EMU Campus Security and Fire Safety Report 2019
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Introduction

Message from the President

September 27, 2019

To Whom It May Concern:

Eastern Mennonite University is committed to maintaining a safe, environmentally responsible and physically attractive environment for our students, faculty, staff and visitors. To that end, I am pleased to present the EMU Campus Safety and Security Report.

Although EMU is committed to creating a safe, caring and cooperative campus culture, we cannot lose sight of the fact that no community is immune to, or completely safe from, a crisis or catastrophic event.

Use this report to become aware and to help make the EMU community an environment of mutual care and respect.

Sincerely,

Susan Schultz Huxman, PhD
President
Message from the Coordinator of Campus Safety and Security

Eastern Mennonite University is committed to providing a safe place where individuals can grow.

The office of Safety and Security is responsible for the oversight of safety, security and fire safety on campus, security is provided both by officers who are contract employees to the university and by university staff who are trained by the Virginia Department of Criminal Justice Services.

The university has a standing group of administrators and support staff who make up the Crisis Management Preparedness Team (CMPT). This team meets monthly or as needed to work with issues that arise dealing with safety, security, and emergency preparedness. The university also works closely with our local emergency service partners in preparation and preparedness planning.

EMU has undertaken numerous endeavors to address multiple safety and security concerns in an effort to proactively protect the campus community. A few of the more recent accomplishments have been to work with the Department of Justice (DOJ) to acquire a grant through the Office of Violence Against Women (OVW) focused on the implementation of a trauma informed approach to sexual assault investigations. In 2015, the university hosted a U.S. Department of Homeland Security, Federal Emergency Management Agency (FEMA) three-day course for administration, select staff, and public safety partners entitled Managing Critical Incident for Higher Education. In 2016, the Virginia Department of State Police conducted an all employee Active Shooter training. In 2017, an upgraded fire alarm system in the Parkwood resident facility was put into service. In 2018, the Crisis Management Preparedness Team started the drafting of an emergency operations plan.

The university utilizes the emu.edu/safe campus initiative. All community members are encouraged to participate within the community by stepping up and being an advocate. Additional safety, security and reporting information can be found at http://www.emu.edu/safety-and-security/.

Sincerely,
David Emswiler
Coordinator of Campus Safety and Security
About Our Area and Campuses

The main EMU campus is located in Harrisonburg, Virginia (population approx. 50,000 per US Census Bureau). The campus is made up of approximately 90 acres with 54 buildings; 17 of which are student residence halls, apartment buildings or houses. There are additional campuses in East Lampeter Township, Lancaster, PA, in Washington D.C. and in Winchester, VA per Clery.

Main Campus

The main campus is located in a portion of the city that is surrounded by a residential neighborhood, a private Mennonite high school and a retirement community. The principle address is 1200 Park Road Harrisonburg, VA 22802.
Satellite Campus in Lancaster, PA

EMU has a small satellite non-residential campus in Lancaster, PA. It is located in an attractive suburban office park. The address is 1846 Charter Lane, Lancaster, PA 17605.
Washington Community Scholars’ Center

EMU also has a property in Washington D.C. It houses the Washington Community Scholars’ Center. This facility has residential, office and classroom space in it. It is located at 836 Taylor Street NE. Washington D.C. 20017.
About the Annual Security Act

Policy for Preparing the Annual Disclosure of Crime Statistics

Eastern Mennonite University (EMU) gathers information on an ongoing basis regarding reported criminal activity on and near the campuses and controlled properties. This information is gathered both through daily campus security reports and through information obtained from the Harrisonburg Police Department, the East Lancaster (PA) TWP Police Department, the Metropolitan Police Department (Washington, DC) and the Winchester, VA Police Department. The Coordinator of Campus Safety and Security then compiles the reportable data into this document. It is published annually and provided to all students, prospective students, employees and prospective employees upon request. Any incidents identified as happening at any one of the satellite locations are recorded in their own respective charts in this document.

A daily crime log of the main campus is maintained in the Facilities Management Office which aids Safety and Security. It is available for public inspection upon request during normal business hours.


The Clery Act requires all colleges and universities that participate in federal Financial aid programs to keep and disclose information about crime on and near their respective campuses. Compliance is monitored by the United States Department of Education.

The law is named after Jeanne Clery, a 19-year-old Lehigh University student who was raped and murdered in her campus hall of residence in 1986.

As per the Higher Education Opportunity Act, Aug. 14, 2008

The university will, upon written request, 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 this paragraph.
Crime statistics shared within this annual security report reflect the number of Clery defined crimes reported to have occurred within Clery defined geographic categories of the institution.

**About the Campus Safety/Security Office**

The area of daily responsibility for the EMU Safety and Security Office is managed by the Coordinator of Campus Safety and Security whose office is located in the Facilities Management building at 994 Parkwood Drive Harrisonburg VA. The Facilities Management Office acts as the principal contact for campus safety and security issues in person. By telephone the office of Safety and Security can be contacted at 540-432-4396 for business, or 540-432-4911 for emergencies. EMU contracts with a private security company to provide security officers on-site of the main campus during the closed hours of the Facilities Management Department. During normal business hours the Coordinator of Campus Safety and Security (or their designee) serves in the role of security. The satellite campuses depend upon local law enforcement for security.

University representatives have the authority to ask for identification of individuals and determine whether they have lawful business on the campus. Designated university staff has the authority to issue parking tickets which are billed to the accounts of students, faculty, and staff.

Contract security officers do not possess arrest powers. Criminal incidents are referred to the local police who have jurisdiction on the campuses.

EMU has Memorandums of Understanding (MOUs) with the Harrisonburg Police Department and Virginia State Police which define and establish procedures and practices for cooperation in the investigation of crimes and acts of violence on the main campus.

The Safety/Security Office maintains a highly collaborative working relationship with the Harrisonburg Police Department, the Rockingham County Sheriff’s Office, the Virginia State Police and the regional FBI Office. The office also maintains annual contact with the law
enforcement agencies responsible for the satellite campuses. All witnesses and victims of crime are strongly encouraged to immediately report to the office of Safety/Security or the appropriate police agency. Prompt reporting will assure the safety of all users, and timely warning notices on campuses and the complete disclosure of crime statistics.

EMU Safety/Security routinely conducts safety and security trainings with new employees. Topics covered include, emergency preparedness, fire safety, earthquake, tornado/severe weather, and active shooter training.

### New Employee Safety Trainings 2018:

<table>
<thead>
<tr>
<th>Date</th>
<th>Program</th>
<th>Audience</th>
<th>Delivery</th>
<th>Approximate Participation #</th>
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<tbody>
<tr>
<td>1/4/2018</td>
<td>Campus and Employee Safety and Security with Active Shooter</td>
<td>New adjunct faculty</td>
<td>In person with PowerPoint and video</td>
<td>10</td>
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<tr>
<td>4/12/2018</td>
<td>Campus and Employee Safety and Security with Active Shooter</td>
<td>All new employees</td>
<td>In person with PowerPoint and video</td>
<td>7</td>
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<tr>
<td>8/13/2018</td>
<td>Campus and Employee Safety and Security with Active Shooter</td>
<td>New full time faculty</td>
<td>In person with PowerPoint and video</td>
<td>11</td>
</tr>
<tr>
<td>12/06/2018</td>
<td>Campus and Employee Safety and Security with Active Shooter</td>
<td>All new employees</td>
<td>In person with PowerPoint and video</td>
<td>11</td>
</tr>
</tbody>
</table>
Crime Reporting Procedures-Safety and Security Guidelines

Harrisonburg residents enjoy a relatively low crime rate. However, it is the responsibility of every member of the campus community to take reasonable precautions for maintaining personal safety as well as the safety of others. The university’s campus safety and security program is an ongoing process that includes the development and enforcement of policies, regulations, procedures and practices.

To Report a Crime

Contact main Campus Security by dialing 4911 from any campus phone or 540-432-4911 from off campus or from cell phone. Telephones are located in all residence halls and on the outside of all dormitories. Any suspicious activity or persons seen in the parking lots or loitering around residential buildings should be reported to campus security or local police. Dial 911 for emergencies. For non-emergency situations the Harrisonburg Police Department can be contacted at 540-434-4436. Lancaster campus municipal police 717-291-4676, Washington D.C. police 202-727-9099 and the Winchester VA police at 540-662-4131. In addition, report crimes to the following people:

- Coordinator of Campus Safety and Security
- Vice-President of Finance
- Dean of Students
- Associate Dean of Students, Housing and Residence Life
- Associate Dean of Students, Student Programs
- Residence Directors
- Director of Facilities Management
- Director of Intercollegiate Athletics
- Director of Counseling Services
- Title IX Coordinator

Voluntary Confidential Reporting

Victims of a crime who do not want to pursue action within the university system or the criminal
justice system may still want to consider making a confidential report. The reports can be found at https://www.emu.edu/safecampus/ or, with permission, a security officer (or a designee of EMU) can file the incident without revealing the victim’s identity. The purpose of a confidential report is to comply with the victim’s wish to keep the matter confidential while taking steps to ensure the future safety of everyone on campus. With this information, the university can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime with regard to particular locations, methods, or assailants, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution.

Because of the nature of some types of crimes, confidentiality may not be able to be assured within the criminal justice system.

Timely Warning Reports

- Timely warnings may be issued for all Clery Act reportable offenses.
- Timely warnings are not limited to violent crimes or crimes against persons. The Clery Act does not specify what information shall be included in a timely warning; however, all attempts will be made to include information that promotes safety and aids in the prevention of similar crimes.
- If an incident occurs either on or off campus that in the judgment of the Coordinator of Safety and Security, the Vice-President of Finance or the Dean of Students, presents an ongoing or continued threat, a campus-wide timely warning or notice will be issued to all students, faculty, and staff.
- Depending on the circumstances of the crime and immediate threat to the community, timely warnings will be sent by one or more emergency notification systems.
- Anyone with information warranting a timely warning should report the circumstances to Campus Security at 4911 or 540-432-4911.

The Clery Act does not require confidential reporting of crimes. Although personally identifiable information is generally precluded from disclosure, such information may be released in an emergency situation.
The *Family Education Rights and Privacy Act* (FERPA) does not preclude an institution’s compliance with the timely warning provision of the campus security regulations. FERPA recognizes that information can, in the case of an emergency, be released without consent when needed to protect the health and safety of others. In addition, if institutions utilize information from the records of a campus security department to issue a timely warning, FERPA is not implicated as those records are not protected by FERPA.

**Emergency Notifications**

- Emergency notifications will be issued upon the confirmation of a significant emergency or situation involving an immediate threat to the health or safety of students, employees or public occurring on the campuses without delay, unless notification will compromise efforts to assist victims or contain the responds to, or otherwise mitigate the emergency.
- They will be issued by one or more methods of dissemination. EMU Alerts computer banner screen notifications, EMU Alerts phone texts, EMU emergency notification emails, HEARO local alert receivers, EMU UHF radio communications system, or any other methods that may be deemed useful.
- Confirmation may come by way of the local municipal emergency 911 center, local emergency services, or by campus security or administration.
- Notifications will be issued to groups/sectors that are in the most imminent threat if possible first, then to the broader campus community by way of any number of the aforementioned methods.
- Content of the notification will be dependent upon the type of situation occurring.
- When confirmation of a situation warranting notification has been received, the university Information Systems department, and/or Safety & Security and/or Facilities shall initiate the systems.
- Annual testing of the notification systems is conducted by all involved departments and records maintained within the university Crisis Management Preparedness Team files.

**Security and Access of Campus Facilities**

**Security and Access**

During business hours the main university (excluding certain housing facilities) is open to
students, faculty/staff, and the general public. During non-business hours’ access to all facilities is by key, electronic card swipe, Residence Life staff, or Campus Security. Residential dormitory buildings are secured 24 hours per day. Over extended breaks, the doors of all buildings will be secured 24/7. Some facilities may have individual hours which may vary at different times of the year. Examples are Hartzler Library, Eastern Mennonite Seminary, and the University Campus Center. In these buildings, doors are secured based on determined schedules developed by building usage.

The campus is assessed periodically by staff, security, and local law enforcement to reveal areas that could use improvements in areas such as landscaping, locks, alarms, and lighting. Additionally, any issue of pressing concerns about security and/or safety will be addressed monthly in scheduled Crisis Management Preparedness Team (CMPT) meetings.

How to Stay Protected

Lock doors to residence hall rooms especially if alone or asleep. These are vulnerable moments and a locked door provides extra protection.

- Never lend out keys or ID cards with building access to anyone.
- Never open doors to strangers.
- Never give names, addresses, or phone numbers to strangers.
- Whether traveling on foot, using public transportation, or operating a personal vehicle, bring a friend. It can be more fun to travel with company and there is always extra safety in numbers.
- Notify roommates, trusted friends, or staff members of location and expected time of return if leaving campus.

Carry ID Cards at all Times

For protection, persons will be required to present a valid EMU ID card on the main campus in the evenings and for entrance into EMU events. Your ID card is also required for access to all residence halls floors.

Specific student housing rules and procedures have been developed and implemented to make buildings a safe and secure home. Following are examples of some important rules designed to
enhance the safety and security of residents. However, residents should keep in mind that the most fool proof, designed measures are ineffective unless they support these policies.

Never admit an uninvited non-resident into the building. Do not let strangers enter the building as a guest. Guests of residents should be escorted at all times by their hosts. This is for the guests’ protection as well as the protection of other residents.

Report any unescorted stranger on a floor to a Community Advisor (CA). If there is no staff member on the floor at the time, call the Residence Director (RD), the residence director on-call (540-476-4578), or campus security (540-432-4911). Do not give ID cards or keys to anyone, providing access to residence halls. Residence halls are locked 24 hours a day, 7 days a week for safety of the whole community.

Under no circumstances should an exterior door be propped open. Although doing so may seem convenient, this endangers the community. Also, interior doors should not be propped open. Most are designed to function as fire doors, and propping them open eliminates their effectiveness in preventing the spread of smoke and fire.

Physical Facilities

If you observe a hazardous condition in your residence hall, immediately notify your community advisor or residence director.

Monitoring and Recording
Criminal Activity at Off-Campus
Student Events, Activities, and Organizations

EMU does not have fraternities and sororities. EMU does, however, maintain one residence with classroom and office space in the District of Columbia utilized by the Washington Community Scholars’ Center. EMU also has satellite campuses located with classroom space in East Lampeter Township, Lancaster, Pa, and Winchester Va.
The Student Life Office and the Coordinator of Campus Safety and Security receive monthly arrest record updates from the Harrisonburg Police Department for the main campus community. The university has a close working relationship with the other local police departments.

The university requires all students to participate in a cross-cultural study. These programs regularly take students around the world. As per the Higher Education Act of 1965 and the Crime Awareness and Campus Security Act of 1990, the university attempts to secure information about reportable criminal activity that is in proximity to students at non-campus facilities. While aware that cultural and political boundaries may exist, the university has established the following safety policy for cross-cultural events.

Safety Policy for Cross-Cultural Programs

The safety and welfare of Eastern Mennonite University’s students and leaders participating in cross-cultural programs is always top priority.

Pre-travel Preparedness

1. The cross-cultural leaders are experienced EMU faculty who accompany students in all their academic travel. During independent travel, students follow additional safety precautions as instructed by the directors.
2. Students receive instruction on safety, cultural norms, behavioral expectations, and legal considerations as part of orientation activities.
3. Students receive identification letters from EMU to be carried on person to assist them in case of emergency.
4. Students (and parents) receive a detailed itinerary with contact information and emergency contact numbers. The faculty leaders and director of cross-cultural programs maintain regular communication at all times. Periodic updates are sent to parents.

Geopolitical Monitoring

1. EMU carefully monitors the regions of all cross-cultural programs. Sources include U.S. Department of State advisories, consultants, travel agents, regional media sources, field contacts, local area partners, churches, and expatriate mission personnel. The intimate understanding of on-site field experts is invaluable for evaluating situations.
2. EMU cross-cultural groups register with the U.S. Department of State or directly with embassies and consulates to receive assistance in case of emergency.

Health Precautions
1. Students complete a variety of forms which inform EMU of health history and emergency information and grant medical permission. Also, they verify having international health insurance coverage to assist faculty leaders and the director of cross-cultural programs to arrange for appropriate medical care while traveling. Immunization recommendations for each program are communicated to students in advance. For students under the age of 21, a parent/guardian provides written permission for student participation in a cross-cultural program. Faculty leaders identify health professionals and facilities for all locations of their program to assist in case of illness or accident.
2. EMU cross-cultural groups embrace an ethic of care for each other.

Mental Health Precautions
1. A student with concerns or identified need will be seen by the Director of Counseling Services to assess safety for travel and the implication of lack of access to resources.
   a. If the student is a current client on campus, the Director of Counseling Services will rely on records and the in-person assessment.
   b. If the student already has a community counselor, the Director of Counseling Services will request a release to consult with the provider.
   c. If the Director of Counseling Services assesses no threat to safety, recommendations to allow the travel will be made to the student, parents, faculty and administration as appropriate.
   d. If the Director of Counseling Services feels further evaluation is needed, recommendations will be made to the student, parents, faculty and administration as appropriate and may include requests for further assessment by an outside provider which can include a psychiatrist or psychologist.
2. In consultation with the Cross-Cultural Director, the Director of Counseling Services, and VP for Student Life, the university may reserve the right to consult with parents or guardians and refuse permission to travel with an EMU program.
Contingency Plans

1. EMU faculty leaders take care in planning programs, and design contingency plans in case of emergency. Contingency plans may include, for example, relocation to a nearby country in order to complete studies.

2. Any decision to evacuate, relocate, or cancel a cross-cultural program rests with the president of the university in consultation with the provost, undergraduate academic dean, director of cross-cultural programs, and faculty leaders. The director of cross-cultural programs calls for such a meeting. While traveling, faculty leaders are authorized to withdraw to a safe location or return home if:
   a. There is a complete breakdown of communications systems making it impossible to contact the university; or,
   b. The danger is so immediate that there is insufficient time to contact the university.

Should it be necessary to leave a cross-cultural program location prematurely, the cross-cultural leaders will:

   a. Make every effort to complete the program in a similar locality or region; or,
   b. return to campus to complete the program with alternative learning experiences.
   c. If it is impossible to satisfactorily complete the program, arrangements for reimbursement and academic credit will be determined in consultation with the faculty leaders, director of cross-cultural programs, undergraduate academic dean, and university registrar according to university policies.

Responsible Party
Responsibility for this policy lies with the Director of Cross-Cultural Programs.

Policy Review
This policy is to be reviewed every five years.

Distribution
This policy is distributed via the Cross-Cultural Leaders Manual, Faculty/Staff Handbook, and Student Handbook.

Revised by Cross-Cultural Committee, February 06, 2014
Approved by Academic Cabinet, April 9, 2014
Approved by President’s Cabinet, September 9, 2014

Crime Prevention and Security Awareness

During orientation in August, the Student Life staff reviews personal safety and security awareness guidelines with incoming students.

Residence Life Safety Trainings 2018:

<table>
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<tr>
<th>Date</th>
<th>Program</th>
<th>Audience</th>
<th>Delivery</th>
<th>Approximate Participation #</th>
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</thead>
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<tr>
<td>8/16/2018</td>
<td>Campus safety and incident report writing</td>
<td>RDs and CAs</td>
<td>In person</td>
<td>42</td>
</tr>
<tr>
<td>8/20/2018</td>
<td>Alcohol and Drug Safety HPD/JMUPD</td>
<td>RDs and CAs</td>
<td>In person</td>
<td>42</td>
</tr>
<tr>
<td>8/20/2018</td>
<td>Mental Health and Suicide awareness</td>
<td>RDs and CAs</td>
<td>In person</td>
<td>42</td>
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<tr>
<td>8/21/2018</td>
<td>Title IX/CSA Training</td>
<td>RDs and CAs</td>
<td>In person</td>
<td>50</td>
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<td>8/21/2018</td>
<td>Campus Safety</td>
<td>RDs and CAs</td>
<td>In person</td>
<td>42</td>
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<td>8/21/2018</td>
<td>First Aid Training</td>
<td>RDs and CAs</td>
<td>In person</td>
<td>42</td>
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<td>8/21/2018</td>
<td>Fire Safety HFD</td>
<td>RDs and CAs</td>
<td>In person</td>
<td>42</td>
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<td>8/22/2018</td>
<td>Behind Closed Doors responding to incidents</td>
<td>RDs and CAs</td>
<td>In person</td>
<td>42</td>
</tr>
<tr>
<td>8/24/2018</td>
<td>Bystander Training</td>
<td>All new students</td>
<td>In person</td>
<td>200</td>
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<tr>
<td>8/25/2018</td>
<td>Alcohol and Drug Workshop</td>
<td>All new students</td>
<td>In person</td>
<td>200</td>
</tr>
</tbody>
</table>
Crime Prevention

Crime prevention involves being aware of an environment and being alert to, and avoiding, situations that could make heightened vulnerability to crime. Specific measures cannot be listed to protect students from every threatening situation that may arise, but the hope is to teach students, faculty/staff, and the public to think “crime prevention” in day-to-day living. The suggestions presented should not be thought of as an exhaustive list of crime prevention measures, but as examples of rational behavior that will help make life safer and more secure.

Protecting Possessions: Lock Doors when Room is Vacant

Most burglaries in student housing units occur in unlocked rooms. Locking doors removes easy access for thieves. Engrave all personal items of value in your room with a driver’s license or other identifying number. Engraving tends to deter theft and facilitates recovery of possessions, should they be stolen. Keep a record of the serial numbers of belongings; items of value that do not have serial numbers should be photographed. Clothing can be marked on an inside the label with an indelible laundry marker. Do not advertise valuables and make sure to keep them out of sight. Arrange rooms so that high risk items such as cameras, stereos, and televisions are not visible from the hallway when the door is open, or from ground-level windows. Items of high monetary value and minimal use in a college environment (such as expensive jewelry) should be left at home. Very expensive items should be stored in a safe deposit box.

All students should have insurance for their belongings. **Insurance against loss of or damage to personal possessions must be provided by the student.** Check with parents regarding coverage under the family’s homeowner’s policy. Tenants’ insurance may be obtained from a local agency, if desired.

Protecting Vehicles

Lock vehicles and take the keys. Many car burglaries and car thefts occur because the owner did not take time to secure the car. Do not allow vehicles to become a target of opportunity by leaving them unlocked and open for all who care to enter. Do not park in isolated and/or dark places if these areas can be avoided. Park where there are people about and where the car will be lighted. Do not leave items of value unattended in a vehicle. Expensive cameras, stereo equipment, textbooks and clothing left on the seat of an unattended vehicle are invitations for theft. If items must be left in a
vehicle, store them in a locked trunk. Weapons may not be kept in vehicles or anywhere else on campus. There are parking lots on campus dedicated to residential users. Become familiar with parking rules and obey them. Vehicles on campus are subject to inspection if deemed necessary.

Protecting Bicycles

Never leave your bicycle unlocked and unattended. Record bicycle serial number and description of the bicycle. Many recovered bicycles will not be released by the police without proper serial number identification. Engrave a bicycle with the owner's name and/or driver's license number. Bicycles are not to be taken inside campus buildings. Keep bicycles locked on one of the bicycle racks or store a bicycle in the designated bicycle sheds. Keys may be obtained from Residence Directors.

Protecting One’s Self and Property

Sexual assaults and other crimes are more likely to occur at night. And while you should not scare yourself into assuming danger is around every corner, you also shouldn't take unnecessary risks. Use the buddy system at night. Maintain privacy on social media, avoid geotagging photos. Don’t get sucked into your phone, maintain a level of situational awareness. Don't tell the world everything until tomorrow. Know where you are and where you are going when you leave campus. Program emergency contact into your phone. Trust your gut and instinct. Be prepared to protect yourself.

Do not leave belongings unattended in public areas such as dorm lobbies, restrooms, hallways, laundry rooms, dining rooms, tables in public restaurants, in academic buildings and public restrooms. Do not carry more cash than anticipated for one trip. Do not flash large amounts of cash in public. Do not carry identification cards and checks in the same wallet.

Keep them separate; IDs in a billfold in one pocket and place checkbook in another pocket. If either are lost or stolen, the finder will not have access to a checking account. Mark items that are regularly taken to class, such as books, backpacks, and calculators. Persons in laboratory or studio classes should also mark all of their personal supplies with their name or driver’s license number. Make a list of credit cards, identification cards, and checking account numbers. Keep the list in a safe place. If a purse or wallet is lost or stolen, a list of numbers can be used when notifying the proper authorities. Remember to contact all credit card companies and banks to deactivate cards. Make these notifications immediately.
Relationship Violence and Sexual Misconduct Policy

SECTION 1: INTRODUCTION

Eastern Mennonite University (EMU) is committed to establishing and maintaining a community rich in equality and free from all forms of discrimination and harassment. Relationship violence and sexual misconduct are prohibited at EMU. As a Christian institution of higher education, EMU affirms that relationship violence and sexual misconduct is harmful to the individuals involved as well as to the campus community. Furthermore, instances of relationship violence and sexual misconduct are often experienced as trauma and can thus have lasting impacts even many years after the originating event/incident.

The university will take prompt and equitable action to eliminate relationship violence and sexual misconduct and prevent its recurrence. When the conduct has a propensity to create a hostile, manipulative, or coercive environment on campus, the university obligates itself to respond in support of all parties involved, the campus community, and others who have been impacted. The university strives to achieve this by ensuring the safety of those who have been harmed and holding accountable those who have done harm.

The purpose of the Relationship Violence and Sexual Misconduct Policy is to define relationship violence and sexual misconduct, describe the process for reporting violations of the policy, outline the procedures used to investigate and resolve alleged violations of the policy, and identify the resources available to members of the EMU community who are involved in an incident of relationship violence and/or sexual misconduct.

In order to establish and maintain a campus community that values the dignity of all, this policy and resolution procedure commits the university to:

1. Identify the forms of relationship violence and sexual misconduct that violate this policy;
2. Disseminate clear policies and procedures for responding to relationship violence and sexual misconduct or other forms of conduct prohibited under this policy that are reported to the university;
3. Develop an ongoing coordinated effort for delivering prevention and awareness programs and ongoing training and education programs to students, faculty, and staff so that they:
   1. May identify what behavior constitutes relationship violence and sexual misconduct; and
   2. Understand how to report such misconduct;
4. Engage in investigative inquiry and resolution of reports in an adequate, reliable, impartial, prompt, fair, and equitable way;
5. Support those who have been harmed and hold persons accountable for established violations of this policy; and
6. Provide a written explanation of the rights and options for the Title IX process, interim accommodations, process accommodations, confidential services and community resources to every student or employee that has experienced relationship violence and/or sexual misconduct, regardless of when or where the conduct occurred (Appendices C & D).

In addition, this policy identifies and describes the various roles of the university’s Title IX Coordinator, deputy Title IX Coordinators, Title IX Investigators, and Title IX Review Board; identifies how students, faculty, and staff can report relationship violence, sexual misconduct, or other forms of conduct prohibited under this policy to the university, confidentially; identifies access to on- and off-campus resources available to reporting and responding parties, including the right to notify local law enforcement, be assisted in that notification, and/or decline to notify such authorities; and provides the university with a means to take all reasonable steps to identify relationship violence and sexual misconduct, support prevention of its recurrence, and repair the harmful effects on the reporting party, as appropriate.

*Revised August 2019
Approved by President’s Cabinet, 2017*

**SECTION 2: DEFINITIONS**

The following terms are used throughout the course of this policy. Definitions of specific acts and behaviors related to relationship violence and sexual misconduct can be found in Section 4 of the policy.

**ADVISOR**

Reporting and responding parties may choose to be accompanied by a support person during any part of the Title IX process. A support person may not contribute any information or comments during informal or formal proceedings but may consult with the party they are supporting at any time during the proceedings. An advisor be a participant or witness in an investigation.

**ADVOCATE**

Advocates are certified professionals who are available to accompany the reporting party(s) through medical, legal, and/or campus Title IX processes (reporting, investigating, adjudicating, etc.). Advocates are available through community organizations such as Collins Center and First Step or may be arranged through the Title IX office. An advocate cannot be called as a witness during the Title IX proceedings. An advocate may accompany the reporting party(s) to any meeting or hearing as desired.

**CAMPUS SECURITY AUTHORITY**
A campus security authority (CSA) is a Clery Act-specific role that includes any individual who works as a campus security officer or in the Office of Campus Safety and Security; any individual who has responsibility for aspects of campus security, even on an ad hoc basis (for example, those providing security at sporting events); any individual or department to whom EMU directs students and employees to report criminal offenses in addition to campus security officers or the Office of Campus Safety and Security; and any employee who has significant responsibility for student and campus activities including, but not limited to, student housing, student discipline, and campus judicial proceedings.

At EMU, the following groups or roles are defined as CSAs: Admiral Security officers; the Coordinator of Campus Safety and Security; the Title IX Coordinator; members of President’s Cabinet; the Director of Athletics, all coaches, assistant coaches, and graduate assistants in the Athletics department; all employees of the Student Life division, including all residence directors (RDs) and community assistants (CAs); the Director of Facilities Management; the Director of Counseling Services; and representatives from the graduate programs, Lancaster campus, and Washington Community Scholars’ Center.

CLERY ACT

The Clery Act is a consumer protection law that aims to provide clarity around campus crime policy and statistics. The Clery Act requires all post-secondary institutions participating in the Higher Education Act’s (HEA) Title IV student financial assistance programs to disclose campus crime statistics and security information. The Clery Act offers specific rights and options to students and employees who experience sexual assault, domestic violence, dating violence, and/or stalking.

CONFIDENTIAL EMPLOYEE

Confidential employees are those employees of EMU who are exempt from reporting incidents of conduct prohibited under this policy that is disclosed to them by students or employees while in particular confidential roles. Confidential employees include licensed mental health clinicians, auxiliary staff working in Counseling Services, licensed medical health professionals, and licensed/credentialed campus pastors acting in their roles. Disclosures that occur when the confidential employee is not acting in their official capacity must be reported.

Confidential employees are prohibited from breaching confidentiality unless there is an imminent threat of harm to self or others or the disclosure is otherwise legally required or is expressly permitted by the disclosing party. Non personally identifying, aggregate data will be shared with EMU by confidential employees for statistical purposes consistent with the Clery Act.

DEPUTY TITLE IX COORDINATOR

On EMU’s Harrisonburg campus, the deputy Title IX Coordinators fulfill the duties of the Title IX Coordinator when the Title IX Coordinator is unavailable or as the Title IX Coordinator assigns duties to them. At EMU’s Lancaster campus and Washington Community Scholars’
Center site, deputy Title IX Coordinators serve as the point person for reports of relationship violence, sexual misconduct, or other forms of conduct prohibited under this policy, and they work with the Title IX Coordinator to meet the needs of the parties involved in the absence of the Title IX Coordinator. Deputy Title IX Coordinators are eligible to serve as members of the Assessment Team.

**TITLE IX INVESTIGATOR**

Title IX Investigators serve as designees for the Title IX Coordinator to carry out the investigation of cases and prepare a written preliminary investigation report and/or a final investigation report after the investigation is completed in cases which move through the formal investigation process. Title IX Investigators conduct thorough and impartial investigations into the facts of a case, including interviewing the reporting party(s), the responding party(s), witnesses, or others who may have relevant information, and collecting any other evidence deemed relevant to a case.

**EMPLOYEE**

An employee is any individual who receives compensation from EMU for the performance of their duties.

**FERPA / FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT**

The [Family Educational Rights and Privacy Act, 20 U.S.C. Section 1232g; 34 C.F.R. Part 99](https://example.com), or FERPA, is a federal law designed to protect the privacy of student education records. Under FERPA, universities must receive explicit consent from a student (or a student’s guardian if the student is under age 18) in order to release a student’s education records or personally identifiable information contained therein. FERPA also allows a student (or their guardian, if under age 18) to report and have fixed any inaccuracies in the student’s records.

FERPA protects all documentation related to a student’s report, investigation, and resolution of cases of relationship violence, sexual misconduct, and/or other forms of misconduct prohibited under this policy, except as required by law.

**GENDER EXPRESSION**

A person’s outward expression of their gender through clothing, grooming, speech, hairstyle, body language, social interactions, and other behaviors. A person’s gender expression may not conform with societal expectations of how a person of a perceived gender should present.

**GENDER IDENTITY**

A person’s internal sense of being male, female, neither, both, or another gender. The internal sense of a person’s gender may be different than the sex assigned to the person at birth.
GENDER IDENTITY BIAS / GENDER BIAS

A pre-formed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender nonconforming individuals.

HOSTILE ENVIRONMENT

A hostile environment is created when unwelcome conduct of a sexual or gender-based nature that affects an individual’s ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening or abusive educational and/or living environment and is the standard by which a Title IX violation will be determined to have occurred. It will be necessary, but not enough, that the conduct was unwelcome to the person who was harassed. The university will also need to find that a reasonable person in the individual’s position would have perceived the conduct as undesirable or offensive in order for that conduct to create or contribute to a hostile environment. To make the ultimate determination of whether a hostile environment exists for an individual, the university considers a variety of factors related to the severity, persistence, and pervasiveness of the sex-based harassment, including:

1. The type, frequency, and duration of the conduct;
2. The identity and relationships of persons involved;
3. The number of individuals involved;
4. The location of the conduct and the context in which it occurred; and,
5. The degree to which the conduct affected one or more student’s education.

A single, isolated incident of sexual or gender-based harassment may, based on the facts and circumstances, be sufficient to create a hostile environment. Likewise, a series of incidents, whether occurring close in time or not to each other, may be sufficient to create a hostile environment, even if each of the incidents is not particularly severe.

PREPONDERANCE OF THE EVIDENCE

A standard of proof in which the totality of the evidence offered in support of a fact is greater or more convincing than the evidence which is offered in opposition to it, given the totality of information the version of events that is more likely than not. Preponderance of the evidence is understood to require more than 50 percent certainty to determine responsibility for violating university policy (51% or greater). Preponderance of the evidence is the standard of proof used in university Title IX processes, in contrast with the beyond a reasonable doubt standard used in the criminal justice system.

RELATIONSHIP VIOLENCE

Relationship violence is a broad term used by EMU to categorize types of violence other than sexual violence that occur in the context of an intimate relationship, often including emotional, psychological, physical, or fiscal abuse. Relationship violence encompasses domestic violence, dating violence, and intimate partner violence. An incident of relationship violence can consist of
a single act of violence or a pattern of violent acts. Incidents of relationship violence can occur separate from or in tandem with incidents of sexual misconduct.

**REPORTING PARTY**

Any member of the university community who alleges relationship violence, sexual misconduct, and/or any other conduct prohibited under the Relationship Violence and Sexual Misconduct Policy. A reporting party does not have to seek formal disciplinary action to receive the support services outlined for reporting parties in this policy. Rights of a reporting party can be found in Appendix C.

**RESPONDING PARTY**

Any member of the university community who has been alleged to have carried out an incident of relationship violence, sexual misconduct, or any other conduct prohibited under the Relationship Violence and Sexual Misconduct Policy. Rights of a responding party can be found in Appendix D.

**RESPONSIBLE EMPLOYEE**

A responsible employee is every faculty, staff, and volunteer on campus who works with students or minors (with the exception of confidential employees, defined above). All responsible employees and every person identified as a campus security authority (defined above) under the Clery Act must immediately report to the Title IX Coordinator any relationship violence, sexual misconduct, or other form of conduct prohibited under this policy reported to them or observed by them, including the name of the reporting and the responding party(s), if known, and all known details. This reporting can be done by emailing titleixcoordinator@emu.edu, calling (540) 432-4849, or completing a campus incident form at https://emu.edu/safecampus/. The university requires everyone in the campus community, including confidential employees, to report the suspected abuse of those under the age of 18.

**SEXUAL MISCONDUCT**

Sexual misconduct is a broad term used by EMU to refer to violence of a sexual nature. Sexual misconduct encompasses sexual assault, sexual exploitation, and sexual harassment. Sexual misconduct may occur through physical violence, the threat of violence, and/or coercion. An incident of sexual misconduct can consist of a single act or a pattern of acts. Incidents of sexual misconduct can occur separate from or in tandem with incidents of relationship violence.

**STUDENT**

A student will be considered enrolled if the student is pre-registered for courses in any term (fall, spring, or summer) and the student’s attendance in at least one class has been verified. After classes begin, students need to be attending classes to continue their enrollment status. Students are considered continuously enrolled when they are registered for consecutive fall and spring
terms. Please note that those who arrive to campus prior to the start of classes for official university functions, including but not limited to student employment, trainings, athletics, orientation, etc., are considered Eastern Mennonite University students.

THIRD PARTY

A third party is any person on campus that is not directly employed by the university but is contracted to provide services to the university community. For example, employees of Pioneer Catering, EMU’s bookstore, and construction workers are third parties on campus.

TIMELY WARNING

A timely warning is a warning required by the Clery Act that alerts the campus community to potentially dangerous circumstances. The need for a timely warning is determined by considering the nature of the act reported and the likelihood that continuing danger exists for the campus community. In cases of relationship violence, sexual misconduct, or other forms of conduct prohibited under this policy, the Title IX safety team will meet to determine the need for a timely warning. If warranted, a timely warning will be issued by the Coordinator of Campus Safety and Security, who has the final authority to make the determination according to Virginia law.

TITLE IX

Title IX is a federal regulation that prohibits sex discrimination in educational institutions that receive federal funding. Under Title IX, 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.

TITLE IX ASSESSMENT TEAM

The Title IX assessment team consists of the Title IX Coordinator and one or more Deputy Title IX Coordinators, identified by the Title IX Coordinator for assistance according to their primary role in the university system. The assessment team will include the Director of Human Resources when an employee is involved in a report. The Title IX assessment team determines disciplinary outcomes, if any, for the responding party(s) in an informal RVSM policy or Title IX issue resolution process, or refers cases to a formal process if there is any question of a hostile environment. See Appendix A, Section A.3.2.2. for more information.

TITLE IX COORDINATOR

The Title IX Coordinator is responsible for overseeing and resolving all reports of sex discrimination covered by the Relationship Violence and Sexual Misconduct Policy, including possible Title IX reports, and identifying and addressing any patterns or systemic concerns that arise during the review of such reports. The coordinator’s responsibilities include oversight of a prompt, fair, equitable investigation and resolution process for reports of relationship violence,
sexual misconduct, or other forms of conduct prohibited under this policy. The Title IX Coordinator also evaluates trends on campus by using information reported to them and makes recommendations for campus-wide training and education programs and other remedial actions designed to eliminate relationship violence and sexual misconduct, prevent its recurrence, and address its effects.

In addition to the Title IX Coordinator’s core responsibilities, additional services to the university community include working with campus resources to provide ongoing training to new and current students, faculty, and staff on Title IX issues and procedures. The university will ensure that responsible employees with the authority to address sexual violence, including sexual harassment, know how to respond appropriately to reports of prohibited conduct, that they are obligated to report relationship violence, sexual misconduct, or other forms of conduct prohibited under this policy to the Title IX Coordinator, and that all employees understand how to respond to such reports.

Title IX Coordinator: 540-432-4849; titleixcoordinator@emu.edu

TITLE VII

Title VII of the Civil Rights Act of 1964 is a federal law that prohibits employers from discriminating against employees on the basis of sex, race, color, national origin, and religion. Particularly of relevance to EMU’s Relationship Violence and Sexual Misconduct Policy are the prohibitions that Title VII establishes towards sex-based discrimination, including discrimination on the basis of pregnancy, childbirth, related medical conditions, or sexual harassment in the workplace carried out by either the institution or other coworkers.

In addition to bringing a case under EMU’s Relationship Violence and Sexual Misconduct Policy, employees may also file a complaint directly with the Equal Employment Opportunity Commission (EEOC). Complaints must be filed with the EEOC within 180 days of the discriminatory act in order to preserve the rights of the reporting party in a court of law.

1 The standard of proof used in a court of law, which means that no other logical explanation can be derived from the facts except that a defendant committed a crime, thereby overcoming the presumption that a person is innocent until proven guilty. If a reporting party chooses to pursue legal action in a court of law, the beyond a reasonable doubt standard will be used, in contrast with the preponderance of evidence standard that is used by the university to determine responsibility in Title IX processes.

SECTION 3: SCOPE OF POLICY

Eastern Mennonite University prohibits harassment of, and discrimination against any and all community members. This policy applies to students who are registered or enrolled in credit- or non-credit-bearing coursework (students); all university employees, consisting of full-time and part-time faculty and staff, including temporary and adjunct roles (employees); and contractors, vendors, visitors, volunteers, guests, or other third parties (third parties) on any EMU campus or site.
This policy pertains to acts of relationship violence and sexual misconduct or other forms of prohibited conduct that may be based on sex or gender and are committed by or against students, employees, and third parties. This policy applies when:

1. The conduct occurs on university property or other property owned or controlled by the university;
2. The conduct occurs in the context of a university employment or educational program or activity including, but not limited to, university-sponsored cross-culturals, research, online, or internship/practicum programs;
3. The conduct occurs off-campus but is likely to have a substantial adverse effect on a member of the EMU community; or
4. The conduct occurs outside the context of a university employment or educational program or activity but has continuing adverse effects on, or has the propensity to create a hostile environment for students, employees, or third parties while on university property, other property owned or controlled by the university, or in any university employment or education program/activity.

Some conduct prohibited under the Relationship Violence and Sexual Misconduct Policy, if not a form of sex discrimination (e.g., stalking or hazing) and/or not done in retaliation for acts or reports of relationship violence or sexual misconduct (e.g., bullying and intimidation) will be adjudicated under EMU’s student conduct policy or, in the case of an employee, under processes administered by EMU’s human resources office.

3.1. NOTICE OF NON-DISCRIMINATION

The university is committed to maintaining an environment free from harassment and discrimination for everyone. EMU does not discriminate on the basis of race, sex, national origin, religion, sexual orientation, gender identity or expression, or any other protected status in any of its education or employment programs and activities. This policy prohibits specific forms of behavior that may violate Title IX of the Education Amendments of 1972 (Title IX); relevant provisions of the Violence Against Women Reauthorization Act of 2013 (VAWA); Title VII of the Civil Rights Act of 1964 (Title VII); the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act); and corresponding state regulations in Virginia, Pennsylvania, and Washington, DC.

The university recognizes that it is important to coordinate this policy with other existing policies related to harassment and discrimination, knowing that sex discrimination can occur in conjunction with discrimination and misconduct related to a person’s race, ethnicity, national origin, religion, age, disability, and/or other protected status. Reports that include both sex discrimination and discrimination related to another protected status may be adjudicated under this policy and any university policies related to the other protected status(es) (for example, EMU’s bias policy). Questions about which policy applies in a specific instance should be directed to the Title IX coordinator.

This policy covers relationship violence and sexual misconduct. Employees should seek further information regarding equal opportunity, disability, harassment, discrimination, and retaliation
that is not based on sex or gender discrimination with the director of human resources at (540) 432-4148 or hr@emu.edu.

3.2. BIAS

Bias is prejudice in favor of or against one thing, person, or group compared with another, usually in a way considered to be unfair. EMU makes every effort to recognize and mitigate the impacts of bias. The university strongly encourages all parties involved to identify, name, and work to address the various forms of bias that may impact the campus community.

3.3. CONFLICT OF INTEREST

Conflict of interest means that a person may have the potential to undermine the impartiality of a process due to the possibility of a conflict between the person’s self-interest and/or professional or public interest. The university makes every effort to identify and prevent conflicts of interest at any and every level. Should a conflict of interest be identified, the university will identify and utilize alternative (up to and including external) resources.

3.4. PRIVACY AND CONFIDENTIALITY

The university is committed to protecting the privacy of all individuals involved in the investigation and resolution of a report under this policy. The university will provide assistance to help students, employees, and third parties make informed choices. With respect to any report under this policy, the university will make reasonable efforts to protect the privacy of participants, in accordance with applicable state and federal law, while balancing the need to gather information to assess the report and to take steps to eliminate relationship violence and sexual misconduct; prevent its recurrence; and remedy its effects. Privacy and confidentiality have distinct meanings under this policy.

3.4.1. PRIVACY

Privacy means that information related to a report of relationship violence, sexual misconduct, or other forms of conduct prohibited under this policy will be shared with a limited circle of university employees who have legitimate need to assist in the assessment, investigation, and adjudication of the report. All employees who are involved in the university’s response to reports of relationship violence, sexual misconduct, or other forms of conduct prohibited under this policy receive guidance about sharing and safeguarding private information in accordance with federal and state law.

Further, the university will privately maintain any accommodations or protective measures provided to the reporting or responding party(s) to the extent that maintaining such privacy would not impair the university’s ability to provide the accommodations or protective measures.

The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act (FERPA). All documentation related to a student’s report,
investigation, and resolution are protected by FERPA and will not be released, except as required by law. Non-identifying information about a report will be shared with Campus Safety and Security to comply with the Clery Act. All publicly available record keeping, including those required under Clery such as the daily crime log, annual security report, and timely warnings, are maintained without the inclusion of personally identifiable information about reporting parties. In addition, any person involved in a case of relationship violence, sexual misconduct, and/or any other form of conduct prohibited under this policy may request that their directory information on file be removed from public sources by contacting the Title IX coordinator at titleixcoordinator@emu.edu or by calling 540-432-4849.

The privacy of an individual’s medical and related records is generally protected by the Health Insurance Portability and Accountability Act (HIPAA), except health records protected by FERPA and by Virginia’s Health Records Privacy Act, Va. Code § 32.1-127.1:03. Access to an employee’s personnel records may be restricted in accordance with the Virginia Freedom of Information Act (FOIA).

The university respects the privacy interests of students and employees. Information reported to the Title IX coordinator will only be shared with the university officials who will assist in responding, investigating, and/or resolving a report. The university will document non-identifying information in the campus incident log as required by the Clery Act. Should the university determine there is a serious or imminent threat, a timely warning notice will be shared with the community.

### 3.4.2. CONFIDENTIALITY

Confidentiality means that information shared by an individual with designated confidential campus or community professionals cannot be revealed to any other individual without the express permission of the disclosing party. The university has designated groups of individuals who can have privileged communications as confidential employees and are therefore exempt from reporting incidents of relationship violence, sexual misconduct, and/or other forms of conduct prohibited under this policy that are disclosed to them while they are serving in particular confidential roles.

Disclosures must occur when confidential employees are in their role as a confidential employee in order for the disclosure to remain confidential. Disclosures that occur when the confidential employee is not acting in this official capacity must be reported on the Campus Safety Incident Form or directly to the Title IX coordinator.

Confidential employees are prohibited from breaching confidentiality unless there is an imminent threat of harm to self or others or the disclosure is otherwise legally required or is expressly permitted by the disclosing party. Non personally identifying, aggregate data will be shared with EMU by confidential employees for statistical purposes consistent with the Clery Act.

The following classifications of individuals are confidential employees under university policy when serving in these official capacities:
1. Licensed mental health clinicians and those working in auxiliary roles within EMU’s Counseling Services. Mental health clinicians licensed by the state in which they practice and those clinicians in training whose official university responsibilities include providing mental health counseling to members of the campus community.

2. Medical health professionals who are registered with the state in which they practice with the and whose official university responsibilities include providing health services to members of the campus community.

3. Pastors who are licensed and/or credentialed and whose official university responsibilities are to provide pastoral services to members of the university community. For example, students may disclose sexual abuse to a pastor who is their faculty member. If this disclosure is received in the context of the pastor’s role as a faculty member, the incident must be reported.

The university will document non-identifying information in the campus incident log as required by the Clery Act. Should the university determine there is a serious or imminent threat, a timely warning notice will be shared with the community.

### 3.5. EMPLOYEE REPORTING RESPONSIBILITIES

**Title IX** uses the concept of notice, and imposes obligations for a “prompt and effective remedy” on colleges and universities when notice of sex and/or gender discrimination or harassment is given to a responsible employee. A school has notice if a responsible employee knew, or in the exercise of reasonable care should have known, about the harassment. A responsible employee is every faculty, staff, and volunteer on campus who works with students or minors (with the exception of the confidential employees named above).

All responsible employees must immediately report to the Title IX coordinator any relationship violence, sexual misconduct, or other forms of conduct prohibited under this policy reported to them or observed by them, including the name of the reporting and the responding party(s), if known, and all known details. This reporting can be done by calling (540) 432-4849, emailing titleixcoordinator@emu.edu, or completing a campus safety incident form at https://emu.edu/safecampus/. The university requires everyone in the campus community, including confidential employees, to report suspected abuse of children.

Faculty and staff who receive disclosures through classroom discussions or assignments are not under obligation to report to the Title IX coordinator if the intent of the individual was not to seek support services or make an official report to the university. The determination as to intent may be made in conversation between the employee and student, and/or in consultation with the Title IX coordinator.

Public awareness events, open forums or disclosures made during formal Institutional Review Board projects are not considered a report of relationship violence, sexual misconduct and therefore will not initiate the university’s obligation to investigate these particular incident(s). Such events may, however, inform the need for campus-wide education and prevention efforts.

Reporting parties who wish to make a confidential disclosure have multiple confidential resources available to them. For a full listing see Appendix F.
3.6. REQUEST FOR ANONYMITY BY A REPORTING PARTY

Reporting parties who experience relationship violence, sexual misconduct, or other forms of conduct prohibited under this policy may request anonymity, including that their name not be shared with the responding party(s), that the responding party(s) not be notified of the report, and/or that no investigation occur. Where the reporting party(s) requests that their identity not be shared with the responding party(s) or that the university not pursue an investigation, the university will balance this request with the university’s responsibility to provide a safe and non-discriminatory environment for all university community members as required under the Clery Act.

The university, through the Title IX coordinator, will take all reasonable steps to investigate and respond to the report consistent with the request not to share identifying information or pursue an investigation, but their ability to do so may be limited. If the reporting party wants to tell the Title IX coordinator what happened, but also wants to maintain anonymity, the Title IX coordinator will tell the reporting party that the university will consider the request but cannot guarantee anonymity. Requests for anonymity are balanced against the following factors:

1. The respective ages and roles of the reporting and the responding parties;
2. Whether there have been other reports of relationship violence, sexual misconduct, or other forms of conduct prohibited under this policy involving the responding party(s);
3. Whether the circumstances suggest there is a risk of the responding party(s) committing additional acts of relationship violence, sexual misconduct, or other forms of conduct prohibited under this policy;
4. Whether the responding party(s) has a history of arrests or records indicating a history of violence;
5. Whether the report indicates the responding party(s) threatened further sexual violence or other violence against the reporting party(s) and other individuals involved;
6. Whether the reported conduct was committed by multiple individuals;
7. Whether the circumstances suggest there is a risk of future acts of relationship violence, sexual misconduct, or other forms of conduct prohibited under this policy under similar circumstances;
8. Whether the reported conduct was perpetrated with a weapon;
9. Whether the university possesses other means to obtain relevant evidence (e.g., security cameras or security personnel, physical evidence).

Where the university is unable to act consistent with the request of the reporting party(s), the Title IX coordinator will inform the reporting party(s) about the chosen course of action, which may include the university seeking disciplinary action against the responding party(s). Alternatively, the course of action may also include steps to eliminate the effects of the relationship violence, sexual misconduct, or other forms of conduct prohibited under this policy and prevent its recurrence that do not involve formal disciplinary action against a responding party(s) or revealing the identity of the reporting party(s).

Where the university determines that it must move forward with an investigation despite a reporting party’s request for anonymity, the university will notify the reporting party(s) and will make reasonable efforts to protect the privacy of the reporting party(s) to the extent possible. However, certain actions that may be required as part of the university’s response, including an
investigation and disciplinary resolution, will involve speaking with the responding party(s) and others who may have relevant information, in which case the responding party’s identity may have to be disclosed only to those individuals who need to know in order to protect the safety of the campus community. In such cases, the university will notify the reporting party(s) that it intends to move forward with an investigation, but in no event will the reporting party(s) be required to participate in any such actions undertaken by the university.

SECTION 4: CONDUCT PROHIBITED UNDER THIS POLICY

The University prohibits the following forms of conduct under this policy:

Relationship Violence, which includes domestic violence and dating violence.

Sexual Misconduct, which includes sexual assault, sexual exploitation, and sexual harassment.

Other Prohibited Conduct, which includes stalking, hazing, and gender-based harassment.

Retaliation, which includes bullying and intimidation. These forms of conduct are prohibited regardless of the sex, sexual orientation, and/or gender identity/expression of the reporting party(s) and the responding party(s). Forms of complicity to any of these behaviors are also prohibited and will be adjudicated under this policy.

In addition to violating EMU’s Relationship Violence and Sexual Misconduct Policy any of these prohibited forms of conduct may also be violations of federal Title IX regulations and constitute a Hostile Environment, which exists when sex discrimination is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefitting from the university’s education or employment programs and/or activities.

4.1. RELATIONSHIP VIOLENCE

Relationship violence is a broad term used by EMU to categorize types of violence other than sexual violence that occur in the context of an intimate relationship, often including emotional, psychological, physical, or fiscal abuse. Relationship violence encompasses domestic violence and dating violence (definitions provided below).

An incident of relationship violence can consist of a single act of violence or a pattern of violent acts. Incidents of relationship violence can occur separate from or in tandem with incidents of sexual misconduct.

4.1.1. DOMESTIC VIOLENCE

Domestic violence is a misdemeanor or felony crime of violence, force, or threats that results in physical injury or places a family or household member in fear of injury or harm. Family or
household members may include spouses, former spouses, parents, children, grandparents, siblings, in-laws who live in the same house, people who have children together, and people who live together or have lived together in the past year. Domestic violence is committed by a current/former spouse or sexual/intimate partner of the reporting party, by a person who is living with or has lived with the reporting party as a spouse or intimate partner, or by a person with whom the reporting party shares a child in common. Depending on the local jurisdiction, certain offenses, including but not limited to rape, aggravated assault, and stalking, can be deemed domestic violence depending on the relationship of the parties involved.

4.1.2. DATING VIOLENCE

Dating violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the reporting party. The existence of such a relationship will be determined based on the reporting party’s statement, taking into consideration the following factors: a) the length of the relationship; b) the type of relationship; and c) the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include any acts covered under the definition of domestic violence.

4.2. SEXUAL MISCONDUCT

Sexual misconduct is a broad term used by EMU to refer to violence of a sexual nature. Sexual misconduct encompasses sexual assault, sexual exploitation, indecent exposure, and sexual harassment (definitions provided below). Sexual misconduct may occur through physical violence, the threat of violence, and/or coercion.

An incident of sexual misconduct can consist of a single act or a pattern of acts. Incidents of sexual misconduct can occur separate from or in tandem with incidents of relationship violence.

4.2.1. SEXUAL ASSAULT

Sexual assault is any sexual act directed against another person, without the consent of that person, including instances where that person is incapable of giving consent. Sexual assault is any offense that meets the definition of rape, fondling, incest, or statutory rape.

4.2.1.1. Rape

Rape is penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of the responding party, without the consent of the reporting party(s).

4.2.1.2. Fondling

Fondling is the touching of private body parts of the reporting party(s) by the responding party(s) for the purpose of sexual gratification, without the consent of the reporting party(s), including
instances where the reporting party(s) is incapable of giving consent because of age or because of temporary or permanent mental incapacity.

4.2.1.3. Incest

Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

4.2.1.4. Statutory Rape

Statutory rape is sexual intercourse with a person who is under the statutory age of consent, age 18 in the Commonwealth of Virginia and the District of Columbia, age 16 in the Commonwealth of Pennsylvania.

4.2.1.5. Examples of Sexual Assault

Examples of behavior that may constitute sexual assault include, but are not limited to, the following:

1. Engaging in sexual activity with an unconscious or semi-conscious person;
2. Engaging in sexual activity with someone who is asleep or passed out;
3. Engaging in sexual activity with someone who has said “no” or has otherwise indicated through non-verbal communication that they do not consent to sexual activity;
4. Engaging in sexual activity with someone who is vomiting, unable to stand without assistance, or has to be carried to bed;
5. Allowing another person to engage in sexual activity with your sexual partner without the partner’s consent;
6. Requiring any person to perform any sexual activity as a condition of acceptance into any organization affiliated with the university;
7. Telling someone you will “out” them if they don’t engage in sexual activity (e.g., threatening to disclose the person’s sexual orientation without their consent);
8. Telling someone you will fail them or give them a grade different from what they deserve if they don’t agree to engage in sexual activity; or
9. Facilitating or assisting in a sexual assault, including purchasing or providing alcohol or drugs to further a sexual assault.

4.2.2. SEXUAL EXPLOITATION

Sexual exploitation is purposely or knowingly doing any of the following:

1. Causing the impairment or incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person’s ability to give affirmative consent to sexual activity;
2. Allowing third parties to observe sexual activity from a hidden location (e.g., a closet) or through electronic means (e.g., live-streaming of images);
3. Engaging in voyeurism (e.g., watching private sexual activity without the consent of the participants or viewing another person’s private body parts in a place where that person would have a reasonable expectation of privacy);
4. Recording or photographing sexual activity and/or a person’s private body parts (including genitalia, groin, breasts, or buttocks) without affirmative consent;
5. Disseminating or posting images of private sexual activity and/or a person’s private body parts (including genitalia, groin, breasts, or buttocks) without affirmative consent;
6. Prostituting another person; or
7. Exposing another person to a sexually transmitted infection or virus without the other’s knowledge.

4.2.4. SEXUAL HARASSMENT

Sexual harassment is a form of unlawful sex discrimination. Sexual harassment means unwelcome sexual advances, unwelcome requests for sexual favors, or other unwelcome behavior of a sexual nature. Sexual harassment violates university policy when:

1. Submission to, or rejection of, such conduct is made, either explicitly or implicitly, a term or condition of a person’s employment, academic standing, or participation in any university programs and/or activities; or
2. Submission to or rejection of such conduct is used as the basis for university decisions affecting the individual (often referred to as “quid pro quo” harassment); or
3. Such conduct creates a hostile environment.

Title VII of the Civil Rights Act of 1964 explicitly prohibits sexual harassment against employees, including when an employee or application is exposed to unwelcome physical or verbal advances where the advances are made a condition of employment or the basis of employment decisions. Sexual harassment also occurs when the work environment interferes with job performance because of the extent of the sex-based offensive conduct and/or the hostile work environment the sex-based conduct creates.

In addition to bringing a case under EMU’s Relationship Violence and Sexual Misconduct Policy, employees may also file a complaint directly with the Equal Employment Opportunity Commission (EEOC). Complaints must be filed with the EEOC within 180 days of the discriminatory act in order to preserve the rights of the reporting party in a court of law.

4.3. OTHER PROHIBITED CONDUCT
4.3.1. STALKING

Stalking occurs when a person engages in a course of conduct directed at a specific person under circumstances that would cause a reasonable person to fear for their safety or the safety of others, or to suffer substantial emotional distress.

Course of conduct means two or more acts, including but not limited to acts in which a responding party directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about the reporting party, or interferes with the reporting party’s property.
A reasonable person means a person under similar circumstances and with similar identities to the reporting party.

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

Stalking includes cyber-stalking, a particular form of stalking in which a responding party uses electronic media, such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact.

Stalking of a sexual nature and/or stalking that interferes with a student’s ability to receive an education will be resolved under the Relationship Violence and Sexual Misconduct Policy.

4.3.3. GENDER-BASED HARASSMENT

Gender-based harassment includes harassment based on gender, sexual orientation, gender identity, or gender expression which may include acts of aggression, intimidation, or hostility, whether verbal or non-verbal, graphic, physical, or otherwise, even if the acts do not involve conduct of a sexual nature, when the conditions outlined below are present:

1. Submission to, or rejection of, such conduct is made, either explicitly or implicitly, a term or condition of a person’s employment, academic standing, or participation in any university programs and/or activities; or
2. Submission to or rejection of such conduct is used as the basis for university decisions affecting the individual (often referred to as quid pro quo harassment); or
3. Such conduct creates a hostile environment. A hostile environment exists when the conduct is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives an individual from participating in, or benefiting from, the university’s education or employment programs and/or activities.

Title VII of the Civil Rights Act of 1964 explicitly prohibits gender-based discrimination against employees on the basis of pregnancy, childbirth, or related medical conditions. In addition to bringing a case under EMU’s Relationship Violence and Sexual Misconduct Policy, employees may also file a complaint directly with the Equal Employment Opportunity Commission (EEOC). Complaints must be filed with the EEOC within 180 days of the discriminatory act in order to preserve the rights of the reporting party in a court of law.

4.4. RETALIATION

Retaliation is any act or attempt to retaliate against or seek retribution from any individual or group of individuals, including bullying and intimidation (defined below). Retaliation can take many forms, including continued abuse or violence, threats, and attempts at coercion. Retaliation can occur in many venues, including face-to-face or group-to-group, in content on public bulletin boards, in classroom discussions, or on social media.
Retaliation in response to the filing of a report of relationship violence and/or sexual misconduct is prohibited, including retaliation against reporting party(s), responding party(s), witnesses, advocates, or others involved in reporting, investigation, and/or adjudication procedures. Retaliation against those reporting incidents or participating in investigation or adjudication processes under the Relationship Violence and Sexual Misconduct policy will be adjudicated under this policy.

4.5. HOSTILE ENVIRONMENT

A hostile environment exists when sex discrimination is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefitting from the university’s education or employment programs and/or activities.

Conduct must be deemed severe, persistent, or pervasive from both a subjective and an objective perspective. In evaluating whether a hostile environment exists, the university will consider the totality of known circumstances, including, but not limited to:

1. The frequency, nature and severity of the conduct;
2. Whether the conduct was physically threatening;
3. The effect of the conduct on the reporting party’s mental or emotional state;
4. Whether the conduct was directed at more than one person;
5. Whether the conduct arose in the context of other discriminatory conduct;
6. Whether the conduct unreasonably interfered with the reporting party’s educational or work performance and/or university programs or activities; and
7. Whether the conduct implicates concerns related to academic freedom or protected speech.

A hostile environment can be created by persistent or pervasive conduct or by a single or isolated incident, if sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the conduct is physical. A single incident of sexual assault, for example, may be sufficiently severe to constitute a hostile environment. In contrast, the perceived offensiveness of a single verbal or written expression, standing alone, is typically not sufficient to constitute a hostile environment. The conduct does not have to be directed at a specific person or persons to constitute harassment.

Examples of behavior that may constitute sexual harassment, if sufficiently severe, persistent, or pervasive, include the following:

1. Calling someone by a sexually oriented or demeaning name;
2. Giving someone unwanted gifts of a sexual nature;
3. Displaying sexually suggestive materials or sending notes, email, or jokes to a person that are sexually explicit;
4. Touching someone sexually without their consent;
5. Massaging someone without permission;
6. Brushing up against someone repeatedly;
7. Continuing to ask out a person who has already said no; or
8. Exposing private parts to another person.
4.6 COMPLICITY

Complicity is any act taken with the purpose of aiding, facilitating, protecting, promoting, or encouraging the commission of an act of relationship violence, sexual misconduct, or other forms of conduct prohibited under this policy by another person.

Anyone who is complicit in any of the prohibited acts outlined in this policy will be in violation of this policy and will be subject to disciplinary action.

4.7 VIOLATIONS OF LAW

Behavior that violates this policy may also constitute a crime under the laws of the jurisdiction in which the incident occurred. For example, the Commonwealth of Virginia criminalizes and punishes some forms of sexual assault, intimate partner violence, sexual exploitation, stalking, and physical assault. The criminal statutes that may apply in cases of physical assault and intimate partner violence are found in various sections of Chapter 4, Articles 1 (Homicide) and 4 (Assaults and Bodily Woundings), of Title 18.2 of the Code of Virginia. The criminal statutes relating to sexual assault are found in Sections 18.2-61 to 18.2-67.10 of the Code of Virginia. Section 18.2-60.3 of the Code of Virginia defines and identifies the penalty for criminal stalking. Finally, Sections 18.2-386.1 and 18.2-386.2 of the Code of Virginia provide for criminal penalties in some cases of sexual exploitation. This compilation of criminal statutes is not exhaustive, but is offered to notify the university community that some forms of conduct prohibited under this policy may also constitute crimes under Virginia, Pennsylvania and the District of Columbia law, which may subject a person to criminal prosecution and punishment in addition to any sanctions under this policy.

SECTION 5: AFFIRMATIVE CONSENT

5.1 AFFIRMATIVE CONSENT

Affirmative consent is the standard to which EMU holds its students and employees. Affirmative consent refers to consent to engage in sexual activity that is:

a. informed, meaning knowingly given by both parties;
b. voluntary, meaning freely given, not forced or coerced; and
c. active, meaning that through the demonstration of clear words or actions, a person has indicated permission to engage in mutually agreed-upon sexual activity.

In the context of this definition, sexual activity is defined as sexual intercourse and/or sexual contact.

Sexual intercourse is any intentional penetration, however slight, with any object or body part (as described below), performed by a person upon another person. Sexual intercourse includes:
a. vaginal penetration by a penis, object, tongue, or finger; 
b. anal penetration by a penis, object, tongue, or finger; and 
c. any contact, no matter how slight, between the mouth of one person and the genitalia of another person.

Sexual contact is any intentional sexual touching, however slight with any object or body part (as described below), performed by a person upon another person. Sexual contact includes:

a. intentional touching of the breasts, buttocks, groin, or genitals, whether clothed or unclothed, or intentionally touching another with any of these body parts; or 
b. making another touch you or themselves with or on any of these body parts.

Nonconsensual sexual contact refers to sexual contact that is enacted upon one party by another party without the person(s) committing the act having obtained affirmative consent.

A person who wants to engage in a specific sexual activity is responsible for obtaining affirmative consent for that activity. Lack of protest does not constitute affirmative consent. Lack of resistance does not constitute affirmative consent. Silence and/or passivity also do not constitute affirmative consent. Relying solely on non-verbal communication before or during sexual activity can lead to misunderstanding and may result in a violation of this policy.

It is important not to make assumptions about whether a potential partner is consenting. In order to avoid confusion or ambiguity, participants are encouraged to talk with one another before engaging in sexual activity. If confusion or ambiguity (including emotional and/or physical freezing) arises during sexual activity, participants are encouraged to stop and clarify a mutual willingness to continue that activity.

5.1.1. FORCE

Affirmative consent cannot be obtained by force. Force includes the use of physical violence, threats, intimidation, and/or coercion.

Physical violence means that a person is exerting control over another person through the use of physical force. Examples of physical violence include but are not limited to hitting, punching, slapping, kicking, restraining, choking, and brandishing or using any weapon.

Threats are words or actions that would compel a reasonable person to engage in unwanted sexual activity. Examples include threats to harm a person physically, to reveal private information to harm a person’s reputation, or to cause a person academic or economic harm.

Intimidation is an implied threat that menaces or causes reasonable fear in another person. A person’s size alone does not constitute intimidation; however, a person’s size may be used in a way that constitutes intimidation (e.g., blocking access to an exit).

Coercion is the use of pressure to compel another individual to initiate or continue sexual activity against that individual’s will. Coercion can include a wide range of behaviors, including
intimidation, manipulation, threats, and blackmail. A person’s words or conduct are sufficient to constitute coercion if they wrongfully impair another individual’s freedom of will and ability to choose whether or not to engage in sexual activity. Examples of coercion include, but are not limited to:

a. threatening to “out” someone based on sexual orientation, gender identity, or gender expression
b. threatening to harm oneself if the other party does not engage in the sexual activity
c. grooming an individual for the purposes of relationship violence and/or sexual misconduct.

In evaluating whether coercion was used, the university will consider the frequency of the application of the pressure, the intensity of the pressure, the degree of isolation of the person being pressured, the duration of the pressure, and the power differential between parties.

5.1.2. INCAPACITATION

Affirmative consent cannot be gained by taking advantage of the incapacitation of another, where the person initiating sexual activity knew or reasonably should have known that the other was incapacitated.

Incapacitation describes an individual who lacks the ability to make informed, rational judgments about whether or not to engage in sexual activity and therefore cannot consent to sexual activity. A person who is incapacitated is unable, temporarily or permanently, to give affirmative consent because of mental or physical helplessness, sleep, unconsciousness, or lack of awareness that sexual activity is taking place. A person may be incapacitated as a result of the consumption of alcohol or other drugs, or due to a temporary or permanent physical or mental health condition.

5.1.2.1. Incapacitation and the Use of Drugs or Alcohol

Incapacitation may result from the use of alcohol and/or drugs. Incapacitation is a state beyond drunkenness or intoxication. Warning signs that a person may be approaching incapacitation may include:

a. slurred speech
b. vomiting
c. unsteady gait
d. odor of alcohol
e. combativeness
f. emotional volatility

Incapacitation as a result of the consumption of alcohol and/or drugs impairs decision-making abilities, diminishes awareness of consequences, compromises one’s ability to make informed
judgments, and limits one’s capacity to understand the implications and consequences of an act. It is not possible for a party to obtain affirmative consent from someone who is incapacitated. It is not possible for someone who is incapacitated to give affirmative consent. If there is any doubt as to the level or extent of an individual’s intoxication or impairment, sexual contact or activity should not be initiated or should be immediately stopped.

In evaluating affirmative consent and in cases of alleged incapacitation, the university asks two questions: (1) did the person initiating sexual activity know that the other party was incapacitated? and if not, (2) should a sober, reasonable person in the same situation have known that the other party was incapacitated? If the answer to either of these questions is “yes,” affirmative consent was absent, and the conduct a violation of this policy.

5.1.3. OBTAINING AFFIRMATIVE CONSENT

Affirmative consent to one form of sexual activity does not, by itself, constitute affirmative consent to another form of sexual activity. For example, one should not presume that affirmative consent to oral-genital contact constitutes affirmative consent to vaginal or anal penetration. Affirmative consent to sexual activity on a prior occasion does not, by itself, constitute affirmative consent to future sexual activity. In cases of prior relationships, the manner and nature of prior communications between the parties and the context of the relationship may have a bearing on the presence of affirmative consent.

Affirmative consent may be withdrawn at any time. An individual who seeks to withdraw affirmative consent must communicate, through clear words or actions, a decision to cease the sexual activity. Once affirmative consent is withdrawn, the sexual activity must cease immediately.

SECTION 6: CONSENSUAL RELATIONSHIPS

6.1. EMPLOYEE-TO-EMPLOYEE

It is the policy of the university to discourage romantic relationships between employees however, when they occur, they are to be disclosed in a prescribed manner.

If an employee is engaged in a romantic or sexual relationship with another employee or student whom they instruct, supervise, evaluate, or advise, it is their professional responsibility to inform the Director of Human Resources immediately to discuss and assess the situation with the parties to determine whether it is appropriate to make changes to the instructional, advisory, evaluative, or supervisory relationship. Information disclosed in these discussions shall be treated as confidential, and disclosure to others shall be made only on a need-to-know basis.

In the event an employee is found engaged in a romantic or sexual relationship with someone whom they instructed, supervised, evaluated, or advised, and the Director of Human Resources was not advised of the existence of the relationship, disciplinary action will be taken, up to and including termination.
In the event an employee is the subject of a report of sexual misconduct and it is determined there is/was a romantic or sexual relationship with another employee or student whom they instructed, supervised, evaluated, or advised, and the Director of Human Resources was not advised, in the prescribed manner listed above, of the existence of that relationship so that steps could have been taken to address, review, and change if appropriate or necessary, the university may decline to assist the employee in their legal defense against the allegation(s), and the employee, not the university, may bear any litigation costs or fees associated with legal defense.

6.2. EMPLOYEE-TO-STUDENT

It is the policy of the University to discourage romantic relationships between employees and students. Romantic or sexual relationships between employees and students can be characterized by significant power differentials and are subject to significant liabilities. If they occur, they are to be disclosed in a prescribed manner.

If a student and employee are engaged in a romantic or sexual relationship, the employee must register the relationship with the Director of Human Resources. The Director of Human Resources will report the relationship to the Title IX coordinator. A review will be conducted of possible conflict of interest. The Title IX coordinator and the Director of Human Resources will make the determination whether there is a substantive power differential or conflict of interest within the relationship. Should such a determination be made, one of the individuals may be required to leave EMU. Information disclosed in these discussions shall be treated as confidential, and disclosure to others shall be made only on a need-to-know basis.

SECTION 7: REPORTING

Employees of EMU are required to report incidents of relationship violence and/or sexual misconduct in order to obtain assistance for impacted parties and maintain a safe campus environment. Students are also encouraged to report. The university encourages all individuals to seek immediate assistance from campus security, law enforcement, a medical provider, and/or a victim advocate. Though the university encourages immediate reporting, delayed reporting will not be considered as a factor when assessing the preponderance of the evidence.

To the best of its ability, the university will respond to every report it receives. Anonymous or third-party reports may limit the response the university can provide. In addition, an individual does not have to be a member of the university community to file a report under this policy.

The university will take action to respond to allegations of relationship violence, sexual misconduct, or other forms of conduct prohibited under this policy when the university knows or reasonably should know based on any available information that relationship violence, sexual misconduct, or other forms of conduct prohibited under this policy have occurred. The Title IX coordinator is charged with responding to allegations of relationship violence and sexual misconduct to stop the behavior, prevent its recurrence, and remedy its effects on behalf of the university. Specifically, the Title IX coordinator, or their deputy designee, will coordinate the initial inquiry, offer resources and support, and initiate an investigation when appropriate and/or requested.
7.1. EMPLOYEE REPORTING OBLIGATIONS

With the exception of those employees who have recognized confidentiality, called confidential employees (see Section 3.4, Privacy and Confidentiality), all university employees, including faculty, staff, administrators, and student employees or volunteers who have responsibility for the welfare of other students are required to share with the Title IX coordinator any report of relationship violence, sexual misconduct, or other forms of conduct prohibited under this policy about which they become aware.

As outlined in the Privacy and Confidentiality section (Section 3.4) of this policy, the university respects the privacy interests of students and employees. Information reported to the Title IX coordinator will only be shared with the university officials who will assist in responding, investigating, and/or resolving a report. The university will document non-identifying information in the campus incident log as required by the Clery Act. Should the university determine there is a serious or imminent threat, a timely warning notice will be shared with the community.

The Title IX coordinator will ensure that the university responds to all reports in a timely, fair, effective, and consistent manner. To accomplish this, the Title IX coordinator may consult with members of the Title IX assessment team and others, as applicable.

The university will approach each report with the intent to understand the perspective and experiences of each individual involved to ensure fair and impartial evaluation and resolution. The university will also take every effort to ensure the safety of the campus community when evaluating and assessing any reported relationship violence, sexual misconduct, or other forms of conduct prohibited under this policy.

7.2. CAMPUS SAFETY INCIDENT REPORTS

A report is a notification of an incident of relationship violence, sexual misconduct, or other form of conduct prohibited under this policy to the Title IX coordinator by any reporting person. Reports should be filed on EMU’s campus safety incident form. A report may be accompanied by a request for resources or information, a request for no further action, or a request to initiate an investigation.

To the extent of the reporting party’s cooperation and consent, university offices will work cooperatively to ensure that the reporting party’s health, physical safety, work, and academic status are protected, including taking interim safety measures before the final outcome of an investigation.

The university will provide resources to any person who has experienced relationship violence, sexual misconduct, and/or any other form of conduct prohibited under this policy, no matter where that conduct is reported to have occurred, and will apply disciplinary procedures to those who violate this policy, if the violation occurred on an EMU campus, at an EMU event, or at any other place where EMU has jurisdiction as defined by the Clery Act.
The procedures set forth below afford a prompt and equitable response to reports of relationship violence, sexual misconduct, and/or any other forms of conduct prohibited under this policy, maintain privacy and fairness consistent with applicable legal requirements, and impose appropriate sanctions on violators of this policy.

The university will complete an adequate, reliable, equitable, and impartial investigation of reports that are made in good faith and will uphold the rights of all parties. In instances of conflicts of interest between the Title IX or deputy Title IX coordinators, investigators and reporting or responding parties, an outside third party investigator will be contracted to conduct the investigation.

Anonymous reports are also accepted and should be directed to the Title IX coordinator. The university will respond promptly and equitably to anonymous reports, but the response may be limited if the report does not include identifying information and/or a description of the facts and circumstances. Anonymous reports that provide enough information to constitute certain criminal offenses will be reported to Campus Safety and Security for purposes of inclusion in the university’s annual security report and to assess whether the university should send a timely warning notice as required by the Clery Act.

### 7.2.1. CAMPUS REPORTING OPTIONS

Campus reporting options include:

1. **Title IX Coordinator:** Rachel Roth Sawatzky, 540-432-4849, titleixcoordinator@emu.edu
2. **Campus Safety Incident Form:** [https://emu.edu/safecampus/](https://emu.edu/safecampus/)
3. **Campus Security (Harrisonburg campus):** 540-432-4911
4. **Title IX Deputies:**
   1. EMU Harrisonburg campus: Marybeth Showalter, Director of Human Resources, 540-432-4148, hr@emu.edu
   2. EMU athletics: Katie Russo, Women’s Lacrosse Coach, 540-432-4368, katie.russo@emu.edu
   4. EMU graduate programs: Emily North, Office Coordinator, Seminary, 540-432-4261
   5. EMU Lancaster campus: Mary Jensen, Associate Provost, 717-690-8600, assocprovost.lancaster@emu.edu
   6. EMU WCSC site: Kimberly Schmidt, Washington Community Scholars’ Center Department Chair, 202-529-5378, kimberly.schmidt@emu.edu

### 7.3. REPORTING TO LAW ENFORCEMENT

In addition to a university response, EMU encourages the reporting party to make a police report and supports their right to pursue criminal action for incidents of relationship violence and/or sexual misconduct that may also be crimes under Virginia, Pennsylvania, or District of Columbia.
criminal statutes, depending on where the incident took place. EMU also respects the reporting party’s right to decline to file criminal charges against the responding party(s).

Reporting parties may simultaneously pursue criminal and university disciplinary action. The university will support reporting parties in understanding and assessing their reporting options and assist in notifying law enforcement authorities if the reporting party so chooses. Upon receipt of a report, the university will provide written notification to individuals of their right to file (or decline to file) criminal charges as well as the availability of medical, counseling, and support services (see Appendix C). The university will provide written notification to the reporting party(s) of any additional interim measures available to prevent contact between the reporting party(s) and the responding party(s), such as housing, academic, transportation, and working accommodations, if reasonably available. Making a report to the university does not require participation in any subsequent university proceedings, nor is a report required for a reporting party to receive support or remedial measures.

Note that definitions of criminal law used within Virginia, Pennsylvania, and the District of Columbia may differ from those used in this policy, which adheres to Clery Act definitions as required by the US Department of Education. Also note that, in compliance with the Clery Act, the university adjudicates cases under this policy according to the standard of proof known as preponderance of the evidence; law enforcement uses the beyond a reasonable doubt standard of proof (see Section 2 for definitions). These differing standards of proof may result in different outcomes for the same case when adjudicated under EMU’s Relationship Violence and Sexual Misconduct policy and under Virginia, Pennsylvania, or District of Columbia criminal laws.

Reporting parties may call 911 immediately following an assault and may choose to file (or not to file) charges at that time. In an instance of delayed reporting, the reporting party may contact their local police department to file a police report.

7.4 PRESERVATION OF EVIDENCE

Preserving evidence to support the claims filed in a report is particularly helpful when the reporting party(s) desire a protection order, in order to assist in achieving the preponderance of evidence standard in a case of stalking, or when the reporting party(s) wishes to or believes they may wish to bring legal action, now or in the future. If possible, refrain from bathing, showering, using the restroom, changing clothes, combing hair, or cleaning up the area before reporting the assault in order to preserve evidence.

In instances of sexual assault, domestic violence, dating violence, intimate partner violence, or any other instances of sexual or physical abuse, the reporting party(s) may opt to have a Physical Evidence Recovery Kit (PERK kit) collected. A PERK kit can be collected by a Sexual Assault Nurse Examiner (SANE nurse) at a local hospital. In Harrisonburg, if a SANE nurse is not available at Sentara RMH Medical Center, Sentara will coordinate expedited transport to Augusta Health or another nearby facility with a SANE nurse on duty. The cost of a PERK exam and any related medication is paid for by the state of Virginia. In Pennsylvania, Lancaster General Hospital Emergency Department can facilitate emergency care. In the District of Columbia, MedStar Washington Hospital Center can be accessed.
A reporting party may choose not to notify law enforcement or file a police report but may still have a PERK kit collected. PERK kits from reporting parties who elect not to file a report with law enforcement are known as Anonymous Physical Evidence Recovery Kits and will be stored for two years, although the holding facility, the reporting party, or the law enforcement agency may elect for the kit to be retained for a longer period. If the reporting party later elects to report the sexual assault to the police and file criminal charges, the reporting party’s kit will be released to law enforcement and the evidence preserved therein used in the case.

7.5. REPORTING CONSIDERATIONS

7.5.1. TIMELINESS OF REPORT, LOCATION OF INCIDENT

The university encourages prompt reporting of relationship violence, sexual misconduct, and/or other forms of conduct prohibited under this policy so that the university can respond promptly and equitably. However, the university does not limit the timeframe for reporting. Delayed reporting will not be considered as a factor when assessing the preponderance of the evidence. If the responding party(s) is no longer affiliated with the university at the time the report is made, the university will provide reasonably appropriate remedial measures, assist the reporting party(s) in identifying external reporting options, and take other reasonable steps to respond under Title IX. The university may continue to investigate for purposes of complying with Title IX and take steps to prevent the recurrence of such conduct and remedy the effects, if appropriate.

An incident does not have to occur on campus to be reported to the university. Off-campus conduct is covered under this policy.

7.5.2. PERSONAL USE OF ALCOHOL AND/OR DRUGS

The university seeks to remove any barriers to reporting. The university will offer a student, reporting party(s), third party, and/or witness who reports relationship violence, sexual misconduct, and/or other forms of conduct prohibited under this policy amnesty for violations related to the university’s alcohol or other drugs policy. The university may choose, however, to recommend educational or therapeutic remedies in certain situations.

This policy does not grant immunity for criminal, civil, or legal consequences for violations of federal, state, and/or local laws.

7.5.3. STATEMENT AGAINST RETALIATION

As stated in Section 4.4, retaliation is a violation of this policy. Retaliation can take many forms, may be committed by or against an individual or group, and may be committed toward the reporting party(s) by the responding party(s) and vice versa. An individual reporting relationship violence, sexual misconduct, or any other forms of conduct prohibited under this policy is entitled to protection from any form of retaliation following a report made in good faith, even if the report is not later substantiated.
7.5.4. FALSE REPORTING

The allegation of relationship violence, sexual misconduct, or other forms of conduct prohibited under this policy may have severe consequences and therefore the university takes very seriously the validity of reported information. An individual who makes a report that is later found to have been intentionally false or made maliciously without regard for the truth may be subject to disciplinary action. This provision does not apply to reports made in good faith, even if the facts alleged in the report are not substantiated by an investigation. Similarly, a party or witness who is later proven to have intentionally given false information during the course of an investigation or resolution may be subject to university disciplinary action.

7.6. REPORTS INVOLVING MINORS

Reporting parties under the age of 18 that file a report with police may be deemed a child in need of services and the appropriate authorities will decide whether to pursue charges. Please see Virginia Code § 16.1-278.4 or applicable local code for further information. If a parent or guardian of a minor refuses to consent to a physical evidence recovery kit (PERK) examination of the minor, the minor may consent on their own behalf. Any person, even those listed as confidential employees (see Section 3.4.2), is required by law to report any incident of relationship violence or sexual misconduct known to have occurred against anyone under the age of 18.

7.7. TIMEFRAME FOR PROCEDURES

The university seeks to resolve all complaints of relationship violence, sexual misconduct, or other forms of conduct prohibited under this policy within sixty days. All time frames expressed in this policy are meant to be guidelines rather than rigid requirements. Circumstances may arise that require the shortening or lengthening of time frames, including extension beyond sixty days. In general, a reporting party(s) and a responding party(s) can expect that the process will proceed according to the time frames provided in this policy. In the event that the investigation and resolution exceed this time frame, the Title IX coordinator will notify all parties of the reason for the delay and the expected adjustment in time frames. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness.

7.8. RESOLUTION PROCEDURES

The specific procedures for reporting, investigating, and resolving prohibited conduct are based upon the nature of the responding party’s relationship to the university (student, employee, or third party). Each set of procedures referenced below is guided by the same principles of fairness and respect for reporting parties and responding parties.

A student or employee determined by the university to have committed an act of prohibited conduct is subject to disciplinary action, up to and including separation from the university.
Third parties who commit prohibited conduct may have their relationships with the university terminated and/or their privileges of being on university premises withdrawn.

Each set of procedures provide for prompt and equitable response to reports of relationship violence, sexual misconduct, and/or other forms of conduct prohibited under this policy. The procedures designate specific timeframes for major stages of the process. They also provide for thorough and impartial investigations that afford all parties notice and an opportunity to present witnesses and evidence and to view the information that will be used in determining whether a policy violation has occurred. The university applies the preponderance of the evidence standard when determining whether this policy has been violated.

Please see Appendix A for student resolution procedures and Appendix B for employee resolution procedures.

SECTION 8: RESOURCES AND ACCOMMODATIONS

8.1. RESOURCES

Resources are available to all EMU students and employees, including those who have not filed a Title IX report and those who are not involved in a Title IX adjudication process.

8.1.1. EMU COUNSELING SERVICES

EMU Counseling Services center is available for direct services free of charge to all EMU students at the main campus. Off campus or online program faculty, staff, or students are able to consult with an EMU counselor via email or phone to locate resources or assistance in their own geographic area.

In collaboration with EMU's Health Services, a licensed psychiatrist is available once a month on campus for additional mental health services.

EMU Counseling Services is able to provide recommendations for off-campus counseling, therapy, and mental health services for EMU staff and for EMU students who do not wish to use on-campus counseling services. Please contact EMU Counseling Services at 540-432-4317 or counselingservices@emu.edu for information.

8.1.2. HEALTH SERVICES

8.1.2.1. EMU Health Services

EMU’s Health Services is available to all current students, faculty and staff.

EMU’s Health Services can provide referrals to local health specialists in the Harrisonburg area, including: Orthopedics, GI, dermatologists, etc.
To contact EMU’s Health Services please call (540) 432-4308, email healthservices@emu.edu, or stop by their office in the University Commons, Room 240 (upstairs) through the Student Life Suite.

8.1.2.2. Sentara RMH Medical Center

Harrisonburg’s main hospital, Sentara RMH Medical Center, is located at 2010 Health Campus Dr. Harrisonburg, VA 22801. In an emergency, please dial 911. To contact the hospital in a non-emergency situation, call 540-689-1000. The Sentara RMH emergency room is open 24 hours a day, 7 days a week. PERK kits (see Section 2 and Section 7.4) are collected in the Sentara RMH Medical Center.

8.1.3. SEXUAL ASSAULT, DOMESTIC VIOLENCE, & CRISIS SERVICES

8.1.3.1. Collins Center

The Collins Center provides sexual assault and crisis services to the Harrisonburg community. Located at 217 S. Liberty St. Harrisonburg, the Collins Center provides a trained sexual assault crisis advocate who offers support and information at the hospital and assistance when reporting a sexual assault to the police (if reporting to the police is desired).

The Collins Center also provides short-term crisis support sessions, support groups, court advocacy and accompaniment, child advocacy, professional therapists with trauma-specific training, and information and referrals for other support services.

In a non-emergency situation, contact the Collins Center at 540-432-6430. In a crisis situation, contact the Collins Center’s 24-hour sexual assault crisis hotline at 540-434-2272. The crisis hotline is staffed 24/7 by a trained Collins Center employee.

8.1.3.2. First Step

First Step provides domestic and dating violence survivor services to the Harrisonburg community, including a 24/7 crisis hotline, safety planning, emergency shelter, support groups, court accompaniment, legal advocacy, financial empowerment, children’s support and advocacy, and referrals.

Contact First Step at any time at 540-434-0295. If you are in immediate danger, dial 911 and local law enforcement can assist you in accessing First Step services after addressing your immediate safety needs.

8.1.4. SECURITY AND LAW ENFORCEMENT SERVICES

8.1.4.1. EMU Office of Campus Safety & Security
EMU provides 24-hour security services to the Harrisonburg campus. From 8am-4pm Monday-Friday, EMU coordinator of campus safety and security, Dave Emswiler, or his designee, responds to safety and security incidents. EMU contracts with Admiral Security to provide non-sworn security officers from 4pm-8am on weekdays and 24 hours a day on Saturdays and Sundays.

In an emergency situation, please dial 911. In a non-emergency situation, EMU safety personnel can be reached 24/7 at 540-432-4911.

8.1.4.2. Harrisonburg Police Department

The Harrisonburg Police Department has jurisdiction for the investigation and enforcement of all state and local criminal laws on EMU’s Harrisonburg campus. The Harrisonburg Police Department can investigate any reported sexual assault or other forcible sexual offense on EMU’s Harrisonburg campus, in or on a non-campus building or property of EMU Harrisonburg, or on public property near EMU Harrisonburg.

Those who experience an incident of sexual violence can choose to:

1. 
   a. Allow the local police department to investigate the allegation of sexual assault or other violation of this policy;
   b. Press civil or criminal charges if an instance of unlawful activity has occurred;
   c. Provide details of the incident even in cases where the act being reported is not unlawful under federal or state law;
   d. Decline to have the local police department investigate the incident; or
   e. Determine at a later date to press charges, if permission for an investigation was granted at the time of the incident.

In an emergency situation, please dial 911. In a non-emergency situation, contact:

b. Lancaster campus: East Lampeter Township Police Department, 717-291-4676
c. Washington DC campus: DC Metro Police, 202-727-9099

8.2. ACCOMMODATIONS

EMU will provide the following accommodations to all student and employee reporting parties, regardless of whether the reported incident rose to the level of initiating a disciplinary process for the responding party(s).
EMU will take every measure to protect the privacy of those seeking accommodations. Personal information will only be shared with those essential to making decisions about and enacting accommodations. Those who are requesting accommodations will always be notified before personally identifying information is shared for the purpose of arranging requested accommodations.

8.2.1. ACADEMIC ACCOMMODATIONS

As part of resolution processes, the Title IX coordinator in instances of Title IX reports, or the director of human resources in instances of Title VII reports, will work with the EMU registrar and individual faculty members to change or make accommodations to the course schedule of the reporting party(s) if the request is made in writing and if the accommodation requests are reasonably available.

In situations where the incident has not been reported to campus security or local law enforcement, student requests for academic accommodations can be sent to Title IX coordinator (titleixcoordinator@emu.edu) and employee requests for academic accommodations can be sent to director of human resources (hr@emu.edu).

8.2.2. LIVING ACCOMMODATIONS

As part of resolution processes, the Title IX coordinator will work with residence life staff to change or make accommodations to the living arrangements of the reporting party(s) if the request is made in writing and if the accommodation requests are reasonably available.

In situations where the incident has not been reported to campus security or local law enforcement, requests for living accommodations can be sent to Title IX coordinator (titleixcoordinator@emu.edu).

8.2.3. TRANSPORTATION ACCOMMODATIONS

As part of resolution processes, the Title IX coordinator in instances of Title IX reports, or the director of human resources in instances of Title VII reports, will work with appropriate authorities to change or make accommodations to the transportation arrangements of the reporting party(s) if the request is made in writing and if the accommodation requests are reasonably available.

In situations where the incident has not been reported to campus security or local law enforcement, student requests for transportation accommodations can be sent to Title IX coordinator (titleixcoordinator@emu.edu) and employee requests for transportation accommodations can be sent to director of human resources (hr@emu.edu).

8.2.4. WORKING ACCOMMODATIONS
As part of resolution processes, the Title IX coordinator in instances of Title IX reports, or the director of human resources in instances of Title VII reports, will work with the reporting party’s supervisor to change or make accommodations to the work arrangement of the reporting party(s) if the request is made in writing and if the accommodation requests are reasonably available.

In situations where the incident has not been reported to campus security or local law enforcement, student requests for working accommodations can be sent to Title IX coordinator (titleixcoordinator@emu.edu) and employee requests for working accommodations can be sent to director of human resources (hr@emu.edu).

8.2.5. PROTECTIVE ORDERS

8.2.5.1. EMU No Contact Orders

Reporting and responding parties have the right to request a no contact order that restricts contact between reporting and responding parties on EMU’s campus. Students should initiate the request for a no contact order with Title IX coordinator (titleixcoordinator@emu.edu). Employees should initiate the request for a no contact order with director of human resources (hr@emu.edu; 540-432-4148).

The Title IX coordinator or the director of human resources, respectively, will work with the coordinator of campus safety and security to issue a no contact order from EMU's office of campus safety and security. No contact orders will be enforced by campus safety officials.

8.2.5.2. Court Order of Protection

Protective orders may be requested from a local judge or magistrate at Harrisonburg Court House. (53 Court Square, Harrisonburg). The following protective orders are available:

1. Emergency protective order: Emergency protective orders can be put in place for up to 72 hours
2. Preliminary protective order: Preliminary protective orders are put in place for 15 days
3. Full protective order: Full protective orders extend up to two years

In Virginia, persons who wish to have a court-ordered protective order put in place must go before either the local magistrate or a local judge and make a case that they are fearful of harm, violence, or the threat of violence. More information is available from the Virginia Court System. In Pennsylvania, persons who wish to have a court-ordered protective order put in place should go to the local courthouse. In Washington DC, persons who wish to have a court-ordered protective order put in place should visit a domestic violence intake center.

8.3. WRITTEN NOTIFICATION OF AVAILABLE RESOURCES

Written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available,
both within the institution and in the community, are available at any time for any EMU student or employee from the Title IX coordinator. Written notification of these resources will be provided to all reporting parties upon receipt of a report by the Title IX coordinator.

Written notification about available options for, assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures is available to anyone who experiences an incident of relationship violence and/or sexual misconduct, whether or not the incident is reported. Written notification of these accommodations will be provided to all reporting parties upon receipt of a report by the Title IX coordinator.

Appendix A: Procedures for Students

SECTION A.1: INTRODUCTION

The care and welfare of students is of utmost importance. While policies and procedures can often feel cold and impersonal, we understand the stress and emotional trauma involved in such situations. Procedures are carried out by people who care about and are committed to work with all involved.

The following procedures function in conjunction with the Relationship Violence and Sexual Misconduct Policy, and will be activated when a report of an alleged occurrence of relationship violence and/or sexual misconduct is received. The intent of these procedures is to provide a prompt, fair, and impartial process from the initial contact to the final result. This process is not designed to take the place of making a criminal report to law enforcement, or of a criminal investigation. The procedure as outlined below may take place whether or not a criminal report is made, and is a separate and independent process.

SECTION A.2: REPORTING

A.2.1. MAKING A REPORT

Reports can be made by filling out a Campus Safety Incident Form (https://emu.edu/safecampus/) or by contacting the Title IX coordinator in person or via phone at 540-432-4302.

A.2.2. SAFETY ASSESSMENT

All Campus Safety Incident Forms are received by the Title IX coordinator, the coordinator of campus safety and security, and the head of the student life division, who comprise the Title IX Safety Team. After a report is received, the Safety Team will determine the need for a timely warning. A timely warning is a warning required by the Clery Act and alerts the campus community to potentially dangerous circumstances. The need for a timely warning is determined by considering the nature of the act reported and the likelihood that continuing danger exists for the campus community. If warranted, a timely warning will be issued by the coordinator of
campus safety and security, who has the final authority to make the determination according to Virginia law.

If the safety of the reporting party(s) and/or the safety of the responding party(s) are determined to be at risk, interim safety measures may be implemented, such as removal from campus housing, the issuance of a no contact order (see Section 8.2.5.1 of the Relationship Violence and Sexual Misconduct Policy), or adjustment of class schedule.

A.2.3. UNIVERSITY RESPONSE TO REPORTING PARTY(S)

After receiving a report, the Title IX coordinator will make contact first with all of the reporting party(s) by phone call or email to ensure that the reporting party(s) have access to available resources and that the reporting party’s needs for safety and accommodations are met. During this initial contact the Title IX coordinator will arrange a time for an initial in-person intake meeting.

During the intake meeting with the reporting party(s), the Title IX coordinator will make available and review copies of the rights of the reporting party(s), outline the Title IX process procedures, and provide a list of on and off campus resources. The reporting party will be offered the following options for moving forward:

a. No further inquiry or investigation, confidentiality: the reporting party(s) can specify that the Title IX coordinator and/or the deputy Title IX coordinator take no further action to pursue an investigation into the reported incident.

b. Further investigation: the reporting party(s) can specify that the Title IX coordinator proceed with an investigation of the reported incident.

c. Assist in making a Police Report if requested. This option can be pursued regardless of whether or not option 1 or 2 has been selected. Reporting parties may also choose to make a separate report to the local police department at a later time if they decide not to file a police report immediately.

It is the reporting party’s right to choose which of the above options they want the university to take. However, in certain cases, if the conduct reported constitutes a criminal offense under Virginia law or endangers the immediate safety of the broader campus community, the university may still undertake a further process even if the reporting party(s) have requested that no further action be taken in regards to the incident (for example, if the responding party has previously been reported for violating the Relationship Violence and Sexual Misconduct policy). In these instances, the reporting party(s) does not have to be involved in the ongoing process.

Based on the severity of the alleged misconduct, the outcome of the intake meeting and with respect to the wishes of the reporting party, the Title IX coordinator, in consultation with the Title IX assessment team, may determine that no further investigation is required. This decision is based on the fact that the harm has not constituted a hostile environment and there are no disputed facts between the parties.
A.2.4. UNIVERSITY OUTREACH TO RESPONDING PARTY(S)

After receiving a report and speaking with the reporting party(s), depending on the wishes of the reporting party(s), the Title IX coordinator will make contact with the responding party(s) by phone call or email to ensure that the responding party(s) has access to available resources and that the responding party’s safety needs are met. During this intake meeting, the Title IX coordinator will set up a time for an interview. Again, in certain cases, if the conduct reported constitutes a criminal offense under Virginia law or if the safety of the broader campus community is at risk, the university may still undertake a further process of investigation even if the reporting party(s) have requested that no further process or investigation be made in regards to the incident (for example, if the responding party has previously been reported for violating the Relationship Violence and Sexual Misconduct policy). In these instances, the reporting party(s) do not have to be involved in the ongoing process.

During the intake meeting with the responding party(s), the Title IX coordinator will make available and review copies of the rights of the responding party(s), an outline of the process and procedures, and a list of on- and off-campus resources.

SECTION A.3: INTERVIEWS

A.3.1. INTERVIEWS WITH INVOLVED PARTIES

Interviews will be conducted with all involved parties, beginning with the reporting party(s). The reporting and the responding parties will not come into contact with one another during the interview process.

The Title IX coordinator, a deputy Title IX coordinator, or a Title IX investigator will conduct the interviews.

The reporting party(s) and the responding party(s) always have the right to have an advocate of their choosing present during all stages of the reporting, investigating, and adjudication of the process. The interviewer may also choose to have a confidential unbiased third party included in the interview; typically this would be a deputy Title IX coordinator.

All interviews may be audio recorded. The only person outside of the Title IX Coordinator who may listen to the recording is the party that has been recorded. The recording must be listened to in the presence of the investigator. Verbal permission to record the interview will be obtained at the start of the interview process. Recordings will be stored by the Title IX Coordinator in a secure location and will be destroyed upon completion of the case, after the deadline for and/or completion of an appeals process has passed.

The completion of the investigation process will be within sixty days from the initial receipt of the report or as soon thereafter as feasible. If the report is made just prior to a scheduled university break, the time of the break will not be included within those sixty days.
Interviews with any witnesses will also be conducted.

**A.3.1.1. INTERVIEW WITH THE REPORTING PARTY**

If a reporting party has chosen, during the intake meeting with the Title IX coordinator, not to pursue any further action related to the reported incident, no interview will be required. The reporting party will be asked to sign a statement noting this choice, with the option of opening the case at any time by notifying the Title IX coordinator.

If the reporting party has chosen to pursue further action, they will be interviewed by either the Title IX coordinator, a deputy Title IX coordinator, or a Title IX investigator.

Additionally, the reporting party always has the option of filing a report with the local police department. If the reporting party chooses this course of action, they have the option to have a local police officer present during the interview. They may also choose to make a separate report to the local police department at a later time, or to not make a report to the police.

**A.3.1.2. INTERVIEW WITH THE RESPONDING PARTY**

If a reporting party has chosen, during the intake meeting with the Title IX coordinator, not to pursue any further action related to the reported incident, no interview will be required.

If the reporting party has chosen to pursue further action, the responding party(s) will be interviewed by either the Title IX coordinator, a deputy Title IX coordinator or a Title IX investigator.

**A.3.2. INFORMAL RESOLUTION**

Following the interviews with all reporting parties, responding parties, and named witnesses, the Title IX coordinator, deputy Title IX coordinator, or Title IX investigator will write an investigative report. The investigative report will be reviewed with all parties. If no parties dispute any of the facts in the investigative report, and if the case will move to an informal resolution process, described below.

If, following the interviews with the reporting parties, responding parties, and named witnesses, there are discrepancies or disagreements between the facts as recounted by the reporting and the responding party, the investigation will continue with the formal resolution process, described in Section A.3.3 and following.

**A.3.2.1. DETERMINATION OF RESPONSIBILITY**

In an informal resolution process, if it is determined that there is sufficient evidence, based on the preponderance of the evidence, to support a finding of responsibility under the policy, any one or more outcomes may be imposed. A staff review will be conducted by the Title IX Assessment Team to determine the appropriate outcome(s) to impose.
If, based on the investigative report and in consultation with the Title IX Assessment Team, it is determined that the violation of the Relationship Violence and Sexual Misconduct policy has risen to the level of a Title IX infraction, it will continue to a formal resolution process, described in Section A.3.3 and following.

**A.3.2.2. STAFF REVIEW TO DETERMINE OUTCOMES**

The staff review will be conducted by the Title IX Assessment Team, which includes the Title IX coordinator and deputy Title IX coordinator(s), selected by the Title IX coordinator for their assistance in a particular case with an aim of mitigating any possibility of conflict of interest due to their primary role within the university. The Title IX assessment team will review the case and determine outcomes for the responding party(s) guided by a number of considerations, including:

A. the severity, persistence or pervasiveness of the prohibited conduct;
B. the nature or violence (if applicable) of the prohibited conduct;
C. the impact of the prohibited conduct on the reporting party;
D. the impact or implications of the prohibited conduct within the university community;
E. prior misconduct by the responding party, including the responding party’s relevant prior disciplinary history, at the university or elsewhere, and any criminal convictions;
F. whether the responding party has accepted responsibility for the prohibited conduct;
G. the maintenance of a safe, nondiscriminatory and respectful environment conducive to learning; and
H. any other mitigating, aggravating, or compelling factors.

A case may result in the following possible outcomes, based on the facts of the case and the considerations listed above. The following outcomes are effective immediately, unless otherwise specified:

A. in-school, temporary, or indefinite suspension/disciplinary withdrawal
B. dismissal
C. probation, with specific lengths being determined during the staff review
D. loss of university employment or volunteer position
E. loss of university resources or services
F. no contact orders
G. removal from dorm or other campus buildings
H. community services
I. application of a behavioral contract
J. alcohol and/or drug assessment and recommendations
K. exclusion from co-curricular or leadership activities
L. completion of issue-relevant education activities
M. fines
N. monetary or other restitution
O. referral to counseling
P. transcript notation
A prominent notation will be placed on the responding party’s academic transcript if the responding party is suspended from, permanently dismissed from, or withdraws from the university while under investigation for an offense involving sexual violence, as required by Virginia state law.

A.3.2.3. INFORMING REPORTING & RESPONDING PARTIES OF OUTCOMES

The reporting party(s) and the responding party(s) will be notified simultaneously in writing of the outcome of the proceedings. The Title IX Assessment Team will also meet with each party, if desired, to allow opportunity for clarification. The outcomes determination in an informal process cannot be appealed.

A.3.3. FORMAL RESOLUTION

If, following reporting (Section A.2) and investigation (Section A.3), discrepancies exist between the accounts of the reporting party(s) and the responding party(s), a formal resolution process will be conducted. The formal resolution process includes a preliminary and final investigative report, review panel proceedings, and the determination of outcomes (described below). Either party may appeal the decision of the review panel as described in Section A.5.

A.3.3.1. PRELIMINARY INVESTIGATIVE REPORT

After the interviews with the reporting party(s), responding party(s), and witnesses are completed and other information gathered, the deputy Title IX investigator(s) will complete a preliminary investigative report that sets out all the known facts of the case, the disputed facts of the case, and a list of all parties interviewed. The deputy Title IX investigator(s) will provide a copy of the preliminary report to the Title IX coordinator.

The deputy Title IX investigator(s) and the Title IX coordinator will meet with the reporting party(s) to review the preliminary report. Following this meeting, the deputy Title IX investigator(s) and the Title IX coordinator will meet with the responding party(s) to review the report.

The reporting party(s) and the responding party(s) may suggest additional witnesses and provide additional information after they review the preliminary investigative report. If additional witnesses or additional information is provided at this time, the deputy Title IX investigator(s) will interview the additional witnesses and review the additional information.

If changes are made to the preliminary report based on the additional witnesses or information provided, these changes will be reviewed with both the reporting and the responding parties. If no additional witnesses or additional information is provided by the reporting and/or the responding parties, the deputy Title IX investigator(s) will prepare the final investigative report.

A.3.3.2. FINAL INVESTIGATIVE REPORT
The final investigative report includes all known facts of the case, disputed facts of the case, and a list of all parties interviewed. The deputy Title IX investigator(s) will provide the final report to the Title IX coordinator, who then convenes the Title IX Review Panel.

SECTION A.4: REVIEW PANEL

Following the submission of the final investigative report, the Title IX coordinator will convene the Title IX Review Panel. The review panel consists of the review panel chair and two additional EMU employees (one faculty member and one staff member) who have received Title IX training and training specifically related to the Relationship Violence and Sexual Misconduct Policy and its procedures. The Title IX coordinator and the deputy Title IX investigator(s) will also attend the review panel meeting in order to answer questions and provide clarifications.

The reporting party(s) and the responding party(s) will be separately notified of the composition of the review panel by the Title IX coordinator and have the right to raise any conflicts of interest.

A.4.1. REVIEW PANEL PROCEEDINGS

The review panel will meet separately with the reporting and the responding parties. An advocate may attend the review panel but may not participate in the panel process. Either the reporting and/or the responding parties may choose not to attend the review panel. The review panel will proceed regardless.

The review panel proceedings will be recorded. The chair of the review panel will inform all persons present that the proceedings are being recorded for reference purposes only. The recording will be destroyed at the conclusion of the case, after the deadline for and/or completion of an appeal process.

If the chair of the review panel determines that clarifying questions are required, the panel may ask questions of the reporting and/or the responding party(s) during their separate review panel proceedings. The reporting and/or the responding party(s) may also request to give a testimony to the review panel during their separate review panel hearings.

The review panel will make a finding to determine whether or not a violation of the Relationship Violence and Sexual Misconduct Policy has occurred. This finding will be based on the standard of proof known as the preponderance of evidence, in accordance with Title IX regulations (see Section 2 for definition). The review panel will make this determination based on the factual findings outlined in the final investigative report and the testimony heard.

If the review panel has determined that there is sufficient evidence, by a preponderance of the evidence, to support a finding of responsibility under the policy, the review panel will decide between a number of different outcomes for the responding party(s).

At the conclusion of the review panel, the review panel chair will prepare a summary of the proceedings. Included in this panel summary will be documentation of determination by of
preponderance of evidence, documentation of outcomes determined, and a description of the appeal process.

The review panel chair will deliver the panel summary to the Title IX coordinator, who will prepare and send a letter to each party reflecting the panel’s findings, any sanctions imposed, the rationale for the results and the sanctions, and appeal process information.

In the case of dismissal, suspension or withdrawal while under investigation, notification will be sent to the parent/legal guardian(s) (per FERPA release), to the Director of Retention, and to any other departments on campus that will be impacted by the consequences.

If the reporting or responding party does not agree with the findings and/or the outcomes, they may appeal the result to the appeal board.

**A.4.2. REVIEW PANEL OUTCOMES**

The review panel has jurisdiction to determine outcomes for responding parties. In determining the appropriate outcome(s), the review panel will be guided by a number of considerations, including:

A. the severity, persistence or pervasiveness of the prohibited conduct;
B. the nature or violence (if applicable) of the prohibited conduct;
C. the impact of the prohibited conduct on the reporting party;
D. the impact or implications of the prohibited conduct within the university community;
E. prior misconduct by the responding party, including the responding party’s relevant prior disciplinary history, at the university or elsewhere, and known criminal convictions;
F. whether the responding party has accepted responsibility for the prohibited conduct;
G. the maintenance of a safe, nondiscriminatory and respectful environment conducive to learning, and
H. any other mitigating, aggravating, or compelling factors.

A case may result in the following possible outcomes, based on the facts of the case and the considerations listed above. The following outcomes are effective immediately, unless otherwise specified:

A. in-school, temporary, or indefinite suspension/disciplinary withdrawal
B. dismissal
C. probation, with specific lengths being determined during the staff review
D. loss of university employment or volunteer position
E. loss of university resources or services
F. no contact orders
G. removal from dorm or other campus buildings
H. community services
I. application of a behavioral contract
J. alcohol and/or drug assessment and recommendations
K. exclusion from co-curricular or leadership activities
L. completion of issue-relevant education activities
M. fines
N. monetary or other restitution
O. referral to counseling
P. transcript notation

A prominent notation will be placed on the responding party’s academic transcript if the responding party is suspended from, permanently dismissed from, or withdraws from the university while under investigation for an offense involving sexual violence, as required by Virginia state law.

If the reporting or responding party does not agree with the findings and/or the outcomes, they may appeal the result to the appeal board.

SECTION A.5: APPEALS PROCESS

The Title IX appeals board is a standing board consisting of three EMU employees appointed by EMU’s president. The EMU president will name one of the three designated EMU employees to be the appeals board chair. Both the reporting and the responding parties may appeal the outcomes of the review panel by submitting an appeal in writing within three business days following notification of the review panel findings to the chair of the appeals board. The appeal form is located at https://files.acrobat.com/a/preview/322cf35d-c215-4e4b-a868-96894038ce94. The appeals board meeting will usually be scheduled within five calendar days from the date of the request for an appeal, subject to extension for good cause.

Reasons for an appeal must be clearly stated and based on one of the following:

A. relevant new evidence that was previously unavailable and could significantly affect the outcome;
B. alleged procedural error, which may have materially affected the outcome; or
C. the outcome is substantially disproportionate to the findings.

The appeals board chair will review the reason for appeal to determine if it meets the above criteria. If the determination is made that it does not meet one of the above criteria, the request for appeal will be rejected and the chair of the appeals board will notify the requesting party that no appeal may be made. If the request for appeal does meet one of the above criteria, the appeals board chair will notify the parties in writing of the date, time, and location of the appeals board meeting, the names of the appeals board members, and how to challenge participation by any member of the appeals board for bias or conflict of interest.

The appeals board chair will also supply the responding and the reporting parties with the grounds for the appeal request, including any new evidence provided. The reporting and the responding parties have 48 hours to respond to this disclosure of information by contacting the
appeals board chair. The parties will be informed how and who to respond to when they receive the grounds for the appeal request and any new evidence provided.

Following this 48 hour response period, the appeals board will review the appeal and make a decision to either uphold or modify the outcome of the review panel. The appeals board will have access to the final investigative report and any new evidence from the reporting and/or responding parties. The appeals board will also have access to the written summary of the review panel as well as the appeal letter.

The findings will be communicated to the Title IX coordinator by the appeals board chair, who will prepare a letter reflecting the appeals board’s findings and outcomes. The Title IX coordinator will provide the reporting and responding parties a copy of the letter of appeals board determination. The decision of the appeals board is final.

**SECTION A.6: CONFLICTS OF INTEREST**

At any time during the reporting, investigation, review, or appeals process, the reporting party(s), responding party(s), witness(es), Title IX coordinator, Title IX coordinator(s), Title IX investigator(s), review panel members, or appeals board members may raise conflict of interest concerns.

In cases where the reporting party(s), responding party(s), and/or witness(es) are related to or in close relationship with faculty, staff, or other employees of the university, or in cases where there is reason to believe that the investigation may not be impartial if completed internally, and outside investigator will always be brought in.

If the services of a Title IX investigator are utilized and a conflict of interest exists between the reporting and/or responding parties and the Title IX investigator(s), another outside investigator will be brought in to conduct the investigation. The process will proceed as outlined in Section A.3, with the external investigator taking on the role of the Title IX investigator(s).

**Appendix B: Procedures for Employees**

**SECTION B.1: INTRODUCTION**

The following procedure functions in conjunction with the Relationship Violence and Sexual Misconduct Policy, and will be activated when a mandated reporter or reporting party reports an alleged occurrence of relationship violence and/or sexual misconduct involving a faculty or staff member of EMU to Human Resources or the Title IX office. This process is not designed to take the place of making a criminal report to law enforcement. The procedure as outlined below may take place whether or not a criminal report is made. It is a separate and independent process. These procedures will include a prompt, fair, and impartial process from the initial investigation to the final result.
These procedures are carried out by people who care about and are committed to walk with all involved and understand that individuals can experience stress and emotional trauma with such situations. The care and welfare of EMU faculty, staff, and students is of utmost importance.

SECTION B.2: REPORTING

B.2.1. MAKING A REPORT

Reports can be made by filling out a Campus Safety Incident Form (https://emu.edu/safecampus/) or by contacting the Title IX Coordinator in person or via phone at 540-432-4302.

1. If the case involves a student and an employee, a copy of the report will go to the Dean of Students and the Director of Human Resources. Additional personnel may be notified on a need-to-know basis. The reporter and/or the reporting party will be advised of additional personnel who are notified.
2. If the case involves only employees, a copy of the report will go to the Director of Human Resources. Additional personnel may be notified on a need-to-know basis. The reporter and/or the reporting party will be advised of additional personnel who are notified.

B.2.2. SAFETY ASSESSMENT

After a report is received, the Safety Team will determine the need for a timely warning. A timely warning is a warning required by the Clery Act and alerts the campus community to potentially dangerous circumstances. The need for a timely warning is determined by considering the nature of the act reported and the likelihood that continuing danger exists for the campus community. If warranted, a timely warning will be issued by the Coordinator of Campus Safety and Security, who has the final authority to make the determination according to Virginia law.

1. The Safety Team will be comprised of the following people or their designees:
   1. Situations involving a student and an employee: Title IX Coordinator, Coordinator of Campus Safety and Security, Dean of Students.
   2. Situations involving only employees: Title IX Coordinator, Coordinator of Campus Safety and Security, and the Director of Human Resources.
2. The Safety Team will confer to determine next steps within the 72 hour notice requirement of notifying the Commonwealth’s Attorney and local law enforcement, and will, if deemed necessary make those notifications. Note: safety officer has final authority on making the assessment as to whether to make a notification.¹
3. The safety officer will notify the reporting and/or the responding party(s) as necessary.
4. Concurrently, any possible threats to the reporting party and campus safety will be addressed (see Section 8.2.5.1 of the Relationship Violence and Sexual Misconduct Policy):
   1. Interim measures may be implemented to maintain safety for all involved. Interim measures may include, but are not limited to: removal from campus facilities, no contact orders, adjustment of class, work or teaching schedule depending on the parties involved in the case.
2. The Title IX Coordinator or Director of Human Resources (or their designees) will follow up with the author of the report if not completed by reporting party to confirm that a process has been initiated, while maintaining confidentiality for all parties.

**B.2.3. UNIVERSITY RESPONSE TO REPORTING PARTY(S)**

**Initial Inquiry & Investigation, Basic Guidelines:**

1. The Title IX Coordinator will meet with the Director of Human Resources to coordinate the process for initial inquiry and investigation.
2. The reporting party will always be contacted/responded to and coordinated with first.
3. The Director of Human Resources will review the case under Title VII of the Civil Rights Act during the Title IX process. Additional investigation and response may occur to respond to Title VII obligations.

**Initial Inquiry with Reporting Party:**

1. The reporting party is contacted to set up an initial inquiry meeting and they are informed that they may bring an advocate with them. The reporting party has the right to decline this meeting. If the meeting is declined, the process may continue without the reporting party if the Title IX Coordinator determines that there is a safety concern based on Virginia statute.
2. Initial inquiry with reporting party involves:
   1. No further inquiry or investigation: the reporting party(s) can specify that the Title IX Coordinator and/or the deputy Title IX Coordinator take no further action to pursue an investigation into the reported incident.
   2. Further investigation: the reporting party(s) can specify that the Title IX Coordinator proceed with an investigation of the reported incident.
   3. Assist in making a Police Report: this option can be pursued regardless of whether or not option one (1) or two (2) has been selected. Reporting parties may also choose to make a separate report to the local police department at a later time if they decide not to file a police report immediately.
   4. Title IX Coordinator provides general support and listens to the reporting party.
   5. At the discretion of the Title IX Coordinator, the Director of Human Resources may be present.
   6. Review Rights of the Reporting Party document, including the right to report to local law enforcement. The reporting party is encouraged to report to local law enforcement for criminal matters, and will be supported through this process if they choose to make a report.
   7. Reporting party will determine how they wish to proceed in regards to their own personal process:
3. It is the reporting party’s right to choose which of the above options they want the university to take. However, in certain cases, if the conduct reported constitutes a criminal offense under Virginia law or endangers the immediate safety of the broader campus community, the university may still undertake a further process even if the reporting party(s) have requested that no further action be taken in regards to the incident (for example, if the responding party has previously been reported for violating the Relationship Violence and Sexual Misconduct policy). In these instances, the reporting party(s) does not have to be involved in the ongoing process.
4. If a reporting party chooses not to participate in a further process, even in circumstances where investigation is required due to safety issues, the reporting party will sign a statement of release, indicating they do not wish to be involved in the investigation at the time. The reporting party is informed of their right to participate or decline to participate in any investigation to the extent permitted under state or federal law.

5. Based on the severity of the alleged misconduct and with respect to the wishes of the reporting party, the Title IX Coordinator, in consultation with the Title IX Assessment Team, may determine that no further investigation is required. This decision is based on the fact that the harm has not constituted a hostile environment and there are no disputed facts between the parties.

**B.2.4. UNIVERSITY RESPONSE TO RESPONDING PARTY(S)**

1. After receiving a report and speaking with the reporting party(s), depending on the wishes of the reporting party(s), the Title IX Coordinator will make contact with the responding party(s).

2. Initial Inquiry with Responding Party:
   1. The responding party is contacted to set up an initial inquiry meeting and they are informed that they may bring an advocate with them. The responding party has the right to decline this meeting. If the meeting is declined, the process may continue without the responding party if the Title IX Coordinator determines that there is a safety concern based on Virginia statute.

   2. Initial inquiry with responding party involves:
      1. Title IX Coordinator provides general support and listens to the reporting party.

**SECTION B.3: INTERVIEWS**

**B.3.1. INTERVIEWS WITH INVOLVED PARTIES**

1. If the reporting party wishes to pursue further process or if the university has determined that further process is required, interviews will be conducted with all involved parties, beginning with the reporting party(s) and including witnesses. The reporting and the responding parties will not come into contact with one another during the interview process.

2. The Title IX Coordinator, a deputy Title IX Coordinator, or a Title IX Investigator will conduct the interviews. An external Title IX Investigator would be used if there is a conflict of interest or there are other extenuating circumstances exist.

3. The reporting party(s) and the responding party(s) always have the right to have an advocate of their choosing present during all stages of the reporting, investigating, and adjudication of the process. The interviewer may also choose to have a confidential unbiased third party included in the interview; typically this would be a deputy Title IX Coordinator.

4. All interviews may be audio recorded. The only person outside of the Title IX Coordinator who may listen to the recording is the party that has been recorded. The recording must be listened to in the presence of the investigator. Verbal permission to record the interview will be obtained at the start of the interview process. Recordings will be stored
by the Title IX Coordinator in a secure location and will be destroyed upon completion of
the case, after the deadline for and/or completion of an appeals process has passed.
5. The completion of the investigation process will be within sixty days from the initial
receipt of the report or as soon thereafter as feasible. If the report is made just prior to a
scheduled university break, the time of the break will not be included within those sixty
days.

If a reporting party has chosen, during the intake meeting with the Title IX Coordinator, not to
pursue any further action related to the reported incident, no interview will be required. The
reporting party will be asked to sign a statement noting this choice, with the option of opening
the case at any time by notifying the Title IX Coordinator.

B.3.2. INFORMAL RESOLUTION

When the preliminary investigative report has been reviewed with all parties and if there are no
disputed facts by any party, the case moves to an informal resolution process, described below.

B.3.2.1. STAFF REVIEW TO DETERMINE OUTCOMES

1. In an informal resolution process, if it is determined that there is sufficient evidence,
based on the preponderance of the evidence, to support a finding of responsibility under
the policy, any one or more outcomes may be imposed. A staff review will be conducted
by the Title IX Assessment Team to determine the appropriate outcome(s) to impose.
2. The staff review will be conducted by the Title IX Assessment Team, which includes the
Title IX Coordinator and deputy Title IX Coordinator(s), selected by the Title IX
Coordinator for their assistance in a particular case with an aim of mitigating any
possibility of conflict of interest due to their primary role within the university. The Title IX
Assessment Team will review the case and determine outcomes for the responding
party(s) guided by a number of considerations, including:
   1. The severity, persistence or pervasiveness of the prohibited conduct;
   2. The nature or violence (if applicable) of the prohibited conduct;
   3. The impact of the prohibited conduct on the reporting party;
   4. The impact or implications of the prohibited conduct within the university
      community;
   5. Relevant prior disciplinary history at the university involving the responding party;
   6. Whether the responding party has accepted responsibility for the prohibited
      conduct;
   7. The maintenance of a safe, nondiscriminatory and respectful environment
      conducive to learning; and
   8. Any other mitigating, aggravating, or compelling factors.
3. A case may result in the following possible outcomes, based on the facts of the case and
the considerations listed above. The following outcomes are effective immediately,
unless otherwise specified:
   1. In-school, temporary, or indefinite suspension/disciplinary withdrawal
   2. Dismissal
   3. Probation, with specific lengths being determined during the staff review
   4. Loss of university employment or volunteer position
   5. Loss of university resources or services
   6. No contact orders
7. Removal from dorm or other campus buildings
8. Community services
9. Application of a behavioral contract
10. Alcohol and/or drug assessment and recommendations
11. Exclusion from co-curricular or leadership activities
12. Completion of issue-relevant education activities
13. Fines
14. Monetary or other restitution
15. Referral to counseling
16. Transcript notation

B.3.2.2. INFORMING REPORTING & RESPONDING PARTIES OF OUTCOMES

In an informal process, the reporting party(s) and the responding party(s) will be notified simultaneously in writing of the outcome of the staff review. The Title IX Assessment Team will also meet with each party, if desired, to allow opportunity for clarification. The outcomes determination in an informal process cannot be appealed.

B.3.3. FORMAL RESOLUTION

If, following reporting (Section B.2) and investigation (Section B.3), discrepancies exist between the accounts of the reporting party(s) and the responding party(s), a formal resolution process will be conducted. The formal resolution process includes a preliminary and final investigative report, review panel proceedings, and the determination of outcomes (described below). Either party may appeal the decision of the review panel as described in Section B.5.

B.3.3.1. PRELIMINARY INVESTIGATIVE REPORT

After the interviews with the reporting party(s), responding party(s), and witnesses are completed and other information gathered, the Title IX Investigator will complete a preliminary investigative report that sets out all the known facts of the case, the disputed facts of the case, and a list of all parties interviewed. The Title IX Investigator will provide a copy of the preliminary report to the Title IX Coordinator and the Director of Human Resources.

The Title IX Investigator and the Title IX Coordinator will meet with the reporting party(s) to review the preliminary report. Following this meeting, the Title IX Investigator and the Title IX Coordinator will meet with the responding party(s) to review the report.

The reporting party(s) and the responding party(s) may suggest additional witnesses and provide additional information after they review the preliminary investigative report. If additional witnesses or additional information is provided at this time, the Title IX Investigator will interview the additional witnesses and review the additional information.

If changes are made to the preliminary report based on the additional witnesses or information provided, these changes will be reviewed with both the reporting and the responding parties. If
no additional witnesses or additional information is provided by the reporting and/or the responding parties, the Title IX Investigator(s) will prepare the final investigative report.

**A.3.3.2. FINAL INVESTIGATIVE REPORT**

The final investigative report includes all known facts of the case, disputed facts of the case, and a list of all parties interviewed. The Title IX Investigator will provide the final report to the Title IX Coordinator and the Director of Human Resources.

**SECTION B.4: REVIEW PANEL**

Following the submission of the final investigative report, the Title IX Coordinator will convene the Title IX Review Panel.

**B.4.1. REVIEW PANEL PROCEEDINGS**

1. The Title IX review panel consists of a standing the Title IX review panel chair and two additional employees who serve on an ad hoc basis when a case arises, to avoid possible conflicts of interest or negative bias. In addition to the chair, the panel will consist of one faculty member and one staff member who have received training in Title IX and the EMU RVSM.

2. The Title IX Coordinator, Director of Human Resources, and Title IX Investigator will be available for questions and clarifications throughout the process.

3. The reporting party and responding party will be separately notified of the composition of the review panel, and have the right to raise any conflicts of interest.

4. The review panel meets separately with the reporting party and the responding party. An advisor or advocate may attend the review panel but may not participate in the panel process.

5. If the chair of the review panel determines that clarifying questions are required, the panel may ask questions of the reporting and/or the responding party(s) during their separate review panel proceedings. The reporting and/or the responding party(s) may also request to give a testimony to the review panel during their separate review panel hearings.

6. The reporting party or respondent may choose not to attend the review panel. The review panel process will proceed regardless.
   1. The chair of the panel will inform all persons present that the proceedings are being recorded for reference purposes only;
   2. The recording will be destroyed at the conclusion of the case, after the deadline for and/or completion of an appeal process.
   3. The review panel proceedings will be recorded by EMU.

7. The review panel will make a finding to determine whether or not a violation of the Relationship Violence and Sexual Misconduct Policy has occurred based on the factual findings outlined in the final investigative report and the testimony heard. This finding will be based on the standard of proof known as the preponderance of evidence, in accordance with Title IX regulations (see Section 2 for definition). The review panel will make this determination based on the factual findings outlined in the final investigative report and the testimony heard.
8. If the review panel has determined that there is sufficient evidence, by a preponderance of the evidence, to support a finding of responsibility under the policy, the review panel will decide between a number of different outcomes for the responding party(s).

9. At the conclusion of the review panel, the review panel chair will prepare a summary of the proceedings to deliver to the Title IX Coordinator and the Director of Human Resources. The panel summary will include:
   1. documentation of determination of preponderance of evidence;
   2. documentation of outcomes proposed;
   3. a description of the appeal process.

10. The Title IX Coordinator will prepare a letter reflecting the panel’s findings and outcomes as well as appeal process information.

11. The Title IX Coordinator and/or the Director of Human Resources will meet with the reporting party and the responding party and shares the letter:
   1. For employees, the Director of Human Resources will ensure that the employee's file is properly updated
   2. The Title IX Coordinator may nevertheless ensure that remedial measures remain in effect to support the parties.

12. If the reporting or responding party does not agree with the findings and/or the outcomes, they may appeal the result to the appeal board.

**B.4.2. REVIEW PANEL OUTCOMES**

The review panel has jurisdiction to determine outcomes for responding parties. In determining the appropriate outcome(s), the review panel will be guided by a number of considerations, including:

1. The severity, persistence or pervasiveness of the prohibited conduct;
2. The nature or violence (if applicable) of the prohibited conduct;
3. The impact of the prohibited conduct on the reporting party;
4. The impact or implications of the prohibited conduct within the university community;
5. Relevant prior disciplinary history at the university involving the responding party;
6. Whether the responding party has accepted responsibility for the prohibited conduct;
7. The maintenance of a safe, nondiscriminatory and respectful environment conducive to learning, and
8. Any other mitigating, aggravating, or compelling factors.

A case may result in the following possible outcomes, based on the facts of the case and the considerations listed above. The following outcomes are effective immediately, unless otherwise specified:

1. In-school, temporary, or indefinite suspension/disciplinary withdrawal
2. Dismissal
3. Probation, with specific lengths being determined during the staff review
4. Loss of university employment or volunteer position
5. Loss of university resources or services
6. No contact orders
7. Removal from dorm or other campus buildings
8. Community services
9. Application of a behavioral contract
10. Alcohol and/or drug assessment and recommendations
11. Exclusion from co-curricular or leadership activities
12. Completion of issue-relevant education activities
13. Fines
14. Monetary or other restitution
15. Referral to counseling
16. Transcript notation

If the reporting or responding party does not agree with the findings and/or the outcomes, they may appeal the result to the appeal board.

SECTION B.5: APPEALS PROCESS

1. The Title IX appeal board consists of a standing appeal board chair and two additional employees who serve on an ad hoc basis when a case arises, to avoid possible conflicts of interest or negative bias. In addition to the chair, the panel will consist of one faculty member and one staff member who have received Title IX training.

2. Either the reporting party or the responding party may appeal the determined outcomes. The appeal must be submitted in writing within three (3) business days following notification and should be directed to the Title IX Coordinator and/or the Director of Human Resources who will direct the appeal to the appeal board chair. Reasons for an appeal must be clearly stated and based on one of the following:
   1. Relevant new evidence that was previously unavailable and could significantly affect the outcome;
   2. Alleged procedural error, which may have materially affected the outcome;
   3. Outcome is substantially disproportionate to the findings.

3. The appeals board chair will review the reason for appeal to determine if it meets the above criteria. If the determination is made that it does not meet one of the above criteria, the request for appeal will be rejected and the chair of the appeals board will notify the requesting party that no appeal may be made. If the request for appeal does meet one of the above criteria, the appeals board chair will notify the parties in writing of the date, time, and location of the appeals board meeting, the names of the appeals board members, and how to challenge participation by any member of the appeals board for bias or conflict of interest.

4. The appeal board chair will notify both parties that an appeal has been requested, as well as the grounds for the appeal. Disclosure of the grounds for appeal will include provision of new evidence to the reporting party and/or respondent with two (2) business days allowed for response.

5. The appeal board meeting will be scheduled within five (5) business days from the date of the request for an appeal, subject to extension for good cause.

6. The appeal board will have access to the final investigative report and any new information or evidence from the reporting party and/or respondent. The appeal board will also have access to the written summary of the review panel as well as the appeal letter.

7. The appeal board may choose to uphold, modify, or dismiss the findings and/or outcomes of the review panel.

8. The appeal board chair prepares a letter reflecting the appeal board’s findings and outcomes. The findings are communicated to the Title IX Coordinator and the Director of Human Resources by the appeal board chair.
9. The Title IX Coordinator and/or the Director of Human Resources provides the reporting party and respondent a copy of the letter of appeal board determination and a copy of the outcome letter will also become part of the respondent’s (employee or student) file.  
10. The decision of the appeal board is final.  
11. In addition to bringing a case under EMU’s Relationship Violence and Sexual Misconduct Policy, employees may also file a complaint directly with the Equal Employment Opportunity Commission (EEOC). Complaints must be filed with the EEOC within 180 days of the discriminatory act in order to preserve the rights of the reporting party in a court of law. Title VII of the Civil Rights Act of 1964 is a federal law that prohibits employers from discriminating against employees on the basis of sex, race, color, national origin, and religion. Particularly of relevance to EMU’s Relationship Violence and Sexual Misconduct Policy are the prohibitions that Title VII establishes towards sex-based discrimination, including discrimination on the basis of pregnancy, childbirth, related medical conditions, or sexual harassment in the workplace carried out by either the institution or other coworkers.

1. [link](http://law.lis.virginia.gov/vacode/title23.1/chapter8/section23.1-806/)  
2. [link](http://law.lis.virginia.gov/vacode/title23.1/chapter8/section23.1-806/)  
3. [link](http://law.lis.virginia.gov/vacode/title23.1/chapter8/section23.1-806/)  
4. [link](http://law.lis.virginia.gov/vacode/title23.1/chapter8/section23.1-806/)  
5. A prominent notation will be placed on the responding party’s academic transcript if the responding party is suspended from, permanently dismissed from, or withdraws from the university while under investigation for an offense involving sexual violence, as required by Virginia state law.

Appendix C: Rights of the Reporting Party

At all times during the Title IX process, the reporting party has the following rights:

1. The right to investigation and appropriate resolution of all credible complaints of relationship violence and/or sexual misconduct made in good faith to university administrators;  
2. The right to have all personally identifiable information kept private and only revealed as required by law;  
3. The right to be treated with respect by university officials;  
4. The right not to be discouraged by university officials from reporting an incident of relationship violence or sexual misconduct to both on-campus and off-campus authorities;  
5. The right to be informed by university officials of options to notify proper law enforcement authorities, including local police, and the option to be assisted by campus
authorities in notifying such authorities, if the reporting party chooses. This also includes
the right not to report, if this is the reporting party’s desire, unless required by law;
6. The right to seek medical intervention and care;
7. The right to have reports of relationship violence and/or sexual misconduct responded to
quickly, and with sensitivity, by all parties;
8. The right to preservation of privacy, to the extent possible and allowed by law;
9. The right to be informed of, and have, university policies and procedures followed
without material deviation, and the right to have a support person to guide and support
them in the process.
10. The right to notification of, options for, and available assistance in, changing academic
and living situations after an incident of relationship violence and/or sexual misconduct,
if requested by the reporting party and if the accommodations are reasonably available.
No formal report or investigation, either campus or criminal, need occur before this
option is available. For a list of available accommodations, see section 8.2;
11. The right to a no contact order against another student who has engaged in or threatens to
engage in stalking, threatening, harassing or other retaliatory behavior that presents a
danger to the welfare of the reporting party or others;
12. The right to bring a support person to all phases of the Title IX process;
13. The right to be informed of available counseling, mental health, or student services for
victims of relationship violence and/or sexual misconduct, both on-campus and in the
community;
14. The right to be fully informed of the nature, rules, and procedures of the process and to a
timely written notice of all alleged violations within the report, including the nature of the
violation and possible outcomes;
15. The right to review the preliminary investigative report and offer additional relevant
materials and relevant witnesses to be interviewed and considered before the final
investigative report is created;
16. The right to review the final investigative report, subject to the privacy limitations
imposed by state and federal law, at least two working days prior to a review panel;
17. The right to be informed of the names of all witnesses, except in cases where a witness’
identity will not be revealed for compelling safety reasons;
18. The right to have reports heard by persons who have received annual Title IX and trauma
informed training;
19. The right to a review panel comprised of representatives of sex, ethnicity, and culture;
20. The right to identify and petition that any party be removed on the basis of bias and/or
conflict of interest;
21. The right to have a support person during an investigation and/or hearing;
22. The right not to have any prior unrelated sexual history admitted as evidence;
23. The right to a finding based on the preponderance of the evidence presented during the
investigation process. Such evidence should be credible, relevant, based on fact, and
without prejudice. For a definition of preponderance of evidence, see Section 2;
24. The right to be informed in writing of the findings and outcomes of any alleged
relationship violence and/or sexual misconduct process, usually within five working days
of the determination; and
25. The right to appeal the findings and/or outcomes, in accordance with the standards for appeal established in section A.5 of the Relationship Violence and Sexual Misconduct policy.

Appendix D: Rights of the Responding Party

At all times during the Title IX process, the responding party has the following rights:

1. The right to investigation and appropriate resolution of all credible complaints of relationship violence and/or sexual misconduct made in good faith to university administrators;
2. The right to have all personally identifiable information kept private and only revealed as required by the Relationship Violence and Sexual Misconduct (RSVM) policy and law;
3. The right to be treated with respect by university officials;
4. The right to be informed of, and have, university policies and procedures followed without material deviation; and the right to have a support person to guide and support them in the process;
5. The right to bring a support person to all phases of the investigation proceeding;
6. The right to be informed of and have access to campus resources for medical, counseling, and advisory services, both on-campus and in the community;
7. The right to be fully informed of the nature, rules, and procedures of the process and to timely written notice of all alleged violations within the report, including the nature of the violation and possible outcomes;
8. The right to review the preliminary investigative report and offer additional relevant materials and relevant witnesses to be interviewed and considered before the final investigative report is created;
9. The right to review the preliminary and final report, subject to the privacy limitations imposed by state and federal law, at least two working days prior to a requested appeals hearing;
10. The right to be informed of the names of all witnesses, except in cases where a witness’ identity will not be revealed for compelling safety reasons;
11. The right to have reports heard by persons who have received annual Title IX and trauma informed training;
12. The right to a review panel comprised of representatives of sex, ethnicity, and culture;
13. The right to identify and petition that any party be removed on the basis of bias and/or conflict of interest;
14. The right to have a support person during an investigation and/or hearing;
15. The right not to have any prior unrelated sexual history admitted as evidence;
16. The right to a finding based on the preponderance of evidence presented during the investigation process. Such evidence shall be credible, relevant, based on fact, and without prejudice. For a definition of preponderance of evidence, see Section 2;
17. The right to be informed in writing of the findings and outcomes of any alleged relationship violence and/or sexual misconduct process, usually within five working days of the determination; and
18. The right to appeal the findings and/or outcomes, in accordance with the standards for appeal established in section A.5 of the Relationship Violence and Sexual Misconduct policy.

Appendix E: Training and Prevention Education

Campus Education Activities

EMU provides the following educational activities for the campus community:

1. SafeColleges - in accordance with federal regulations, all new and current students, faculty, and staff are required to complete this mandatory online awareness and education program at the beginning of each academic year.
2. NCAA It’s On Us campaign - all student athletes receive annual training in topics related to sexual violence awareness and prevention
3. In-person training in Title IX regulations and university policies for all new faculty, staff, and students
4. Annual training for those involved in Title IX processes. All officials who conduct disciplinary proceedings related to complaints of sexual assault, domestic violence, dating violence, and stalking receive annual training on issues related to dating violence, domestic violence, sexual assault, and stalking, as well as how to conduct an investigation and a hearing process that protects the safety of victims and promotes accountability.

Campus Prevention Activities

EMU provides the following prevention activities for the campus community:

1. Green Dot bystander trainings - bystander trainings are available to all students, faculty, and staff. Bystander overviews are provided to each incoming class as part of orientation

Additional annual awareness and prevention activities (such as Take Back the Night) are planned by EMU’s student prevention organization and the Coordinated Community Response Team.

Appendix F: Confidential Resources

Harrisonburg Confidential Resources

Counseling Services

counselingservices@emu.edu- 540-432-4317

Stewart Nafziger, Interim Director of Counseling Services
Counseling Services provides free, individual counseling sessions to any EMU student. Survivors of current and/or past sexual violence can use this confidential service to process events, begin the healing journey, and receive referrals to other campus or community resources.

**Health Services**

[healthservices@emu.edu](mailto:healthservices@emu.edu) - 540-432-4308

Irene Kniss, Director of Health Services

Health Services provides a confidential space to discuss health concerns related to experiences of sexual violence. STI testing and pregnancy testing are available via self-pay or insurance billing. Transportation vouchers are available for students who need to access off-campus medical services and do not have their own transportation.

**Campus Ministries**

[campusministries@emu.edu](mailto:campusministries@emu.edu) - 540-432-4115

Brian Martin Burkholder, University Campus Pastor

Campus Ministries, including EMU’s seminary campus pastor, provides a safe, confidential space for students to process experiences, receive spiritual support, and access campus and community resources.

**Sexual Violence Prevention Services**

[leda.werner@emu.edu](mailto:leda.werner@emu.edu) - 540-432-4325

Leda Werner, Sexual Violence Prevention Coordinator

Located in the Counseling Services building, the Sexual Violence Prevention Coordinator provides confidential support to survivors who are seeking a safe space to process, information on university procedures and services, and referrals to community resources.

**Lancaster Confidential Resources**

Samaritan Counseling Ctr.- 717-560-9969

YWCA Sexual Assault Prevention & Counseling Center- 717-392-7273

**Washington DC Confidential Resources**

Brookland Pastoral Counseling Center 646- 852-7404
National Veterans Crisis Line: 800-273-8255
# Sexual Violence Prevention and Title IX Trainings

## Title IX and Sexual Assault Awareness Trainings 2018 by Title IX Coordinator:

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<td>8/14/2018</td>
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<td>CA’s and PA’s</td>
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<td>8/30/2018</td>
<td>Title IX Speak EMU</td>
<td>New Student Orientation</td>
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<td>Title IX Review</td>
<td>New Staff</td>
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<td>01/-12/2018</td>
<td>Campus Answers</td>
<td>All EMU students, Staff and Faculty</td>
<td>On line</td>
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## Sexual Violence Prevention Trainings 2018:

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<td>SPI Staff/Student Workers</td>
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<td>Board of Trustees</td>
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<td>8/24/2018</td>
<td>Title IX and RVSM</td>
<td>CJP incoming students</td>
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<td>8/30/2018</td>
<td>Bystander intervention, consent, healthy relationship training</td>
<td>Incoming students</td>
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Emergency Response and Evacuation Policy

Emergencies: How to Respond
The following guidelines apply to many emergency conditions that could happen on the campuses. It is not possible to establish procedures for every conceivable type of emergency, but we do attempt to establish guidelines for various situations such as fire, active shooter, earthquakes, tornados, pandemics. These guidelines can be used for any similar emergency or hazardous situation. Please review them frequently so you will be prepared in an emergency.

Medical Emergencies
For situations requiring emergency medical assistance on any campus, call 911. If on the main Harrisonburg campus, and involving students, notify the RD on call at (540-476-4578).

Intruder/Lockdown Emergencies
In the event that it becomes necessary to activate an intruder/lockdown response, EMU has various tools to use for emergency notification on the main campus. - EMU Alerts and Emergency Notification Radios are a few of the resources available. If actions are required, the best response is to be prepared through personal pre-planned response actions. Typically, in intruder situations, authorities suggest a stair-stepped approach to a response:

1. Exit the building, avoid the situation if at all possible.
2. Barricade or deny entry, and go into a lockdown mode, if needed.
3. Take decisive action against the intruder; defend yourself as a last resort.

Any response needs to be based on one’s own personal safety. EMU has posted suggestions on how one might respond in Emergency Procedure guidelines. These can be found throughout the
main campus and also by visiting the EMU website at: www.emu.edu/crisis. It is imperative the guidelines are read to help with preparedness of multiple situations.

Avoid - Starts with your state of mind
Deny - When getting away difficult or maybe even impossible
Defend - Because you have a right to protect yourself

Bomb Threats
Notify the police by calling 911 and Campus Security at ext. 4911 from an on main campus phone, or 432-4911 from cell or off main campus phone immediately if reporting a bomb threat. Emergency personnel will advise necessary steps for evacuation if needed.

University Emergency Management Plan
The complete emergency operations plan is under development.

Emergency Evacuation Procedures
Emergency evacuation procedures and maps for individual buildings are posted in prominent locations throughout each campus building. In the event of the need to vacate the building quickly these items can be used as reference.

In the event of a campus-wide emergency evacuation, the local jurisdiction’s Emergency Management Coordinator/Fire Chief or the designee will work cooperatively with university administration to determine the best means of transportation, relocation, and housing. If in the event that a crisis on campus requires the closing of residence halls for an extended duration, students who live within 300 miles of campus will be encouraged to return home (if conditions are such that they can do so safely). If a student’s primary home residence is further than 300 miles from campus it is requested that they identify an alternate location within 300 miles that for relocating. If there are no options within 300 miles, Residence Life will work with that student and Human Resources to obtain local housing. Student information is updated annually and is kept secure in the Residence Life Office.

Weather/Tornado Emergency
Installed throughout the main campus are Emergency Notification Radios. They may be
used to send tornado warnings when the City of Harrisonburg and Rockingham County
have been designated by the National Weather Service to be in a tornado warning
area. In the event of a tornado warning, seek shelter as soon as possible in the pre-
designated locations in buildings. These locations can be found by looking for the
Tornado Shelter Location and the fire exit maps in all buildings on campus. Becoming
familiar with these tools can promote safety. For satellite campuses, local authorities
will issue weather related emergency warnings.

Emergency Notification to the Community

Eastern Mennonite University utilizes multiple formats to distribute emergency
notifications to the main campus community. The two primary systems, EMU Alerts
and Via Radio, send the message by four distinct methods:

- Audible alarm and text notification on almost 200 emergency notification
  radios placed throughout the main campus.
- Splash screen notification on the EMU home page.
- E-mail to email accounts
- Text messaging notifications to individual cell phone accounts

Missing Student Policy

Missing Student Protocol (Clery Act 2008)

Each institution of higher learning is required to establish a Missing Student Protocol for students
who reside in on-campus housing. This protocol goes into effect once campus officials determine the
student to be missing from campus for more than 24 hours. The Director of Housing then institutes
the emergency contact procedure in accordance with the student’s designation on the Res Hall
Personnel & Emergency Card unless the student is under 18 years of age, in which case the
custodial/parent or guardian must be notified.

Missing persons should be reported to the Coordinator of Campus Safety and Security. Once a
missing persons’ report has been filed, the following emergency contact procedures will be initiated
no later than 24 hours after a student is determined missing:

- The Coordinator of Campus Safety and Security will notify law enforcement, the student’s
confidential contact, and the Office of the Associate Dean of Students.

- If a student is under 18 years of age and not emancipated, the missing student’s parents will be notified by the Vice President for Student Life or his/her designee no later than 24 hours after the student is determined missing.
- The Coordinator of Campus Safety and Security will notify other campus offices which have a need to be informed (e.g. Residence Life).

**Alcohol, Tobacco, and Illegal Drug Policies**

Eastern Mennonite University supports nonuse of alcohol, tobacco and illegal drugs as the most appropriate and responsible lifestyle choice. The possession or use of alcohol, tobacco and illegal drugs is strictly prohibited from the EMU campuses as well as all university-related functions.

The university believes that the use of alcohol, tobacco and illegal drugs is counterproductive to the educational process and contributes to behaviors that are offensive and disruptive to the campus community. Not only is the use of alcohol illegal for those under age 21, but alcohol by its nature creates unhealthy dependencies, generates behavior offensive to others, wastes money, and takes lives.

Because of the significant personal and societal dangers associated with alcohol, tobacco and illegal drugs, the university chooses to take a strong stand against their use. Persons who use, obtain for others to use, or distribute alcohol, tobacco, or illegal drugs on campus will be disciplined in accordance with the university policy.

Persons who misuse alcohol, tobacco or illegal drugs off campus will also be in violation of the policy and dealt with by the appropriate disciplinary body when reported to university officials. Misuse is identified as intoxication, illegal personal use and/or rowdiness, and damage or destruction of property.

EMU complies with the Drug-Free Schools and Communities Act of 1989 and supports local, state and federal regulations pertaining to the illegal use of alcohol and other drugs. The university fully
cooperates with local authorities in dealing with alcohol and illegal drug issues.

NOTE: For persons who have a drug or alcohol related problem that may be alleviated through counseling and intervention, the university will deal with persons through the counseling process rather than through the disciplinary processes if the person voluntarily requests assistance.

Laws Governing Alcohol & Other Drugs
In accordance with federal legislation, known as the Drug-Free Schools and Communities Act, Eastern Mennonite University is required to communicate the information in this section regarding the unlawful possession, use or distribution of illicit drugs and alcohol to its students and employees. Federal regulations stipulate that this information be distributed annually.

Federal Sanctions – Illicit Drug Laws
Pursuant to federal law, the United States Sentencing Guidelines establish mandatory minimum penalties for categories of drug offenses and provide for penalty enhancements in specific cases. Under these federal guidelines, courts can sentence a person for up to 6 years for unlawful possession of a controlled substance, including the distribution of a small amount (less than 250 grams) of marijuana; a sentence of life imprisonment can result from a conviction of possession of a controlled substance that results in death or bodily injury; and, possession of more than 5 grams of cocaine can trigger an intent to distribute penalty of 10-16 years in prison.

Federal Penalties and Sanctions for Illegal Possession of Controlled Substances

21 U.S.C. 844 (a)
1st conviction: Up to 1 year imprisonment and fined at least $1,000 but not more than $100,000, or both.

After 1 prior drug conviction: At least 15 days in prison, not to exceed 2 years and fined at least $2,500 but not more than $250,000, or both.

After 2 or more prior drug convictions: At least 90 days in prison, not to exceed 3 years and fined at least $5,000 but not more than $250,000, or both.

Special sentencing provisions for possession of crack cocaine: Mandatory at least 5 years in prison, not to exceed 20 years and fined up to $250,000, or
both, if: (a) 1st conviction and the amount of crack possessed exceeds 5 grams; (b) 2nd crack conviction and the amount of crack possessed exceeds 3 grams; or (c) 3rd or subsequent crack conviction and the amount of crack possessed exceeds 1 gram.

**21 U.S.C. 853 (a) (2) and 881 (a) (7)**
Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than 1 year imprisonment. (See specially sentencing provisions re: crack, above.)

**21 U.S.C. 881 (a) (4)**
Forfeiture of vehicles, boats, aircraft or any other conveyance used to transport or conceal a controlled substance.

**21 U.S.C. 844a**
Civil fine of up to $10,000

**21 U.S.C. 862**
Denial of Federal Benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to 1 year for first offense, up to 5 years for second and subsequent offenses.

**18 U.S.C. 922 (g)**
Ineligible to purchase, receive, or transport a firearm.

Revocation of certain Federal licenses and benefits, e.g. pilot licenses, public housing tenancy, etc., are vested within the authorities of individual Federal agencies. Federal Penalties for Illegal Trafficking of Controlled Substances

The Controlled Substances Act (CSA), Title II of the comprehensive Drug Abuse Prevention and Control Act of 1970, is a consolidation of numerous federal laws regulating the manufacture and distribution of controlled substances. The CSA places all use, potential for abuse and safety or dependence liability. The CSA provides penalties for the unlawful manufacturing and distribution of controlled substances. The charts on pages 8-9 of the U.S. Department of Justice...

For additional details about Federal illicit drug laws, visit the following websites:


**City of Harrisonburg Alcohol Ordinances**

**Open Container and Drinking in Public Code 16.8.51**

a. If any person shall take a drink of alcoholic beverage or shall tender a drink thereof to another, whether accepted or not, at or in any public place, he shall be guilty of a Class 4 misdemeanor.

b. It shall be unlawful for any person to possess an open or opened container, can, cup, glass or bottle containing an alcoholic beverage in any city park or playground or on any public street in the city.

City Ordinance Violations are enforced by both patrol and special enforcement officers of the Harrisonburg Police Department. Violations will receive enforcement action when they are observed, not only in response to complaints. This law does apply to sidewalks and parking lots open to the public. Persons who consume or are in possession of alcoholic beverages while sitting in vehicles are subject to this charge. To avoid being charged with this violation, all those participants at your event must stay on your property. Walking or driving from place to place with an open container of alcoholic beverages, including cups, is a violation of this law.

**Drunk in Public: Code 16-7-33**

If any person profanely curses or swears or be drunk in public, he shall be guilty of a class 4 misdemeanor. Persons are arrested and taken to detoxify because of dangerous criminal behavior. The safety of the subject, safety of others, and protection of property are the main concerns regarding this code.

**Virginia Laws**
Underage Possession of Alcohol: VA Code 4.1-305

a. No person to whom an alcoholic beverage may not lawfully be sold shall purchase or possess any alcoholic beverage.

b. Any person found guilty of a violation of this section shall be guilty of a class 1 misdemeanor (with a minimum fine of $500 or 50 hours of minimum community service and up to 12 months in jail and/or up to $2500 in fines); and upon conviction, such person’s license to operate a motor vehicle in the commonwealth shall be suspended for a period of not less than 6 months or more than one year.

Possession of alcohol by persons under the age of 21 no longer requires that the person be holding the beverage or container in their hand. Recent Virginia Court of Appeals rulings have made it clear that possession included alcohol which had been consumed and is in one’s body. The evidence of this is based upon the officer’s investigation, not on the existence of a cup, can or other container. If you have consumed any alcoholic beverages illegally and you come into contact with a Law Enforcement Officer, you can be charged with under aged possession.

Purchase Alcohol for Another: VA Code 4.1-306

If any person purchases alcoholic beverages for another person and at the time of the purchase knows or has reason to believe that the person for whom the alcoholic beverage was purchased was (a) less than 21 years of age, (b) interdicted, or (c) intoxicated, he/she shall be guilty of a Class 1 misdemeanor (up to 12 months in jail and/or up to $2500 in fines).

Possession of Fictitious Identification: VA Code 18.2-204.2.

It shall be unlawful for any person to manufacture, advertise for sale, sell or possess any fictitious, facsimile or simulated driver’s license issued by any state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or any foreign country or government; United States Armed Forces identification card; United States passport or foreign government visa; Virginia Department of Motor Vehicles special identification card; official identification issued by any federal, state or foreign government agency; or official university or college student identification card, or in any way reproduce any identification card or facsimile thereof in such a manner that it could be mistaken for a valid license or identification of any type specified in
this subsection. Any person manufacturing, advertising for sale, selling or reproducing such card or facsimile thereof shall be guilty of a Class 1 misdemeanor. Any person possessing any such card or facsimile thereof shall be guilty of a Class 2 misdemeanor.

**DUI Penalties: VA Code 18.2-270**

(a) Except as otherwise provided herein, any person violating any provision of 18.2-266 shall be guilty of a Class 1 misdemeanor with a mandatory minimum fine of $250. If the person's blood alcohol level as indicated by the chemical test administered as provided in the article was at least 0.15, but not more than 0.20, he shall be confined in jail for an additional minimum, mandatory period of 5 days or, if the level was more than 0.20, for an additional minimum, mandatory period of 10 days. The additional minimum, mandatory period of confinement shall not be suspended by the court.

* For sections (b and c), please refer to the Code of Virginia 18.2-270 (legis.state.va.us)

(d) In addition to the penalty otherwise authorized by this section or 16.1-278.9, any person convicted of a violation of 18.2-266 committed while transporting a person 17 of age or younger shall be

i. Fined an additional minimum of $500 and not more than $1000 and

ii. Sentenced to perform forty hours of community service in a program benefiting children or, for a subsequent offense, eighty hours of community service in such a program.

**DUI (Under 21): VA Code 18.2-266.1**

a. It shall be unlawful for any person under the age of 21 to operate any motor vehicle after illegally consuming alcohol.

Any such person with a blood alcohol concentration of 0.02 percent or more by weight by volume or 0.02 grams or more per 210 liters of breath but less than 0.08 by weight by volume or less than 0.08 grams per 210 liters of breath as indicated by a chemical test administered as provided in this article shall be in violation of this section.
b. A violation of this section shall be punishable by forfeiture of such person’s license to operate a motor vehicle for a period of one year from the date of conviction and by a mandatory fine of $500 or performance of a mandatory minimum of 50 hours of community service. The penalties and license forfeiture provisions set forth in 16.1-278.9, 18.2-270 and 18.2-271 shall not apply to a violation of this section. Any person convicted of a violation of this section shall be eligible to attend an Alcohol Safety Action Program under the provisions of 18.2-271.1 and may, in the discretion of the court, be issued a restricted license during the term of license suspension.

c. Notwithstanding 16.1-278.8 and 16.1-278.9, upon adjudicating a juvenile delinquent based upon a violation of this section, the juvenile and domestic relations district court shall order disposition as provided in subsection B.

- Harrisonburg Police Department, (540) 434-4436, https://www.harrisonburgva.gov/police

Pennsylvania Laws

A minor in Pennsylvania may not buy (or attempt to buy), possess, or knowingly and intentionally transport alcohol; or knowingly use false identification (or other misrepresentations) to obtain alcohol. (Penn. Stat. & Con. Stats. Section 6307(a)& 6308(a).) It is also illegal for a minor to work serving or handling alcohol in an establishment that is licensed to sell alcohol (for example, a bar or night club). (Penn. Stat. & Con. Stats. Section 44.) There are few exceptions to these rules.

Illegal alcohol possession

In addition to possible driver’s license suspension (for all violations), second and subsequent convictions are subject to a fine of up to $500 (as decided by the judge). Having consumed alcohol in a jurisdiction other than the jurisdiction where the citation was given is not a defense to these penalties. Breaking one of these laws is a “summary offense,” meaning that the minor is not entitled to have a jury trial to determine his guilt. Instead, a judge considers the facts and situation, and rules on a punishment within the guidelines described above. (Penn. Stat. & Con. Stats. Section 6308(a)&(b).)

Misrepresenting age

A minor who misrepresents the minor’s age to buy or consume alcohol is guilty of a summary offense (for first violations). For second and subsequent violations, the minor may be charged with a misdemeanor of the third degree. In addition to possible driver’s license suspension (for all
violations), the judge may impose a fine of up to $500 for second and subsequent violations. For all violations, the judge may also rule that the minor is delinquent, and impose an additional fine of up to $500. (Penn. Stat. & Con. Stats. Section 6307(a)&(b).)

Cost of a DUI

The costs associated with an impaired driving arrest can vary greatly depending on several factors, including blood alcohol content, location of arrest, and number of offenses. The effect on a driver's wallet starts the moment they are stopped by police. Here are a few expenses associated with a DUI.

- Traffic fine: $300 - $10,000 depending on blood alcohol content and number of offenses
- Towing vehicle: $50 flat fee plus mileage
- Impound: $75-$175 per day
- Legal fees: $2,000-$8,000 or more
- Alcohol evaluation: $35-$100
- Accelerated rehabilitative disposition (ARD): $100-$1,800
- Education and treatment: $100-$1,000 or more
- License restoration: $25 non-commercial, $75 commercial
- Insurance premium: increase of about $1,000 a year or cancellation of policy

Apart from the financial aspects of a DUI arrest, there may also be social ramifications. Court appearances, community service requirements or jail time lead to lost time and lost wages — possibly job loss. A DUI conviction can also impede attempts to get a job, and cause embarrassment to your family.

Underage DUI

Pennsylvania's Zero Tolerance Law carries serious consequences for those under 21 who are convicted of driving with any amount of alcohol in their blood. For example, those under 21 who are convicted of driving under the influence with a .02 blood alcohol content, or greater, face severe penalties, including a 12-to 18-month license suspension, 48 hours to six months in jail, and fines from $500 to $5,000.

A vehicle does not have to be involved in order for those under 21 to lose their driving privileges. It is against the law for an individual under the age of 21 to consume, possesses or transport alcohol, or lie about their age to obtain alcohol and carry a fake identification card. If convicted, the minimum
penalties are a fine of up to $500, plus court costs; a 90-day license suspension for the first offense; a one-year suspension for the second offense; and a two-year suspension for the third and subsequent offenses.

District of Columbia Laws

Age Limit: The District age limit for consumption, purchase, or possession of alcoholic beverages is 21 years of age. An exception for employees under age 21 exists which allows one to possess alcoholic beverages if it is necessary to perform lawful employment responsibilities. It is unlawful to falsely represent one’s age or possess or present false identification in order to purchase alcoholic beverages or for the purpose of entering an establishment that sells liquor.

Thus, the language and structure of the ABC Act, as well as its legislative history, lead us to conclude that the possession of alcoholic by a person under twenty-one is punishable only by a civil fine as described in D.C. Code § 25-130 (b-2) and suspension of driving privileges under D.C. Code § 25-130 (c), and is not a criminal offense.

In response to this decision, in July of 2004 the DC Council adopted emergency legislation making possession or drinking when under age 21 a civil as opposed to a criminal offense. This is codified at D.C. Code Ann. § 25-1002 (c) (4)(D).

False representation of age and fraudulent use of an ID are still misdemeanors under the code.

Violations of these laws will subject one to a fine of not more than $300 and to revocation of driving privileges in the District for 90 days upon the first offense, $600 and 180 days for the second, and $1,000 and one (1) year for a third violation. For the penalties and further treatment see D.C. Code Ann. § 25-1002.

See 18 U.S.C. § 1028 for federal criminal penalties in connection with a false ID.

No licensee may permit minors to sell, give, furnish or distribute any alcoholic beverages. However, an individual at least 18 years old may sell, serve, or deliver the beverages on a licensed premise, but may not serve as a bartender. A bartender is defined as one who fixes, mixes, makes, or concocts the alcoholic beverages. See D.C. Code Ann. §§ 25-784(a) and (b).
Recordkeeping is required. DC Code 25-773.

Penalties for license violations regarding proof of age: A first violation will result in a fine between $1,000 and $2,000, or a suspended license for 10 consecutive days. A second violation will result in a fine between $2,000 and $4,000 and a suspended license for 20 consecutive days. Upon a third violation, a fine between $4,000 and $10,000 will be issued and a suspended license for 30 days, or a revocation of the license. The Alcohol Beverage Control Division will post a notice on the premises regarding any suspension or revocation of a license and the reason for it. See D.C. Code Ann. §§ 25-1002(d) and (e).

Operation of motor vehicles, etc.: One may not be intoxicated and operate a train (as conductor or brakeman), streetcar, elevator, watercraft, or horse drawn vehicle. Penalties include a fine of no more than $300, imprisonment for no longer than three (3) months, or both. See D.C. Code Ann. § 25-1009.

Addiction Resources in the Harrisonburg Community

A number of services are available in the area for persons dealing with addictions to alcohol or other substances. The following are treatment & rehabilitation programs and support services:

Support Groups:

AA, Al-Anon, Alateen Blue Ridge Area Intergroup

Websites for complete list of meetings: Al-Anon [www.va-al-anon.org], AA: [www.aavirginia.org]

Winchester

24-hour hotline (AA meetings) 667-0322, 24-hour hotline (Al-Anon & Alateen meetings 800-835-6130

Harrisonburg

Answering service (AA) 434-8870 Additional phone AA meetings (Valley) 568-2462
Toll-free AA/Alateen meetings 866-281-8456
Fishersville
Augusta Health 540-213-2509 or 540-941-2509

Substance Abuse Services:
Cambios 540-434-1941 Harrisonburg

A Spanish-speaking group for people with alcohol or drug problems in the Harrisonburg area. Please call Allison Garcia at the number listed above.

Choices 540-564-5629 Harrisonburg Alcohol and Drug Prevention program located at the Center for Behavioral Health

Harrisonburg-Rockingham Community Services Board
540-433-3100 or 540-434-1941

Other information regarding substance abuse services:
Narcotics Anonymous 1-800-777-5155 BRNA PO Box 623 Harrisonburg, VA
www.na.org

Sentera RMH Life
Recovery Program
540-564-5960

Please check the following website for a complete list of meetings in the Blue Ridge Area: www.brna.org The EMU Counseling Center will assist any student in making contact with any of these agencies. Any such referral is confidential.

Addiction Resources in the Lancaster Community

Support Groups:
AL-Anon
Heart of Lancaster Hospital
1500 Highlands Dr
Litiz, PA 17543

Substance Abuse Services:
The Lancaster Freedom Center
436 North Lime Street, Lancaster, PA 17602
email: info@lancasterfreedomcenter.com

Addiction Resources in the District of Columbia

Support Groups:

Department of Behavioral Health
Office Hours
Monday to Friday, 8:15 am to 5:00 pm, except District holidays

Connect With Us
64 New York Avenue, NE, 3rd Floor, Washington, DC 20002
Phone: (202) 673-2200
Fax: (202) 673-3433
TTY: (202) 673-7500
Email: dbh@dc.gov

Substance Abuse Services:
The Department of Behavioral Health (DBH) certifies a network of community based providers in the public behavioral health system to provide substance use disorder services including detoxification, residential and outpatient services based on the level of need. It also provides a range of prevention and recovery services. DBH regulates and sets policy for substance use disorder prevention, treatment, and recovery services.

To enroll in services, call or visit the Assessment and Referral Center (The ARC)
Hours of Operation: 7am - 6pm
For same day service, arrive before 3:30pm
75 P Street NE (enter on Florida Avenue near the P Street intersection)
Washington, DC 20002
Telephone (202) 727-8473
Fax: (202) 727-8411
Campus and Workplace Violence and the Threat Assessment Team

Behavioral Threat Assessment Team Policy

VA Senate Bill 539 (SB 539) requires the board of visitors or other governing body of every public institution of higher education in the Commonwealth to establish a threat assessment team. The bill also requires identifying a campus-wide committee charged with education and prevention of violence on campus. Although Eastern Mennonite University is not required by this law to do so, the institution voluntarily chooses to follow the intent of that law by establishing a Threat Assessment Team. For other EMU campuses, the university will utilize the main campus core TAT members, along with key representatives from other campus locations.

Introduction

The 2007 tragedy at Virginia Tech reminds all in higher education of the vulnerability of our college campuses. Acts of violence and threats, whether from students or strangers, staff or faculty, can destroy the fabric of community and the well-being of the campus. EMU is aware of the vulnerability of its open campus which is, in many ways, seamless with the Harrisonburg community. Although the campus has in place crisis management systems to help us recognize and respond to potentially threatening individuals or situations, we continue to assess the need to improve our processes and systems in order to ensure campus safety and security to the best of our ability and to respond to the mental health needs of our students to prevent danger to them and to others. Therefore, the campus has established policies to deal with violence against or by all members of the campus community – in the workplace, classroom and on campus property.

These guidelines apply to all faculty, staff, students and visitors to the campus.

To maintain best practices for safety, the Crisis Management Preparedness Team assigned a workgroup to develop plans for the Threat Assessment Team and violence prevention needs as described in the SB 539 that passed in summer of 2008.
Description and Objectives of Threat Assessment Team (TAT)

The EMU Threat Assessment Team (TAT) is a multi-disciplinary team and component of the campus emergency management system. The primary responsibility of the TAT is to address and respond to situations involving threats or acts of violence on campus. Its membership (see below) is based on situational need and will be drawn from administrators charged with specific functions related to campus safety, as well as representatives of key campus constituencies.

The TAT will be led by the Vice President for Student Life, and will meet several times a year to review emergency plans and to assess needs to meet the following objectives:

1. Develop protocols, communication and documentation systems for interventions in behavioral threats by individuals
2. Respond to threat reports initiated by faculty, staff, students, parents or community
3. Identify and review response options, in consultation with on and off campus resources
4. Ensure effective implementation of appropriate TAT and intervention protocols
5. Assess the post-event needs of the campus community
6. Undertake training for TAT members and campus personnel, as needed
7. Educate faculty, staff and students on ways to identify risk for violence
8. Maintain TAT Policy with the Safety Committee

Threat Assessment Team Members

The TAT has an intentionally diverse composition to ensure that individual cases are handled in a consistent and professional manner. Ad hoc members will be added to the TAT on a case by case basis as additional needs are identified.

Core Team:
• Dean of Students
• Coordinator of Campus Safety and Security
• Associate Dean of Students, Housing and Residence Life
• Director of Counseling Services

And as needed:
• Graduate Dean(s)
• Associate Dean of Students, Student Programs
• Director, Human Resources
• Media Relations Officer
• Legal Advisor
• Emergency Response Team

Definitions

Threat
A threat is an expression of intent to do harm or act out violently against someone or something. Threatening behavior may be direct, indirect, veiled, conditional, verbal/non-verbal, and/or physical actions that create fear or apprehension of bodily harm to self or others. Violent behavior includes intentional verbal and/or physical attacks that cause injury or emotional trauma.

Types of Threats:
• Direct: identifies a specific act against a specific target in a straightforward, clear and explicit manner.
• Indirect: violence is implied but the threat tends to be vague, unclear, and ambiguous.
• Veiled: strongly implies but does not explicitly threaten violence.
• Conditional: generally warns that a violent act will happen unless certain demands or terms are met.

Categories of Threats:
• an assault or threat by someone during the commission of a crime who has no relationship to the university or any of its student, faculty, staff or administrators.
• an assault or threat by someone who has a relationship with the university (student, faculty, staff) who commits a violent act while a service is being rendered (teaching, programs, services)
• a threat from a current or former student, faculty, staff or administrator who threatens another current or former student, faculty, staff, or administrator
• a threat from an outsider with no prior relationship with the university against a known member of the university community – student, faculty, staff or administrator.

Protocol for handling threats on campus: First responders will typically be 911 responders or Campus Security, with the understanding that if a situation warrants, the Threat Assessment Team can be convened for consultation and post event follow-up.
Eastern Mennonite University Safety and Security Report 2019

1. Reference FBI Office of Attorney General Threat Assessment Model – School Shooters: A Threat Assessment Perspective

TAT Guidelines: Refer to the Steps in Threat Assessment

1. Identify Threats: All threats will be immediately reported to the Chair (VP for Student Life) and, depending upon the nature and immediacy of the threat, calls will be made to appropriate members of the TAT.

2. Evaluate the Seriousness of the Threat and Intervene to Reduce the Risk of Violence: Threats that are judged to be non-violent and/or not imminent (as determined by Campus Security in consultation with the TAT members, as needed) will generally follow the process below:
   a. If the inquiry results in the belief that the threat was specific, refer the matter to Campus Security. Security will follow their routine procedures in these matters that may include a no-contact order for the alleged perpetrator until such time as the alleged victim feels safe to be in the vicinity of the perpetrator.
   b. If not specific, the TAT will designate an intervention such as counseling or treatment referral, or take appropriate corrective action such as warning, reprimand, suspension or dismissal, which could include the following:
      i. Interview the individual making the threat and inform them that such threats are unacceptable; and/or
      ii. Consult with residential life/judicial affairs to determine if that intervention is appropriate; and/or
      iii. Where appropriate, refer student to Counseling Services or other appropriate intervention; and/or
      iv. Where appropriate, contact student’s family.

3. Specific threat/violence imminent: If it is determined that the threat is serious and may result in imminent danger to a specific member of the university community, emergency personnel are contacted via 911 after which campus security is to be notified at ext.

4. 911. Emergency responders or security, in consultation with the TAT, will take immediate precautions, as needed, including some or all of the following:
   a. restricting access, initiating surveillance, providing police security, and conducting an investigation.
   b. protecting potential victims, including notifying the potential victim and in some circumstances the victim’s parents/family.
   c. activating EMU Alerts to notify students, faculty, staff, and parents through emergency text messaging and other forms of emergency communication.
   d. working with Harrisonburg Police Department and other law enforcement agencies.
enforcement authorities to apprehend and detain the perpetrator(s) for further investigation. If the perpetrator is a student, he or she may be subject to involuntary withdrawal, barred from the university, and subject to other disciplinary action as part of the university disciplinary process that is held independent of legal proceedings.

\(^2\) Cornell, D (2009), Recommended Practices for Virginia College Threat Assessment (pp. 12–13)

5. Follow up to Monitor and Re-evaluate the Effectiveness of the Intervention or Safety Plan:
   - Monitoring should include amelioration of fears or concerns of threatened individuals.
   - Plans should be revised when there is a continuing threat or increased risk of violence
   - Full documentation of threat cases should be maintained as part of EMU's Campus Security unit records

Responsible Party: Chair of the Crisis Management Preparedness Team
Policy Review: This policy is to be reviewed and updated as needed
Distribution: Crisis Management Preparedness Team and Safety Committee

Policy Reviewed and Updated Academic Cabinet: April 22, 2009
Approved as a working policy to recommend to President’s Cabinet President’s Cabinet: Approved May 20, 2009

Crime Statistics
Definitions of reportable crimes in the Campus Security Act

Reported crime statistics citation 34 CFR 668.46(c)
The Clery Act requires each institution to disclose four general categories of crime statistics:

1. Criminal Offenses
   - Criminal Homicide, including Murder and Non-negligent Manslaughter, and Manslaughter by Negligence; Sexual Assault, including Rape, Fondling, Incest and Statutory Rape; Robbery; Aggravated Assault; Burglary; Motor Vehicle Theft; and Arson.

2. Hate Crimes
Any of the above-mentioned offenses, and any incidents of Larceny-Theft, Simple Assault, Intimidation, or Destruction/Damage/ Vandalism of Property that were motivated by bias;

3. VAWA Offenses

Any incidents of Domestic Violence, Dating Violence and Stalking.

4. Arrests and Referrals for Disciplinary Action


The 2008 HEOA regulations expanded the list of hate crime statistics to be included in Clery Act statistical disclosures.

Crime Definitions

Per the Clery Act, you must classify crimes based on Uniform Crime Reporting Handbook.

The Federal Bureau of Investigation's (FBI's) Uniform Crime Reporting Handbook (UCR). For sex offenses only, use definitions from the FBI's National Incident-Based Reporting System (NIBRS) edition of the UCR. Classify hate crimes according to the FBI's Uniform Crime Reporting Hate Crime Data Collection Guidelines and Training Guide for Hate Crime Data Collection. Although the law states that institutions must use the UCR for defining and classifying crimes, it doesn't require Clery Act crime reporting to meet all UCR standards.

Note that in this chapter, UCR crime definitions appear in italics. Some of the text that is provided to help you classify criminal incidents is taken directly from FBI materials and some has been condensed or paraphrased. Some crime examples are taken or adapted from FBI materials, and others were created for this handbook based on questions schools have asked our Campus Safety and Security Help Desk over the years.

You must disclose reported offenses, not the findings of a court, coroner or jury or the decision of a prosecutor. Classify and count crimes from the records of
calls for service, complaints and investigations.

Offense Definitions Relating to Hate Crimes

A hate crime is a criminal offense committed against a person or property which is motivated, in whole or in part, by the offender’s bias. Bias is a preformed negative opinion or attitude toward a group of persons based on their race, gender, religion, disability, sexual orientation or ethnicity/national origin.

Although there are many possible categories of bias, under Clery, only the following eight categories are reported:

- **Race.** A preformed negative attitude toward a group of persons who possess common physical characteristics (e.g., color of skin, eyes, and/or hair; facial features, etc.) genetically transmitted by descent and heredity, which distinguish them as a distinct division of humankind (e.g., Asians, blacks, whites).
- **Religion.** A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (e.g., Catholics, Jews, Protestants, atheists).
- **Sexual orientation.** A preformed negative opinion or attitude toward a group of persons based on their sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex (e.g., gays, lesbians, heterosexuals).
- **Gender.** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.
- **Gender Identity.** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals.
- **Ethnicity.** A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry.
- **National Origin.** A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.
- **Disability.** A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

For Clery purposes, Hate Crimes include any of the following offenses that are motivated by bias.
Categories of hate crime offenses

- Murder and Non-negligent manslaughter
- Sexual Assault
- Robbery
- Aggravated assault
- Burglary
- Motor vehicle theft
- Arson
- Larceny-theft
- Simple assault
- Intimidation
- Destruction/damage/vandalism of property

Hate crimes are crimes or incidents of violence against persons characterized by bias against race, gender, gender identity, religion, sexual orientation, ethnicity, national origin and disability. There were no reported bias-motivated incidents at EMU in 2016, two were reported in 2017 none were reported in 2018.

Criminal Offences and Arrests and Judicial Referral Statistics
All EMU Campuses Crime Statistics for 2016-2018

Crimes reported in the on-campus student housing facilities column are also included within the on-campus category.

What these statistics do and do not say

- Statistics compiled for the annual security report and shared with the Department of Education DO INCLUDE those reported to the individuals listed in this report, and to those who have been identified as “campus security authorities” as determined by their roles and responsibilities.

- These statistics DO INCLUDE incidents documented by resident directors of students violating campus policies that are also violations of laws captured under Clery.
• These statistics DO INCLUDE all reports to campus security authorities of Clery crimes that occurred within Clery geography, regardless of whether the individual reporting was a member of the campus community.

• These statistics DO INCLUDE all reports to campus security authorities of Clery crimes that occurred within Clery geography, regardless of whether the person (victim) chose to move forward with the criminal justice system or the campus disciplinary process.

• These statistics DO NOT always represent incidents shared with confidential resources on campus such as counseling center, campus pastor, and health center. Although we encourage when they deem it appropriate, to inform the persons they are assisting of any procedures to report crimes on a voluntary, confidential basis.

• These statistics DO NOT include incidents that were not reported to the institution.

• These statistics DO NOT reflect incidents reported that occurred in areas that are not classified as Clery geography.
  1. Forcible sexual offenses include offense of rape.
  2. Most burglaries are non-forcible unlawful entries involving petty thefts.
  3. Classification “Liquor Law Violations” does not include arrests for “Driving under the Influence” and “Drunk in Public.”
  4. On campus includes the figure from residence halls and student housing within the aggregate.
  5. Non campus includes property controlled by a recognized student organization or non-contiguous property used by students in support or relation to the institution’s purpose.
  6. Public areas are mainly the city streets and sidewalks (both sides) bordering campuses.
## 2018 (Main) Campus Safety and Security Report

### Crime Statistics

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## 2018 (Lancaster) Campus Safety and Security Report

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## 2018 (Winchester) Campus Safety and Security Report

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</table>
Fire Safety Report

Fire Safety Response Procedures and Education

EMU strives to maintain a fire-safe campus community through the implementation of proven safety standards and regulations. We hold to high expectations all those who use and live on our campus with regard to fire safety.

Fire Alarms

If a fire alarm goes off, leave the building immediately via the stairways. Cooperate with all staff members and other authorities. Do not reenter the building until you are given permission to do so. If you discover a fire, immediately sound an alarm and call the fire department at 911 stating your location. Then call 540-432-4911 to alert the main campus security.

Fire Safety Standards and Measures

No motorcycles, mopeds, and/or gasoline powered vehicles may be stored inside any buildings because of potential fire hazards. In the interest of health and safety, all fireworks are prohibited. Possession of firearms in the residence halls is prohibited. Open flames including candles are prohibited. Electrical heating devices such as hot plates or other appliances with exposed heating coils are prohibited because of the danger of fire. Acceptable heating devices are coffee pots, self-contained popcorn poppers, hair dryers and curling irons.

Fire safety is always a concern. Students should not tamper with alarms or make changes to or modify any existing electrical equipment such as lighting, wiring or switches. As well they should understand and abide by all storage policies and guidelines for campus living.

Tampering with Fire Extinguishers, Alarms, Suppression Systems or Emergency Notification Devices

Tampering with any of these will incur a fine of $500 and may result in additional outcomes (i.e. restitution for harmed parties).
EMU Annual Fire Safety Report

The “Campus Fire Safety Right-to-Know Act” requires colleges and universities to prepare and have available an annual report that contains information with regard to fire safety standards and measures on the main campus which has residential housing. Eastern Mennonite University (EMU) prepares this report to inform the public of the university's policies and procedures for providing a fire safe campus community, and to comply with the act.

EMU strives to maintain a fire safe campus, through the implementation of proven safety standards and regulations. Though serious fire-related incidents are uncommon at EMU, it is imperative that all those on campus know how to respond to a given situation.

Training is conducted for all main campus building wardens and required annually for residence life staff. Fire drills are conducted regularly for all campus buildings as per the Virginia Statewide Fire Prevention Code (VSFPC), and other applicable codes for other campus jurisdictions.

For reporting purposes, any fire related incident is to be reported to the EMU Facilities Management for recording.

About Our Residential Campuses

The main EMU campus is located in Harrisonburg, Virginia (population approx. 50,000 per US Census Bureau). The campus is made up of approximately 90 acres with 54 buildings; 17 of which are student residence halls, apartment buildings or houses. The main campus is protected by the City of Harrisonburg Fire Department, a Class II career department, staffed 24/7, operating out of four fire stations. The Washington Community Scholars Center is protected by the District of Columbia Department of Fire and EMS, staffed 24/7 operating out of 34 stations.

Annual Right-to-Know Report

The Campus Fire Safety Right-to-Know Report includes information such as the number of fire-related incidents and causes, number of fire-related injuries and/or deaths, value of property loss, number of fire drills held the previous calendar year, and procedures for student housing evacuation. In addition, it includes a description of the fire safety systems in each on-campus student housing facility, along with policies for fire safety training and education for students, faculty and staff. It also covers policies on smoking, open flames and portable electrical appliances. It concludes with any plans for improvements in fire safety, as needed.
**Reportable Incidents**

The definition used to determine a reportable incident is defined as: any instance of open flame or other burning in a place not intended to contain the burning, or in an uncontrolled manner.

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**Fire Safety Report**

**2018 (Main) Campus Safety and Security Summary**

### Fire Safety Systems in Residential Buildings

<table>
<thead>
<tr>
<th>Building Name</th>
<th>Address</th>
<th>Detection System</th>
<th>Sprinkler System</th>
<th>Extinguishers</th>
<th>Placards</th>
<th>Drills Per Year</th>
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<tbody>
<tr>
<td>Bomberger House</td>
<td>880 Parkwood Drive</td>
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Fire Safety Report
2018 (Lancaster) Campus Safety and Security Summary

Fire Statistics
Not Applicable

Fire Safety Report
2018 (WCSC) Washington Campus Safety and Security Summary

Fire Safety Systems in Residential Building

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<th>Placards</th>
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Fire Safety Report
2018 (Winchester) Campus Safety and Security Summary

Fire Statistics
Not-Applicable

Campus Fire Safety/Prevention

EMU strives to provide a fire-safe campus and environment through the observance of proven safety standards. The university works to be in compliance with regulations that govern the campus operations and living environment of all students, as per the Virginia Statewide Fire Prevention Code (VSFPC), overseen and enforced by the Fire Marshal of the City of Harrisonburg Fire Department, the Local Governing Body (LGB). EMU works to monitor and enforce fire safety policies and train in fire-safety procedures with the staff and student body through the utilization of an in-house, state-certified fire inspector as well. The other university campuses are inspected by the authorities having jurisdiction (AHJ).

Reporting of Fires and Emergencies

Procedures for Evacuation:

If a fire alarm sounds, evacuate the building immediately. If a fire is suspected, activate the building alarm then evacuate the building. If the building does not have a centralized fire alarm system, notify as many people as possible in the building through all attempts possible before exiting. Other actions to take would follow in this sequential order:

- Dial 9-911 (on-campus phone) or 911 (cell) and report the location and nature of the fire clearly and concisely to the emergency communicator.
- Extinguish the fire if it is small and you have training in and feel safe attempting to use a fire extinguisher. (NOTE: If the initial use of a fire extinguisher does not suppress the fire, exit the building immediately).
- If you do not feel comfortable attempting to suppress the fire, exit the building immediately.
- Report to the designated meeting locations for the building.
• No circumstances would constitute reentry of the building until authorization is given by officials.
• Campus security should be notified of the incident by calling ext. 4911. Each residence room or suite is equipped with a campus telephone line (residents provide their own telephones), and a phone is located on each floor and in the main entrance of every residence hall.

**Report Fires on Campuses to These Officials:**

• Coordinator of Campus Safety and Security
• Facilities Management Director
• Vice President of Finance

**On-Campus Smoking Policy**
EMU does not allow smoking on campuses.

**Open Flame Policy**
Open flame-producing items of any kind, including candles, lanterns/lamps or incense are prohibited in any student housing facility. Matches, lighters or anything that is a source of heat or ignition for a flame are also prohibited from use. Anything that requires an open flame, operates on fuel or produces heat from an open flame is prohibited in residential facilities.

**Religious Ceremonies**
While it is strongly discouraged in buildings of public assembly, the importance is recognized for the utilization of open flame devices in religious ceremonies. Therefore, this is permissible following approved guidelines of the VSFPC in designated areas only.

NOTE: No religious ceremonies in student housing facilities may utilize open flame devices in any form at any time as per the VSFPC and DCFPC.

**Open-air Fires**
From time to time, it is desired to have open-air fires in designated locations on the main campus.
EMU has developed with the fire official from the AHJ an Open Air Fire Policy along with a permit procedure that is enforced by the Campus Safety Coordinator and fire official.

**Fireworks**

The possession or use of fireworks is prohibited on any EMU campus.
Student Housing Fire Safety Systems

EMU has on the main campus five residential halls, nine apartment-style buildings and three houses that are utilized for student housing, plus one residential facility in the District of Columbia.

The fire safety/detection/suppression systems in use cover a variety of styles. The detection systems styles go from those monitored 24/7 by an alarm company with multiple-station smoke alarms and alarm devices, to single station. The suppression devices range from fire extinguisher placement, to automatic wet/dry sprinkler systems with manual wet standpipe systems. The various types of detection and suppression systems in use are listed below, along with the units covered.

Monitored automatic fire alarm system with multiple-station initiating devices and automatic sprinkler/standpipe systems:

- Cedarwood Residence Hall
- Elmwood Residence Hall
- Hillside Residence Hall
- Maplewood Residence Hall
- Northlawn Residence Hall

Monitored multiple-station initiating devices:

- Parkwood Apartments

Single station smoke detector initiating device:

- Mt. Clinton Apartments
- Redmond House
- Suter II
- Bomberger House
- Village Apartments
- Sprucelawn Apartments

Multi-station (local) initiating devices with automatic sprinkler system.

- Washington Community Scholars Center (WCSC)

Campus Fire Drill Policy

Fire drills are conducted in all residential halls as per the VSFPC and DCFPC. They are held four times per academic and calendar year.
Campus Fire Safety Training/Education Plan

Fire safety is taken seriously at EMU. The various types of organized fire safety training/education include:

- Classroom and hands-on fire extinguisher training for maintenance and student life staff, and any faculty deemed in need through their teaching assignment.
- Fire safety, and emergency preparedness training for building wardens and new staff and faculty.
- Active participation from everyone when conducting campus-wide fire drills in all campus buildings.
- Fire safety training conducted by the Harrisonburg Fire Department public education officers for student life staff and students at the beginning of the school year.

Electrical Appliances Policy
The use of electrical appliances in dormitories is limited because of safety and circuit overload factors. Appliances such as lamps (note: the use of halogen bulb lamps is not permitted in residential facilities), hair dryers, curling irons, etc. are permitted. It is required that any item brought for use on campus be factory-manufactured and come with a UL listing attached.

Window Air Conditioners
Window/personal air conditioners are not permitted in residence halls unless a physician’s letter is on file stating the need for special health concerns and approved by the Student Life Office. The unit must be provided by the student, not be older than four years old, be equipped with a standard 120 volt plug and not exceed 6500 BTUs. It will be installed by EMU Facilities Management personnel.

Mini Refrigerators
Refrigerators that do not exceed 2.5 cubic feet in size or 1 kwh per day in energy consumption and are UL- approved may be used in residential dorm rooms (not more than one per room).

Microwaves
Microwaves are provided in the kitchen/lounge area of each residential hall, therefore they are not permitted in student rooms.
Fire Safety Improvement Plans for Student Housing
Additional capital projects will include fire alarm upgrades for Hillside and Northlawn residence halls.

Definitions

**Automatic Sprinkler Systems** – A sprinkler system for fire protection made up of overhead piping designed in accordance with fire protection engineering standards to which automatic sprinklers are connected in a systematic pattern and usually activated by heat from a fire to discharge water over the fire area.

**AHJ** – Authority Having Jurisdiction

**Building Wardens** – EMU personnel who have building specific responsibilities in the event of emergencies such as fire; intruder/lockdown and weather emergency.

**DCFPC** – District of Columbia Fire Prevention Code: Established for the purpose of establishing statewide standards to safeguard life and property from the hazards of fire or explosion arising from the improper maintenance of life safety and fire prevention and protection materials, devices, systems and structures and the unsafe storage, handling, and use of substances, materials and devices, including fireworks, explosives and blasting agents, wherever located.

**Emergency Communicator** – Person who takes emergency phone calls via 911, dispatches and maintains open communications with responding emergency apparatus.

**Fire Official** – Executive official in charge of enforcing the VSFPC. They shall be appointed in a manner selected by the local government having jurisdiction.

**Initiating Device** – A system component that originates transmission of a change-of-state condition, such as a smoke detector, manual fire alarm box, or supervisory switch.

**kWh** – Standard unit of electricity or consumption equal to 1000 watts over one hour and equivalent to about 3412 British thermal units (Btu).

**LGB** – Local Governing Body having jurisdiction as to code enforcement.

**Manual Wet Standpipe System** – A wet standpipe system connected to a water
supply for the purpose of maintaining water within the system but which does not have supply capable of delivering the system demand attached to the system without the use of a fire department pumper (or the like) to be pumped into the system in order to supply the system demand.

**Multiple-station Alarm Device** – Two or more single-station alarm devices that can be interconnected such that actuation of one causes all integral or separate audible alarms to operate. It also can consist of one single-station alarm device having connections to other detectors or to a manual fire alarm box.

**Multiple-station Smoke Alarm** – Two or more single-station alarm devices that are capable of interconnection such that actuation of one causes all integral or separate audible alarms to operate.

**Right-To-Know Law** – Federal law enacted in the 107th Congress that states: To provide for the disclosure of fire safety standards and measures with respect to campus buildings.

**Coordinator of Safety and Security** - serves as the safety/security authority for campus with responsibilities that include compliance with local and state fire codes, OSHA regulations, and other safety regulations and guidelines. This position supervises the contracted security services. Some other specific areas of safety and security are shared with other personnel such as the chemical hygiene officer, the director of residence life, the director of health services, the vice president for student life, and the vice president of finance.

**VSFPC - Virginia Statewide Fire Prevention Code** - A state regulation promulgated by the Virginia Board of Housing and Community Development in cooperation with the Virginia Fire Services Board for the purpose of establishing statewide standards to safeguard life and property from the hazards of fire or explosion arising from the improper maintenance of life safety and fire prevention and protection materials, devices, systems and structures and the unsafe storage, handling, and use of substances, materials and devices, including fireworks, explosives and blasting agents, wherever located.

**Single-Station Smoke Alarm** - An assembly incorporating the detector, the control equipment and the alarm sounding device in one unit, operated from a power supply either in the unit or obtained at the point of installation.
UL - An independent product safety certification organization that has been testing products and writing standards for safety for more than a century. UL serves customers in 98 countries.

Fire Procedures for Persons with Physical Disabilities

Living arrangements will be made on the ground level when the incoming student provides timely and necessary information on their housing questionnaire.

Residents who are identified as having a physical disability will be asked, in a private setting, whether he/she desires help in arranging for any needed assistance in evacuation. This includes persons who acquire a temporary disability. If the student declines assistance, documentation should be provided and the student must verify that he/she has made arrangements on his/her own. If the resident requests assistance, the CA will solicit volunteers beginning with roommates, then suitemates, and then occupants in the nearest adjoining rooms. Carrying an individual downstairs requires training and a great deal of caution and care. It should not be attempted when the stairs are occupied by residents evacuating the building. Wait for a clearing to carry an individual down the stairs. Landings in the fire stairwells are used as an "area of safe refuge" for individuals who utilize wheelchairs or any other person who, for any reason, is unable to descend and leave the building. Individuals utilizing wheelchairs may evacuate in their chair from the hall to the landing, where they may await evacuation assistance from fire and rescue or other persons providing assistance, provided egress by others is not impeded.

In the event of an evacuation, the CA on call will check to ensure that residents known to have a physical disability are safely evacuated, provided the CA is not endangering him/herself to accomplish the check.