Respondent.

**a. The Notice of Investigation and Allegations will include:**

- A meaningful summary of all of allegations,
- The identity of the involved parties (if known),
- The precise misconduct being alleged,
- The date and location of the alleged incident(s) (if known),
- The specific policies implicated,
- A description of the applicable procedures,
- A statement of the potential sanctions/responsive actions that could result,
- A statement that the Hampton University presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination,
- A statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity to inspect and review all directly related and/or relevant evidence obtained during the review and comment period,
- A statement about Hampton University's policy on retaliation,
- Information about the privacy of the process,
- Information on the need for each party to have an Advisor of their choosing and suggestions for ways to identify an Advisor,
- A statement informing the parties that Hampton University's Policy prohibits knowingly making false statements, including knowingly submitting false information during the resolution process,
- Details on how the party may request disability accommodations during the interview process, and
- An instruction to preserve any evidence that is directly related to the allegations.

**b. Amendments and updates to the Notice of Investigation and Allegations may be made as the investigation progresses and more information becomes available.**

**c. Notice will be made in writing and may be delivered: in person, mailed to the local or permanent address of the parties as indicated in official Hampton University records, or emailed to the parties' Hampton University issued email or designated accounts. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.**

#### **5. Right to an Advisor**

The parties may each have an Advisor of their choice present with them for all meetings, interviews, and hearings within the resolution process, if they so choose. The parties may select whomever they wish to serve as their Advisor as long as the Advisor is eligible and available. The Advisor must have the time to take on the role for the party, and, cannot have any conflicts or conflicting roles at the University. The law permits one Advisor for each party (witnesses are not entitled to Advisors within the process), but Hampton University permits each party to have an advisor and a support person.

**a. Who Can Serve as an Advisor**

The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with throughout the resolution process.

Parties also have the right to choose not to have an Advisor in the initial stages of the resolution process, prior to a hearing.



#### **b. Advisor's Role**

The parties may be accompanied by their Advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.

#### **c. Advisors in Hearings/Hampton University-Appointed Advisor**

Under U.S. Department of Education regulations under Title IX, a form of indirect questioning is required during the hearing but must be conducted by the parties' Advisors. The parties are not permitted to directly question each other or any witnesses. If a party does not have an Advisor for a hearing, Hampton University will appoint an Advisor for the limited purpose of conducting any questioning of the other party and witnesses.

A party may reject this appointment and choose their own Advisor, but they may not proceed without an Advisor. If the party's Advisor will not conduct questioning, Hampton University will appoint an Advisor who will do so. Extensive questioning of the parties and witnesses may also be conducted by the Sexual Discrimination and Misconduct Committee during the hearing.

#### **d. Advisor Violations of Hampton University Policy**

All Advisors are subject to the same Hampton University policies and procedures, whether they are attorneys or not. Advisors are expected to advise their advisees without disrupting proceedings.

Advisors should not address university officials in a meeting or interview unless invited to do so. The Advisor may not make a presentation or represent their advisee during any meeting or proceeding and may not speak on behalf of the advisee to the Investigator(s) or other Decision-maker(s) except during a hearing proceeding, or during cross-examination.

The parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the resolution process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any resolution process meeting or interview.

Advisors are expected to comply with university rules and the university has the right to remove an advisor who violates the rules. Any Advisor who oversteps their role as defined by this policy will be warned only once. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting will be ended, or other appropriate measures implemented. Subsequently, the Title IX Coordinator will determine how to address the Advisor's non-compliance and future role.

#### **e. Sharing Information with the Advisor**

Hampton University expects that the parties may wish to have the Title IX Office share documentation and evidence related to the allegations with their Advisors. Parties may share this information directly with their Advisor or other individuals if they wish.

Hampton University also provides a Non-Disclosure Agreement (NDA) form that authorizes the university to share such information directly with their Advisor. The parties must complete and submit this form to the Title IX Coordinator before Hampton University is able to share records with an Advisor.

The NDA limits an Advisor's use and disclosure of these sensitive materials and information as the records associated with Title IX and Hampton University's grievance process may be subject to the Family Educational Rights and Privacy Act (FERPA) and may be considered confidential under Title IX. The evidence, information, and/or materials contained within the Investigation Report in any form, by any means of conveyance, in the role as an Advisor **may only be used for purposes directly related to the grievance resolution process, which includes the hearing before the Sexual Discrimination and Misconduct Committee (SDMC)**. Dissemination and/or disclosure of these materials to any non-involved third parties and/or the public is strictly prohibited.

If a party requests that all communication be made through their attorney Advisor, **Hampton University will not comply with that request.**

**f. Privacy of Records Shared with Advisor**

Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by Hampton University. Hampton University may seek to restrict the role or disqualify any Advisor who does not respect the sensitive nature of the process or who fails to abide by the Hampton University's privacy expectations.

Any unauthorized use, dissemination, or disclosure of these materials will result in the dismissal as an Advisor, and could result in being permanently barred from serving as an advisor in institution proceedings. Subject to the Hampton University Faculty Handbook (October 2017), it could lead also to disciplinary action and/or code of conduct charges against the advisee based on an Advisor's misconduct, for which they are responsible, up to and including expulsion or termination. Advisors may also be civilly liable to other parties for breach of privacy or public revelation of private facts.

**g. Expectations of an Advisor**

Hampton University generally expects an Advisor to adjust their schedule to allow them to attend Hampton University meetings when planned, but may change scheduled meetings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.

**h. Expectations of the Parties with Respect to Advisors**

The parties are expected to inform the Title IX Investigator(s) of the identity of their Advisor within five (5) calendar days after the initial intake interview.

The parties are expected to provide timely notice to the Title IX Coordinator if they change Advisors at any time.

**i. Advisor Roles**

Under U.S. Department of Education regulations under Title IX, Hampton University must make an advisor available for any party that does not have an advisor at the hearing.

Any Hampton University advisor is trained annually in all aspects of the resolution process.

The role of the Advisor during a live hearing is limited to posing questions on behalf of their party. The Advisor and their party will collaborate in the review of evidence and formulation of questions to be posed to the opposing party during the live hearing. The parties involved in the formal complaint will provide written permission for the Title IX Office (please see Section XI (5)(e) above) to share the investigative report and any relevant information from the case file to prepare questions for the live hearing with the Sexual Discrimination and Misconduct Committee (SDMC).

**6. Investigation Timeline**

Investigations are completed normally within thirty (30) business days, though some investigations may take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

Hampton University will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

**7. Delays in the Investigation Process**

The Title IX Office may take a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include but are not limited to: a request from law enforcement to temporarily

delay the investigation, the need for language assistance, the absence of parties and/or witnesses, and/or accommodations for disabilities or health conditions.

The Title IX Office will communicate in writing the delay and reason to the parties and provide the parties with status updates if necessary. The Title IX Office will promptly resume its investigation and resolution process as soon as feasible. During such a delay, Title IX Office will implement supportive measures as deemed appropriate.

## **8. Steps in the Investigation Process**

All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviewing all relevant parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information, as necessary.

All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record.

The Investigator(s) typically take(s) the following steps, (not necessarily in this order):

- Determine the identity and contact information of the Complainant.
- In coordination with campus partners and the Title IX Coordinator, initiate or assist with any necessary supportive measures,
- Identify all policies implicated by the alleged misconduct and notify the Complainant and Respondent of all of the specific policies implicated.
- Conduct a prompt initial assessment to determine if the allegations indicate a potential policy violation.
- Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, and intended investigation timeframe
- Prepare the initial Notice of Investigation and Allegation
- Notice should inform the parties of their right to have the assistance of an Advisor, who could be a member of the Pool of Advisors or an Advisor of their choosing present for all meetings attended by the party.
- Make good faith efforts to notify the parties of any meeting or interview involving the other party, in advance when possible.
- When participation of a party is expected, provide that party with written notice of the date, time, and location of the meeting, as well as the expected participants and purpose.
- Interview all available, relevant witnesses and conduct follow-up interviews as necessary.
- Allow each party the opportunity to suggest witnesses
- Complete the investigation promptly and without unreasonable deviation from the intended timeline
- Provide regular status updates to the parties throughout the investigation
- Write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence. Exhibits including relevant physical or documentary evidence will be included
- The Investigator(s) gather and assess evidence, **but do not make conclusions, do not engage in policy analysis, and do not render recommendations as part of their report.**
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) a secured hard copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct. Including evidence upon which Hampton University does not intend to rely in reaching a determination, for a ten (10) calendar day review and comment period so that each party may meaningfully respond to the evidence. The parties may elect to waive the full ten days.
- Each copy of the materials shared will be watermarked on each page with the role of the person receiving it (i.e., Complainant, Respondent, Complainant's Advisor, or Respondent's Advisor).
- The Investigator(s) will incorporate the parties' written responses into the final investigation report as an exhibit, and will include any additional relevant evidence provided by the parties, and finalize the report.
- The Investigator(s) shares the report with the Title IX Coordinator for their review and feedback

- The Investigator will incorporate any relevant feedback, and the final report is then shared with all parties and their Advisors through secure hard copy at least ten (10) calendar days prior to a hearing.

## **9. Final Hearing Proceedings**

Final Hearing Proceedings are private. All persons present at any time during the Final Hearing Proceedings are expected to maintain the privacy of the hearing in accordance with Hampton University policy. Although there is an expectation of privacy around what Investigators share with parties during interviews, the parties have discretion to share their own knowledge and evidence with others if they so choose, with the exception of information the parties agree not to disclose in accordance with the Non-Disclosure Agreement.

Hampton University encourages parties to discuss any sharing of information with their Advisors before doing so.

## **10. Resolution Timeline**

Hampton University will make a good faith effort to complete the resolution process within a sixty-to-ninety (60-90) business day time period, including appeal, which can be extended as necessary for appropriate cause by the Title IX Coordinator, who will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as an estimate of how much additional time will be needed to complete the process.

# **XII. THE SEXUAL DISCRIMINATION AND MISCONDUCT COMMITTEE (SDMC)**

The Sexual Discrimination and Misconduct Committee (SDMC) is charged with adjudicating all Title IX matters following the investigative process conducted by the Title IX Office. This committee has been deemed the decision-makers and is the committee that adjudicates the formal, live hearing on alleged Title IX matters at Hampton University.

Following receipt of the Investigative Report from the Title IX Coordinator, the Sexual Discrimination and Misconduct Committee will schedule a date and time for the formal hearing with the parties to adjudicate the matter.

## **A. Notice of Hearing**

No less than ten (10) calendar days prior to the hearing, the Chair of the SDMC will send notice of the hearing to the parties. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The notice will contain:

1. A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions that could result.
2. The time, date, and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities.
3. Any technology that will be used to facilitate the hearing.
4. Information about the option for the live hearing to occur with the parties located in separate rooms using technology that enables the Decision-maker(s) and parties to see and hear a party or witness answering questions. Such a request must be raised with the Chair of the SDMC at least five (5) business days prior to the hearing.
5. Information on how the hearing will be recorded and on gaining access to the recording for the parties after the hearing.
6. A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence, and the party's or witness's testimony and any statements given prior to the hearing will be considered by the Decision-maker(s).
7. Notification that the parties may have the assistance of an Advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask. The party must notify the Title

IX Coordinator if they do not have an Advisor, and the Hampton University will appoint one. Each party must have an Advisor present. There are no exceptions.

8. An invitation to contact the Chair of the SDMC to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) business days prior to the hearing.

9. Notice that the parties cannot bring mobile phones/devices into the hearing.

Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to this Policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by the Hampton University and remain within the 60-90 business day goal for resolution. A student facing charges under this Policy is not in good standing to graduate.

## **B. Hearing Procedures**

At the hearing, the Sexual Discrimination and Misconduct Committee has the authority to hear and make determinations on all allegations of sexual harassment and/or retaliation and may also hear and make determinations on any additional alleged policy violations that have occurred in concert with the sexual harassment and/or retaliation, even though those collateral allegations may not specifically fall within the Policy.

Participants at the hearing will include the Chair and additional SDMC members, the parties, Advisors to the parties, any called witnesses, and anyone providing authorized accommodations or assistive services.

The Chair will answer all questions of procedure. Anyone appearing at the hearing to provide information will respond to questions on their own behalf. The Chair will allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the Sexual Discrimination and Misconduct Committee and the parties and then be excused.

## **C. Order of the Hearing**

At the beginning of the hearing, the Chair explains the procedures and introduces the participants. Participants include the members of the Sexual Discrimination and Misconduct Committee (SDMC), other university officials who may be in attendance in an authorized role, the parties who are the subject of the hearing, witnesses, Advisors, and individuals involved in the logistics and technical facilitation of the hearing. The Chair will conduct the hearing according to the hearing script.

## **D. Testimony and Questioning**

The parties and witnesses may provide statements and relevant information beginning with the Complainant, and then in the order determined by the Chair. The parties/witnesses will submit to questioning by the Sexual Discrimination and Misconduct Committee and then by the parties through their Advisors ("cross-examination").

All questions are subject to a relevance determination by the Chair. The Advisor will pose the proposed questions orally, and the proceeding will pause to allow the Chair to consider the relevancy, and the Chair will determine whether the question will be permitted, disallowed, or rephrased.

The Chair may invite explanations or persuasive statements regarding relevance with the Advisors, if the Chair so chooses. The Chair will then state their decision on the question for the record and advise the party/witness to whom the question was directed, accordingly. The Chair will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The Chair will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Chair has final say on all questions and determinations of relevance. The Chair may consult with legal counsel on any questions of admissibility. The Chair may ask Advisors to frame why

a question is or is not relevant from their perspective, but will not entertain argument from the Advisors on relevance once the Chair has ruled on a question.

If the parties raise an issue of bias or conflict of interest of an Investigator or the Sexual Discrimination and Misconduct Committee at the hearing, the Chair may elect to address those issues, consult with legal counsel, and/or preserve them for appeal. If bias is not an issue at the hearing, the Chair should not permit irrelevant questions that probe for bias.

#### **E. Refusal to Submit to Cross**

If a party or witness chooses not to submit to cross-examination at the hearing, either because they do not attend the meeting, or they attend but refuse to participate in questioning, then the SDMC **may** rely on any prior statement made by that party or witness at the hearing (including those contained in the investigative report) in the ultimate determination of responsibility.

The SDMC may not draw any inference solely from a party's or witness's absence from the hearing or refusal to answer cross-examination or other questions.

If a party's Advisor of choice refuses to comply with Hampton University's established rules of decorum for the hearing, Hampton University may require the party to use a different Advisor and if necessary, Hampton University may provide that party with a different Advisor to conduct cross-examination on behalf of that party.

#### **F. Recording Hearings**

Hearings (but not deliberations) are recorded by the SDMC for purposes of posterity and for review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted.

#### **G. Standard of Proof**

The SDMC will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question. A simple majority vote is required to determine the finding. The Preponderance of the Evidence is the standard of proof used.

The Chair will then prepare a written deliberation statement and deliver it to the appropriate administrator, for:

- **Faculty     Dr. JoAnn W. Haysbert**

Executive Vice President and Provost

- **Staff         Mr. Charles L. Cansler, III**

Senior Vice President for Business Operations and Finance

- **Students     Dr. Barbara L. Inman**

Vice President for Student Success and Enrollment Management

The written statement will detail the determination, rationale, the evidence used in support of its determination, the evidence not relied upon in its determination, credibility assessments, and any sanctions and/or recommendations.

#### **H. Notice of Outcome**

Using the deliberation statement, the Chair is to prepare a Notice of Outcome. The Chair will then share the letter, including the final determination, rationale, and any applicable sanction(s) with the parties and their Advisors within seven business days of receiving the SDMC's deliberation statement.

The Notice of Outcome will then be shared with the parties simultaneously. Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official Hampton University records, or emailed to the

parties' Hampton University-issued email or otherwise approved account. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The Notice of Outcome will articulate the specific policy(ies) reported to have been violated, including the relevant policy section, and will contain a description of the procedural steps taken by the SDMC from the receipt of the Investigative report to the determination, including any and all notifications to the parties, interviews with parties and witnesses, site visits, methods used to obtain evidence, and hearings held.

The Notice of Outcome will specify the finding on each alleged policy violation; the findings of fact that support the determination; conclusions regarding the application of the relevant policy to the facts at issue; a statement of, and rationale for, the result of each allegation to the extent the Hampton University is permitted to share such information under state or federal law; any sanctions issued which Hampton University is permitted to share according to state or federal law; and any remedies provided to the Complainant designed to ensure access to Hampton University's educational or employment programs or activities, to the extent Hampton University is permitted to share such information under state or federal law (this detail is not typically shared with the Respondent unless the remedy directly relates to the Respondent).

The Notice of Outcome will also include information on when the results are considered by Hampton University to be final, any changes that occur prior to finalization, and the relevant procedures and basis for any available appeal options.

## **I. Appeals**

Any party may file a request for appeal ("Request for Appeal"), but it must be submitted in writing to the Title IX Coordinator within three (3) days of the delivery of the Notice of Outcome from the SDMC.

A three-member Appeals Committee chosen and appointed by the President of Hampton University will be designated to review the appeal. No one previously involved in the Hearing process or the investigation can participate in this phase of the process (if an appeal is chosen).

The Request for Appeal will be forwarded to the Appeals Committee for consideration to determine if the request meets the grounds for appeal.

### **a. Grounds for Appeal**

An Appeal is not an opportunity to provide a rehearing on the matter that led to the appeal. A Request for Appeal is limited to the following grounds:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
3. The Title IX Coordinator, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter.

If any of the grounds in the Request for Appeal do not meet the threshold in this Policy, that request will be denied by the Appeal Chair and the parties and their Advisors will be notified in writing of the denial and the rationale.

If any of the grounds in the Request for Appeal are met, then the Appeals Committee will notify both parties, their Advisors, the Title IX Coordinator, and, the members of the Sexual Discrimination and Misconduct Committee by mail, email, and/or provided a hard copy of the request with the approved grounds. The appealing party will then be given seven (7) business days to submit a response. All responses will be forwarded by the Appeals Committee to all parties for review and comment.

Neither party may submit any new requests for appeal after this time period. The Appeals Chair will collect any additional information needed and all documentation regarding the approved grounds and the subsequent responses will be shared with the Appeals Panel, and the Panel will render a decision in no more than seven (7) business days, barring exigent circumstances. All decisions [are by majority vote] and apply the preponderance of the evidence standard.

A Notice of Appeal Outcome will be sent to all parties simultaneously including the decision on each approved ground and rationale for each decision. The Notice of Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanctions that may result which the Hampton University is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent the Hampton University is permitted to share under state or federal law.

Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official institutional records, or emailed to the parties' Hampton University-issued email or otherwise approved account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

**a. Sanctions Status During the Appeal**

Any sanctions imposed as a result of the hearing will be temporarily suspended during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure procedures above.

If the original sanctions include separation in any form, Hampton University may place a hold on official transcripts, diplomas, graduations, and course registration pending the outcome of an appeal.

**b. Appeal Considerations**

Appeals are not intended to provide a rehearing of the allegations. Appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the specific grounds for appeal.

Decisions on appeal are to be deferential to the original decision, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so.

The Appeals Committee may consult with the Chair of the SDMC on questions of procedure or rationale, for clarification, if needed. Documentation of all such consultation will be maintained.

Appeals granted based on new evidence should normally be remanded to the SDMC for reconsideration.

Once an appeal is decided, the outcome is final! Further appeals are not permitted.

### **XIII. RETALIATION**

Protected activity under this policy includes reporting an incident that may implicate this policy, participating in the grievance process, supporting a Complainant or Respondent, assisting in providing information relevant to an investigation, and/or acting in good faith to oppose conduct that constitutes a violation of this Policy.

Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. Hampton University will take all appropriate and available steps to protect individuals who fear that they may be subjected to retaliation.

A determination of responsibility will be determined by the Sexual Discrimination and Misconduct Committee.

Hampton University and any member of its community are prohibited from taking materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy and procedure.

The exercise of rights protected under the First Amendment does not constitute retaliation.



## **XIV. SANCTIONS**

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

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

- i. Warning: Notice**, orally or in writing, that continuation or repetition of misconduct, within a period of time stated in the warning, may be cause for more severe disciplinary action.
  - ii. Community Service**. An assignment to perform a task or service for the University or a University sponsored organization.
  - iii. Disciplinary Probation**: Exclusion from participation in privileged or co- curricular institution activities as set forth in the notice for a period of time not exceeding one school year.
  - iv. Censure**: A written reprimand for violation of specified regulations, including the possibility of more severe disciplinary sanctions in the event of being found in violation of any university policy within a specified period of time.
  - v. Interim (Immediate) Suspension**: Suspension pending a hearing upon the recommendation of the Sexual Assault Threat Assessment Team of imminent danger to person or property on the campus. In such cases, a hearing will be held as soon as practicable.
  - vi. Suspension (Indefinite/Contingent)**: The exclusion of a student from the University for an unspecified or specified period of time.
  - vii. Suspension**, held in abeyance: A disciplinary measure imposed for violation of University policy that warrants separation, but in which some merit is found to allow the student to continue academic work only, or while further investigation or review of other evidence is being done. Failure to follow prescribed restrictions during any period of abeyance or additional violations of university policies will result in the immediate imposition of separation from the university up to and including expulsion.
  - viii. Expulsion**: Permanent separation from the University. The student is not permitted to enroll or matriculate at any time.
- **NOTE:** A student who is suspended or expelled from Hampton University is denied any privileges of the University during the period specified.
  - Notification of such action will be in writing.
  - The student will be given no longer than 24 hours to remain on campus without written permission from the Vice President for Student Success and Enrollment Management.
  - This policy also applies to academic suspension or expulsion.

## **XV. TRANSCRIPT NOTATION**

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

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

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

Transcript notation determinations are made by the Vice President for Student Success and Enrollment Management.

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

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

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

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

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

### **A. Awareness Campaigns**

#### **• Red Flag Campaign**

Held during the fall semester during the month of September when students return for to campus.

#### **• Denim Day**

Held in the spring semester and commemorates and celebrates survivors of sexual assault during the month of April which is Sexual Assault Awareness Month.

### **B. Title IX Education**

- The Title IX Office provides optimal education throughout the academic year to students, faculty, and staff. These education sessions are aimed at providing the Hampton

University community with valuable knowledge and skills on bystander intervention, alcohol and drug awareness, and how to report an incident.

### **C. "Get Inclusive" Online Training Modules**

- The "Voices for Change" online module on Consent and Sexual Violence Prevention and online module "Alcohol and Other Drugs" is required and provided to all incoming freshman during University 101 (UNV 101).

### **D. Training**

- Training is provided to new and returning students, new and returning faculty and staff, and other specific campus populations biannually and on an as needed basis by the Title IX Office.

## **XVII. RECORD KEEPING**

The Hampton University Title IX Office will maintain for a period of at least seven (7) years all records pertaining to:

- Every Title IX Office investigation including the audio or video recording or transcript required under federal regulation;
- Any Informal Resolution the result therefrom;
- Any actions, including any supportive measures, taken in response to a report or formal complaint of

sexual harassment, and

o If no supportive measures were provided to the Complainant, Hampton University must document the reasons for its conclusion and that its response was not deliberately indifferent. Then Hampton University must document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

- Any disciplinary sanctions imposed on the Respondent (as determined by the SDMC);
- Any remedies provided to the Complainant designed to restore or preserve equal access to Hampton University's education program or activity;
- Any appeal and the results therefrom (as determined by the Appeals Committee); and
- All materials used to train Title IX Coordinators, Investigators, and Decision-makers and any person who facilitates an informal resolution process. The Title IX Office will make these training materials publicly available for inspection by members of the public on the Title IX Office website.

Hampton University will also maintain any and all records in accordance with state laws.

## **XVIII. ANNUAL REVIEW AND REVISION OF THIS POLICY AND PROCEDURES**

The Hampton University Title IX Policy is reviewed and updated annually by August 1st. In accordance with State and Federal Law, the policy is vetted by the Office of the General Counsel for appropriate legal requirements.

Additionally, the Title IX Coordinator must annually certify to the State Council of Higher Education for Virginia (SCHEV) that a review and update, as appropriate, of the sexual violence policies at the University was completed (Va. Code §23.1-808).

This Policy and procedures supersede any previous policy addressing harassment, sexual misconduct and/or retaliation under Title IX and will be reviewed and updated annually by the Title IX Coordinator. Hampton University reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

If government laws or regulations change the requirements that impact this document, this document will be construed to comply with the most recent government regulations or holdings.

This Policy and procedures per the Department of Education are effective August 14, 2020.

## **XIX. ATHLETICS**

Beginning in the academic school year 2022-2023, the NCAA Board of Governors is requiring all member schools to abide by its new and updated rules that address sexual violence prevention on campus.

### **A. New NCAA Requirements**

The NCAA Board of Governors adopted the following policies that every member institution is expected to follow:

1. Intercollegiate athletics departments should be informed on and integrated in overall campus policies and processes addressing sexual and interpersonal violence prevention and acts of sexual violence, particularly those related to adjudication and resolution of matters related to sexual and interpersonal violence.
2. Intercollegiate athletics departments should review annually the most current Checklist Recommendations of the NCAA.
3. Intercollegiate athletics programs should utilize their platform to serve as leaders on campus through engagement in and collaboration on efforts to support campus-wide sexual and interpersonal violence prevention initiatives. This includes involving student-athletes in prevention efforts in meaningful ways across the campus, including encouraging use of leadership roles on campus to support such efforts.

### **B. NCAA Attestation Requirements**

Each university chancellor/president, director of athletics and campus Title IX coordinator must attest annually that:

1. The athletics department is informed on, integrated in, and compliant with institutional policies and processes regarding sexual violence prevention and proper adjudication and resolution of acts of sexual and interpersonal violence.
2. The institutional policies and processes regarding sexual violence prevention and adjudication, and the name and contact information for the campus Title IX coordinator, are readily available within the department of athletics, and are provided to student-athletes.
3. All student-athletes, coaches and staff have been educated each year on sexual violence prevention, intervention and response, to the extent allowable by state law and collective bargaining agreements.
4. All incoming, continuing and transfer student-athletes have completed an annual disclosure related to their conduct that resulted in discipline through a Title IX proceeding or in a criminal conviction for sexual, interpersonal or other acts of violence. Transfer student-athletes also must disclose whether a Title IX proceeding was incomplete at the time of transfer. Failure to make a full and accurate disclosure could result in penalties, including loss of eligibility to participate in athletics as determined by the member institution.
5. Institutions have taken reasonable steps to confirm whether incoming, continuing and transfer student-athletes have been disciplined through a Title IX proceeding or criminally convicted of sexual, interpersonal or other acts of violence. In a manner consistent with federal and state law, all NCAA member institutions must share relevant discipline information and incomplete Title IX proceedings as a result of transfer with other member institutions when a student-athlete attempts to enroll in a new college or university.
6. An institution choosing to recruit an incoming student-athlete or accept a transfer student-athlete must have a written procedure that directs its staff to gather information that reasonably yields information from the former institution(s) to put the recruiting institutional leadership on notice that the student left the institution with an incomplete Title IX proceeding, was disciplined through a Title IX proceeding or has a criminal conviction for sexual, interpersonal or other acts of violence. Failure to have it written and to gather information consistent with that procedure could result in penalties.

## **Rights of the Parties in an Institutional Proceeding:**

During the course of the process described in the previous section, both the accuser and the individual accused of the offense are entitled to:

1. A prompt, fair and impartial process from the initial investigation to the final result.
  - A prompt, fair and impartial process is one that is:
    - Completed within reasonably prompt timeframes designated by the institution's policy, including a process that allows for the extension of timeframes for good cause, with written notice to the accuser and the accused of the delay and the reason for the delay.
    - Conducted in a manner that:
      - Is consistent with the institution's policies and transparent to the accuser and the accused.
      - Includes timely notice of meetings at which the accuser or accused, or both, may be present; and
      - Provides timely access to the accuser, the accused and appropriate officials to any information that will be used during the informal and formal disciplinary meetings and hearings.
    - Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.
2. Proceedings conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

- Such training addresses topics such as the definition of sexual harassment; the scope of the University's education programs and activities; how to conduct investigations, hearings, and appeals and informal resolutions (as applicable); relevant evidence and how it should be used during a proceeding; proper techniques for questioning witnesses; basic procedural rules for conducting a proceeding; and avoiding actual and perceived conflicts of interest.
3. The same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. The institution may not limit the choice of advisor, but may establish limits regarding the extent to which that advisor may participate in the proceeding, as long as those limits apply equally to both parties.
  4. Have the outcome determined using the preponderance of the evidence standard .
  5. Simultaneous, written notification of the results of the proceeding, any procedures for either party to appeal the result, any change to the result, and when the result becomes final. For this purpose, "result" means "any initial, interim and final decision by an official or entity authorized to resolve disciplinary matters" and must include the rationale for reaching the result and any sanctions imposed.

### **Possible Sanctions or Protective Measures that the University May Impose for Dating Violence, Domestic Violence, Sexual Assault or Stalking Offenses:**

Following a final determination in the institution's disciplinary proceeding that dating violence, domestic violence, sexual assault, or stalking has been committed, the institution may impose a sanction depending on the mitigating and aggravating circumstances involved. The possible sanctions include: warning; reprimand; probation; restitution; fine; loss of privileges; housing probation; suspension or expulsion/termination; restriction on eligibility to represent the University at any official function or in any intercollegiate competition. If a suspension is imposed on a student, it may be for part of a semester, a full semester, or an entire academic year. An employee may be suspended for any length of time determined appropriate by the Director of Human Resources. Following a suspension, the individual will be required to meet with the Dean of Students (student) or Director of Human Resources (employee) to discuss re-entry and expectations going forward.

## **XIV. SANCTIONS**

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

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

- i. Warning: Notice:** orally or in writing, that continuation or repetition of misconduct, within a period of time stated in the warning, may be cause for more severe disciplinary action.
- ii. Disciplinary Probation:** Exclusion from participation in privileged or co- curricular institution activities as set forth in the notice for a period of time not exceeding one school year.
- iii. Censure:** A written reprimand for violation of specified regulations, including the possibility of more severe disciplinary sanctions in the event of being found in violation of any university policy within a specified period of time.
- iv. Interim(Immediate)Suspension:** Suspension pending a hearing upon the recommendation of the Sexual Assault Threat Assessment Team of imminent danger to person or property on the campus. In such cases, a hearing will be held as soon as practicable.

**v. Suspension (Indefinite/Contingent):** The exclusion of a student from the University for an unspecified or specified period of time.

**vi. Suspension, held in abeyance:** A disciplinary measure imposed for violation of University policy that warrants separation, but in which some merit is found to allow the student to continue academic work only, or while further investigation or review of other evidence is being done. Failure to follow prescribed restrictions during any period of abeyance or additional violations of university policies will result in the immediate imposition of separation from the university up to and including expulsion.

**vii. Expulsion:** Permanent separation from the University. The student is not permitted to enroll or matriculate at any time.

- NOTE: A student who is suspended or expelled from Hampton University is denied any privileges of the University during the period specified.
- Notification of such action will be in writing.
- The student will be given no longer than 24 hours to remain on campus without written permission from the Vice President for Administrative Services.
- This policy also applies to academic suspension or expulsion.

In addition, the University can make available to the victim a range of protective measures. They include: forbidding the accused from entering the victim's residence hall and from communicating with the victim, other institutional no-contact orders, security escorts, modifications to academic requirements or class schedules, changes in working situations, etc.

### **Publicly Available Recordkeeping:**

The University will complete any publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifiable information about victims of dating violence, domestic violence, sexual assault, and stalking who make reports of such to the University to the extent permitted by law.

### **Victims to Receive Written Notification of Rights:**

When a student or employee reports to the University that he or she has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the University will provide the student or employee a written explanation of his or her rights and options as described in the paragraphs above.

### **Sex Offender Registration Program:**

The Campus Sex Crimes Prevention Act of 2000 requires institutions of higher education to advise members of the campus community where they can obtain information provided by the state concerning registered sex offenders. It also requires sex offenders to notify the state of each institution of higher education in the state at which they are employed or enrolled or carrying on a vocation. The state is then required to notify the University of any such information it receives. Anyone interested in determining whether such persons are on this campus may do so by contacting the Hampton University Police Department at Hampton University Police Department. State registry of sex offender information may be accessed at the following link: <https://sex-offender.vsp.virginia.gov/sor/>

### **Timely Warnings and Emergency Response**

#### *Timely Warnings*

In the event of criminal activity occurring either on campus or off campus that in the judgment of the Sending an Alert The decision to inform the community shall be based upon the known facts of the incident.

The Chief of Police or their designee will decide whether to inform the HU community of crimes or incidents that may present a serious or ongoing threat or risk to members of the University community. Such timely warnings/crime alerts provide an opportunity for individuals to take reasonable precautions for their safety. Crimes that occur outside of the core campus geography but within the expanded HUPD jurisdiction will be evaluated on a case-by-case basis. If a crime constitutes a serious or continuing threat to members of the campus community, a campus-wide “timely warning” will be issued. Examples of such situations may include a sexual assault or a series of motor vehicle thefts in the area that merit a warning because they present a continuing threat to the campus community. Warnings will be communicated to students and employees via one or more of the methods discussed later in this section. Updates to the warnings will be provided as appropriate.

Anyone with information warranting a timely warning should immediately report the circumstances to:

- Hampton University Police Department, 757-727-5666

The University has communicated with local law enforcement asking them to notify the University if it receives reports or information warranting a timely warning.

### Emergency Response

Emergency Notification (Response and Evacuation).

The University has an emergency management plan designed to ensure there is a timely and effective response in the event of a significant emergency or dangerous situation occurring on campus involving an immediate threat to the health or safety of members of the campus community. Such situations include, but are not limited to: tornadoes, bomb threats, chemical spills, disease outbreaks, fires, active shooters, etc. The University has communicated with local police requesting their cooperation in informing the University about situations reported to them that may warrant an emergency response.

University officials will coordinate the emergency notification, response and evacuation of the community, as needed, in the event of an emergency. The University will also test the emergency response and evacuation procedures annually and publicize them throughout the community. The Chief of Police coordinates the dates for tests of the system with the Administrative Council.

Activation of the emergency notification system will occur immediately upon confirmation of a significant emergency or dangerous situation occurring on HU’s campus involving an immediate threat to the health or safety of students, faculty and staff, so that they may take reasonable precautions for their safety.

Emergencies on campus are typically confirmed by the HUPD, in consultation with other offices such as Physical Plant, Senior Vice President for Business Operations and Finance, Vice President for Administrative Services, Provost, the National Weather Service and/ or responding law enforcement or fire departments. If an emergency notification is warranted, some or all of the mass notification systems may be activated, depending on the nature of the emergency. HUPD will determine the appropriate segment(s) of the community to receive the notification as deemed necessary. Additionally, officials from HUPD and/or University Relations will provide regular updates to the community, as needed.

Students, staff and visitors are encouraged to notify the Hampton University Police Department at 757-727-5666 of any emergency or potentially dangerous situation.

HUPD will access available sources of information from campus administrative staff and local authorities to confirm the existence of the danger and will be responsible for initiating the institution’s response and for marshaling the appropriate local emergency response authorities for assistance. Depending on the nature of the emergency, other University departments may be involved in the confirmation process.

Once the emergency is confirmed and based on its nature, the Administrative Council will determine the appropriate segment or segments of the University community to be notified. Depending on the nature of the emergency, the Chief of Police or their designee will make the call if the Administrative Council is not available.

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.

Depending on the segments of the campus the notification will target, the content of the notification may differ. When appropriate, the content of the notification will be determined in consultation with local authorities. Also, as appropriate, the notification will give guidance as to whether its recipients should shelter in place or evacuate their location.

The University Police will direct the issuance of emergency notifications, which will be accomplished using one or more of methods discussed later in this section, depending on the nature of the threat and the segment of the campus community being threatened.

At the direction of the Administrative Council, the University Police Department will notify local law enforcement of the emergency if they are not already aware of it and advise local media outlets so that the larger community outside the campus will be aware of the emergency.

#### Methods for Issuing Timely Warnings and Emergency Notifications

The method(s) listed below may be utilized when the University issues a timely warning or emergency notification to the campus community.

Method	Sign Up Instructions
Pirate Notification System	<a href="https://home.hamptonu.edu/police/pirate-notification-system-pns/">https://home.hamptonu.edu/police/pirate-notification-system-pns/</a>
Whelen Mass Notification Siren	Not Applicable

#### Testing & Documentation

The University tests its emergency response and evacuation procedures at least once a year. The tests may be announced or unannounced.

The Hampton University Police Department maintains a record of these tests and training exercises, including a description of them, the dates and times they were held and an indication of whether they were announced or unannounced. In connection with at least one such test, the University will distribute to its students and employees information to remind them of the University's emergency response and evacuation procedures.

#### Missing Student Policy

If a member of the University community has reason to believe that a student who resides in on-campus housing is missing, that information should be reported immediately to the HUPD at 757-727-5300. Any University employee receiving a missing student report should immediately notify University Police so that an investigation can be initiated.

#### EXTERNAL COMMUNICATIONS

In case of a missing student, local law enforcement agencies may provide information to the media that is



designed to obtain public assistance in search for a missing student. In doing so, the local law enforcement agencies will consult with Hampton University Public Relations. Any media request to the University will be directed to the University Relations Office.

Students residing in on-campus housing have the option to identify confidentially an individual to be contacted by the University only in the event the student is determined to be missing for more than 24 hours. If a student has identified such an individual, the University will notify that individual no later than 24 hours after the student is determined to be missing. The option to identify a contact person in the event the student is determined missing is in addition to identifying a general emergency contact person, but they can be the same individual for both purposes. A student's confidential contact information will be accessible only by authorized campus officials, and it will only be disclosed to law enforcement personnel in furtherance of a missing student investigation.

After investigating a missing person report, if it is determined that the student has been missing for 24 hours, the University will notify local police authorities unless it was local law enforcement that made the determination that the student is missing. If the missing student is under the age of 18 and is not emancipated, the University will also notify that student's custodial parent or legal guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student.

## Crime Statistics

The statistical summary of crimes for this University over the past three calendar years follows:

Crime	On Campus			On Campus Housing			Non Campus			Public Property		
	2023	2022	2021	2023	2022	2021	2023	2022	2021	2023	2022	2021
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	1	0	0	1	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	2	0	0	2	0	0	0	0	0	0	0	0
Burglary	4	2	0	3	1	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	1	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Arrest - Liquor Law Violation	2	0	0	0	0	0	0	0	0	0	0	0
Arrest - Drug Abuse Violation	1	0	0	0	0	0	0	0	0	0	0	0
Arrest - Weapon Violation	1	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Referral - Liquor Law Violation	8	3	0	6	1	0	0	0	0	0	2	0
Disciplinary Referral - Drug Abuse Violation	56	15	0	50	15	0	0	0	0	0	0	0
Disciplinary Referral - Weapon Violation	2	1	0	2	1	0	0	0	0	0	0	0
Domestic Violence	1	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0
Larceny	19	0	0	5	0	0	0	0	0	0	0	0

	On Campus			On Campus Housing			Non Campus			Public Property		
Crime	2023	2022	2021	2023	2022	2021	2023	2022	2021	2023	2022	2021
Vandalism	18	0	0	10	0	0	0	0	0	0	0	0
Intimidation	3	0	0	2	0	0	0	0	0	0	0	0
Assault	15	0	0	6	0	0	0	0	0	0	0	0

#### Hate crimes:

2023: No hate crimes reported.

2022: No hate crimes reported.

2021: No hate crimes reported.

#### Crimes unfounded by the University:

2023: 0 unfounded crimes.

2022: 0 unfounded crimes.

2021: 0 unfounded crimes.

#### Statistics for unfounded crimes provided by law enforcement agencies:

2023: 0 unfounded crimes.

2022: 0 unfounded crimes.

2021: 0 unfounded crimes.

#### Data from law enforcement agencies:

- The data above reflects statistics provided from law enforcement agencies related to crimes that occurred on the University's Clery Geography.

### Annual Fire Safety Report

#### Housing Facilities and Fire Safety Systems

The University maintains on-campus housing for its students. Below is a description of fire safety systems and the number of fire drills conducted during the previous calendar year.

Campus: Hampton University, 100 E. Queen Street, Hampton, VA 23668

Facility	Fire Alarm Monitoring Done on Site	Partial Sprinkler System	Full Sprinkler System	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans & Placards	Number of evacuation (fire) drills in previous calendar year
CEC Center, 19 W. Tyler Street, Hampton, VA 23668	X		X	X	X	X	3
Dubois Hall, 90 Marshall Avenue, Hampton, VA 23668	X		X	X	X	X	3

<b>Facility</b>	<b>Fire Alarm Monitoring Done on Site</b>	<b>Partial Sprinkler System</b>	<b>Full Sprinkler System</b>	<b>Smoke Detection</b>	<b>Fire Extinguisher Devices</b>	<b>Evacuation Plans &amp; Placards</b>	<b>Number of evacuation (fire) drills in previous calendar year</b>
Harkness Hall, 760 Huntington Avenue, Hampton, VA 23668	X		X	X	X	X	3
Holly Tree Inn, 8 Frissell Avenue, Hampton, VA 23668	X		X	X	X	X	3
Holmes Hall, 529 Ferry Road, Hampton, VA 23668	X		X	X	X	X	3
James Hall Suites, 7 James Court, Hampton, VA 23668	X		X	X	X	X	3
Kelsey Hall, 48 W. Tyler Street, Hampton, VA 23668	X			X	X	X	3
Kennedy Hall, 18 Frissell Avenue, Hampton, VA 23668	X		X	X	X	X	3
Marshall Hall, 220 William R. Harvey Way, Hampton, VA 23668	X			X	X	X	0
McGrew Towers, 24 Indian Road, Hampton, VA 23668	X		X	X	X	X	3
Modulars (1), 46 W. Tyler Street, Hampton, VA 23668	X			X	X	X	3
Modulars (2A), 9 Gatewood Street,	X			X	X	X	3

<b>Facility</b>	<b>Fire Alarm Monitoring Done on Site</b>	<b>Partial Sprinkler System</b>	<b>Full Sprinkler System</b>	<b>Smoke Detection</b>	<b>Fire Extinguisher Devices</b>	<b>Evacuation Plans &amp; Placards</b>	<b>Number of evacuation (fire) drills in previous calendar year</b>
Hampton, VA 23668							
Modulars (2B), 11 Gatewood Street, Hampton, VA 23668	X			X	X	X	3
Moton Hall, 771 Shore Road, Hampton, VA 23668	X			X	X	X	3
Multi-Use Facility, 2 Frissell Avenue, Hampton, VA 23668	X		X	X	X	X	3
Orchard Road Hall, 717 Orchard Road, Hampton, VA 23668	X		X	X	X	X	3
Religious Studies Center, 1414 N. Mallory Street, Hampton, VA 23663	X		X	X	X	X	3
Stone Manor 2nd & 3rd Floors, 653 Huntington Avenue, Hampton, VA 23668	X		X	X	X	X	3
Twitchell Hall, 511 Shore Road, Hampton, VA 23668	X			X	X	X	3
Virginia Cleveland Hall & Suites, 605 Shore Road, Hampton, VA 23668	X		X	X	X	X	3
White Hall, 533 Ferry	X		X	X	X	X	3

Facility	Fire Alarm Monitoring Done on Site	Partial Sprinkler System	Full Sprinkler System	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans & Placards	Number of evacuation (fire) drills in previous calendar year
Road, Hampton, VA 23668							
Wilder Hall, 767 Shore Road, Hampton, VA 23668	X		X	X	X	X	3
Winona Hall, 210 William R. Harvery Way, Hampton, VA 23668	X		X	X	X	X	3

### **Policies on Portable Appliances, Smoking and Open Flames**

The use of open flames, such as candles, and the burning of such things as incense, and smoking are prohibited in campus housing. Only surge-protected extension cords are permitted. No portable cooking appliances are permitted to be used in campus housing. Also, tampering with fire safety systems is prohibited and any such tampering may lead to appropriate disciplinary action

The University reserves the right to make periodic inspections of campus housing to ensure fire safety systems are operational and that the policy on prohibited items is being complied with. Prohibited items, if found, will be confiscated and donated or discarded without reimbursement.

### **Fire Evacuation Procedures**

In the event of a fire, the University expects that all campus community members will evacuate by the nearest exit, closing doors and activating the fire alarm system (if one is nearby) as they leave. If circumstances permit at the time of the alarm, additional instructions will be given regarding where students and/or staff are to relocate.

### **Fire Education and Training Programs**

Fire safety education programs for all residents of on-campus student housing and all employees with responsibilities related to that housing are held at the beginning of each semester. Their purpose is to: familiarize everyone with the fire safety system in each facility, train them on procedures to follow if there is a fire, and inform them of the University's fire safety policies. Information distributed includes maps of each facility's evacuation route and any fire alarms and fire suppression equipment available in the facility. Attendees are advised that participation in fire drills is mandatory.

### **Reporting Fires**

The University is required to disclose each year statistical data on all fires that occurred in on-campus student housing. When a fire alarm is pulled and/or the fire department responds to a fire, these incidents are captured. If you encounter a fire that presents an emergency situation, ensure your own safety and then please call 911.

There may also be instances when a fire is extinguished quickly and an alarm is not pulled or a response by the fire department was not necessary. It is important that these incidents be recorded as well. Therefore, if you are aware of such a fire, see evidence of one or hear about one, you should contact the HUPD Dispatch at HUPD Dispatch. When providing notification of a fire, give as much information as possible about the location, date, time and cause of the fire.

### **Plans for Future Improvements**

Marshall Hall was not used as a residence hall the last academic year. As a result of the University's most recent review of its fire safety protections and procedures, we have determined that the following improvements will be made, subject to the availability of funding: Replace existing fire panels in administrative and residential areas as they approach their wear out date.

### **Fire Statistics**

#### **Hampton University**

##### **2023**

No fires were reported in 2023.

##### **2022**

No fires were reported in 2022.

##### **2021**

No fires were reported in 2021.