

UNIVERSITY OF VIRGINIA

RESOURCE AND REPORTING GUIDE FOR STUDENTS**POLICY ON SEXUAL AND GENDER-BASED HARASSMENT
AND OTHER FORMS OF INTERPERSONAL VIOLENCE**

The University of Virginia (the “University”) is committed to providing a safe and non-discriminatory environment for all members of the University community. The University prohibits Sexual Assault, Sexual Exploitation, Intimate Partner Violence, Stalking, Sexual and Gender-Based Harassment, Complicity and Retaliation (together, “[Prohibited Conduct](#)”). These forms of Prohibited Conduct are defined in the [University’s Policy on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence](#) (the “Title IX Policy”). This Resource and Reporting Guide, referred to as the “Student Resource Guide” in the Title IX Policy, provides an overview of University and community resources, including confidential resources, and options for reporting Prohibited Conduct to law enforcement and/or to the University.¹

When used in this Student Resource Guide, the term “Student” refers to Complainants, Respondents, witnesses or any other University student in need of information, assistance, or support. As outlined in the Title IX Policy, the University offers a wide range of resources for Students to provide support and guidance throughout the initiation, investigation and resolution of a report of Prohibited Conduct. The University will offer reasonable and appropriate measures to protect Students and facilitate continued access to University employment or education programs and activities. These remedial or protective measures may include, but not be limited to, no-contact directives, residence modifications, academic modifications and support, or work schedule modifications. Remedial measures are available regardless of whether criminal or University disciplinary action is pursued.

Table of Contents

I.	UNIVERSITY AND COMMUNITY RESOURCES	2
A.	EMERGENCY MEDICAL, LAW ENFORCEMENT AND CRISIS RESPONSE RESOURCES	2

¹ This Resource Guide should be read in conjunction with the Title IX Policy. Capitalized terms used and not otherwise defined in this Resource Guide are defined in the Title IX Policy.

1. Medical Assistance	2
2. Law Enforcement.....	3
3. Confidential Crisis Resources (Support and Counseling)	4
B. ONGOING CONFIDENTIAL COUNSELING AND SUPPORT	4
1. University Confidential Resources	4
2. Community Confidential Resources	5
3. National Confidential Resources	5
C. LEGAL RESOURCES.....	5
D. UNIVERSITY SUPPORT; REMEDIAL AND PROTECTIVE MEASURES	6
II. REPORTING PROHIBITED CONDUCT	7
A. PRESERVATION OF EVIDENCE.....	8
B. REPORTING TO THE POLICE	8
C. REPORTING TO THE UNIVERSITY	9
D. SEEKING A PROTECTIVE ORDER.....	10

I. UNIVERSITY AND COMMUNITY RESOURCES

A. EMERGENCY MEDICAL, LAW ENFORCEMENT AND CRISIS RESPONSE RESOURCES

- 1. Confidential Medical Assistance:** An individual who experiences sexual assault or any other form of interpersonal violence is strongly encouraged to seek immediate medical attention.

<u>UVA Medical Center Emergency Department</u>	1215 Lee Street, Charlottesville (434) 924-2231
<u>Elson Student Health Center</u>	400 Brandon Ave., Charlottesville (434) 924-5362

The University's Medical Center and the University Elson Student Health Center are the **only** healthcare facilities in Charlottesville where a UVA student can receive a forensic sexual assault examination by a Sexual Assault Nurse Examiner (also known as "SANE Nurse").

SANE Nurses can assess injuries related to physical trauma; evaluate for sexually-transmitted infections and possible pregnancy; provide medical care (including medications to prevent infections and pregnancy); and can, ***within the first 120***

hours (five days) but as soon as possible after a sexual assault, administer a “forensic exam.”²

Regardless of whether a forensic exam is obtained within the first 120 hours (five days) after a sexual assault, students are encouraged to seek care to address any medical concerns, including those related to sexually-transmitted infections and pregnancy. Students may access follow-up care at the University Medical Center, Student Health, or through any appropriate health care provider outside of the University.

During the forensic exam, the SANE Nurse documents and collects evidence of sexual contact and/or physical trauma (including injuries to the body and genitals), trace evidence, biological fluids, and identifiable DNA. When there is reason to believe that an assault may have been facilitated by the use of drugs or alcohol, the forensic exam may also include the collection of urine and blood samples for toxicology testing. ***Students are not required to report an incident to law enforcement or the University in order to receive medical attention or a forensic exam.***³ Students may have a support person of their choosing present throughout the forensic exam. In addition, the Emergency Department and Student Health ensure that an advocate from the Sexual Assault Resource Agency (“SARA”) is available to all patients reporting sexual assault. Students may accept or decline the confidential services of the SARA advocate.

- 2. Law Enforcement:** Students are urged to report any Prohibited Conduct that may constitute a crime to local law enforcement (“Police”) immediately. Police have unique legal authority to seek and execute search warrants, to collect forensic evidence that may have been left at the scene or at other relevant locations and to make an arrest when supported by probable cause to believe a crime has been committed. Police are also able to assist Students in seeking Emergency Protective Orders ([see below](#)).

Police can be reached by calling “911” (or one of the other numbers listed below). Students seeking medical attention at the University Emergency Department or Student Health can ask that Police be called on their behalf.

Police Emergency	911
------------------	-----

² Detailed information about obtaining a forensic exam at the Elson Student Health Center can be accessed at <https://studenthealth.virginia.edu/unwanted-sexual-encounter>

³ According to the Virginia Department of Forensic Science, some types of forensic evidence may be collected for up to 120 hours after a sexual assault; however, the sooner care is received, the more options there are available for evidence collection and/or medical treatment. Forensic evidence will be stored for at least 120 days. If a Complainant who has elected to have forensic evidence gathered does not wish to file an official police report, a law enforcement officer will make a brief, anonymous report (containing no personally identifiable information), and explain when, where and why the evidence will be held.

<u>Albemarle County Police</u>	(434) 977-9041
<u>City of Charlottesville Police</u>	(434) 970-3280
<u>University Police</u>	(434) 924-7166

Incidents that occur on-Grounds fall within the jurisdiction of the University Police; incidents that occur off-Grounds within the City of Charlottesville or within Albemarle County fall within those Police jurisdictions, respectively. Students will be directed to the appropriate Police Department when they call “911,” including, as appropriate, the University Police Department’s Victim/Witness Assistance Program at (434) 924-8845 or (434) 531-5600. The Victim/Witness Assistance Program is designed to ensure that victims and witnesses of criminal offenses receive fair and compassionate treatment throughout the criminal justice process.

- 3. Confidential Crisis Resources (Support and Counseling):** Students are urged to seek immediate emotional support after any incident of Prohibited Conduct. There are a number of confidential sources and “hotlines” for crisis counseling, both at the University and in the local community. Confidential counselors can provide trauma-informed support and offer information about reporting options.

a) University Confidential Crisis Resources:

<u>Counseling & Psychological Services (CAPS)</u>	(434) 243-5150
<u>The Women’s Center: Counseling Staff and Confidential Advocate</u>	(434) 982-2252 (daytime)

b) Community Confidential Crisis Resources:

<u>Sexual Assault Resource Agency (SARA)</u>	(434) 977-7273
<u>Shelter for Help in Emergency (SHE)</u>	(434) 293-8509
Family Violence and Sexual Assault Virginia Hotline	Call: (800) 838-8238 Text: (804) 793-9999

B. ONGOING CONFIDENTIAL COUNSELING AND SUPPORT

Confidential counseling and trauma-informed support are available on an ongoing basis at the University, in the local community, and through national “hotlines.”

1. University Confidential Resources:

<u>Counseling & Psychological Services (CAPS)</u>	(434) 243-5150
---	----------------

<u>Student Health: Gynecology</u>	(434) 924-2773
<u>Student Health: General Medicine</u>	(434) 982-3915
<u>Student Health: Psychologists in the Student Disability Access Center (SDAC)</u>	434-243-5180 SDAC@Virginia.edu
<u>The Women's Center: Counseling Staff and Confidential Advocate</u>	(434) 982-2252
<u>The McCue Center: Sports Medicine and Sports Psychology Clinical Staff</u> (Serves Student-Athletes)	(434) 982-5450
<u>UVA Teen and Young Adult Health Center</u> (Provides health care for ages 12 to 26)	(434) 982-0090
<u>Mary D. Ainsworth Psychological Clinic</u> (Clinical training program that generally does not see patients in crisis)	(434) 982-4737 ainsworth@virginia.edu
<u>Sheila C. Johnson Center for Human Services</u> (Clinical training program that generally does not see patients in crisis)	(434) 924-7034

2. Community Confidential Resources:

<u>Sexual Assault Resource Agency (SARA)</u>	Weekdays: (434) 295-7273 24-hour Hotline: (434) 977-7273
<u>Shelter for Help in Emergency (SHE)</u>	(434) 293-8509
Family Violence and Sexual Assault Virginia Hotline	Call: (800) 838-8238 Text: (804) 793-9999

3. National Confidential Resources:

<u>Rape and Incest National Network (RAINN) Online Hotline</u>	https://ohl.rainn.org/online/
<u>National Sexual Assault Hotline</u>	(800) 656-4673

C. LEGAL RESOURCES

There are several resources that may help Students explore and understand their legal rights and options – both criminal and civil – following an incident of Prohibited Conduct.

<u>Sexual Assault Advocacy Fund</u>	www.clvas.org Central Virginia Legal Aid Society 1000 Preston Avenue, Suite B 434-327-1447
<u>Student Legal Services</u>	http://www.student.virginia.edu/~stud-leg/ Newcomb Hall, Room 460 (434) 924-7524
<u>Legal Aid Justice Center</u>	https://www.justice4all.org/ 1000 Preston Avenue, Suite A Charlottesville, VA 22903 Phone: (434) 977-0553
<u>Charlottesville Albemarle County Bar Association</u>	https://cabaonline.org/need-an-attorney/

D. UNIVERSITY SUPPORT; REMEDIAL AND PROTECTIVE MEASURES

The Office of the Dean of Students (“ODOS”) can provide Students with information, support, and assistance and can arrange for a broad range of remedial and protective measures. ODOS employees have received training for this purpose and will assist Students in determining whether certain forms of support, remedial and/or protective measures may be beneficial and appropriate. ODOS employees are Responsible Employees and are therefore required to report information disclosed to them about Prohibited Conduct to the University’s Title IX Coordinator. If a Complainant requests (a) that personally-identifying information not be shared with the Respondent, (b) that no investigation be pursued, and/or (c) that no disciplinary action be taken, the University will seek to honor this request unless there is a health or safety risk to the Complainant or to any member of the University community. The Procedures outlined in Appendix A provide additional guidance about how the University will evaluate such requests.

<u>Office of the Dean of Students</u>	Peabody Hall, Second Floor DeanofStudents@virginia.edu (434) 924-7429 or (434) 924-7133 After hours: (434) 924-7166 for “Dean on Call”
---	--

The availability of remedial and protective measures will be determined by the specific circumstances of each case. ODOS, in consultation with the Title IX Coordinator, will consider a number of factors in determining which measures to take, including the needs of the Student seeking remedial and/or protective measures; the severity or pervasiveness of the alleged Prohibited Conduct; as appropriate, any continuing effects; whether the Complainant and the Respondent share the same residence hall, dining hall, academic course(s), job or parking location(s); and whether other judicial measures have been taken (e.g., Protective Orders). When implementing such measures, the University will seek to

minimize the burden imposed by such measures as appropriate to the specific circumstances of each case.

Protective and remedial measures may be temporary or permanent and may be modified by the University as circumstances change. Examples of such measures include:

- Imposition of a No Contact Directive against an Employee or Student (i.e., an order directing one or both of the parties to refrain from contacting the other, directly or through proxies);
- Arranging a meeting with Police to discuss or report Prohibited Conduct;
- Arranging a meeting with Police to discuss safety planning;
- Arranging access to counseling services and assistance in setting up initial appointments;
- Arranging access to medical services and assistance in setting up initial appointments;
- Assistance in seeking academic assistance, including modified class schedules (including transfer to another section), permission to withdraw from and/or retake a class or attend a class via alternative means (e.g., online or independent study), extension of assignment deadlines, and voluntary leaves of absence;
- Assistance in modifying University housing arrangements, including immediate temporary relocation to safe living quarters and/or permanent reassignment of University residence halls;
- Assistance in modifying assigned parking;
- Assistance in modifying University employment arrangements, including changes in work schedules, job assignments, work locations and/or assigned parking;
- Imposing an interim disciplinary suspension and/or pre-disciplinary leave, with or without pay; and
- Any other measures that may be arranged by the University (to the extent reasonably available) to ensure the safety and well-being of a Student who has been affected by Prohibited Conduct.

In some cases, a Student may choose to seek a leave of absence or a reduced course load; these actions may, in turn, impact a Student's immigration, visa and/or financial aid status. In such cases, ODOS will connect Students with the applicable University department or unit so that they may obtain relevant information and assistance.

ODOS will ensure Students receive written notification of all their rights and options, regardless of whether a Student chooses to report Prohibited Conduct to the University or to the Police.

II. REPORTING PROHIBITED CONDUCT

Students may report Prohibited Conduct to the Police, to the University, to both or to neither.

These reporting options are not exclusive. Complainants may simultaneously pursue criminal and University disciplinary action. The University will support Complainants in understanding and assessing their reporting options.

As noted earlier, Prohibited Conduct is defined in the Title IX Policy. A non-exhaustive list of examples of conduct that may constitute sexual or gender-based harassment include:

- Continued unwelcome questioning about intimate or personal matters that create a hostile environment;
- Unwelcome touching or other physical acts of a sexual nature that create a hostile environment;
- Severe, persistent, or pervasive comments or jokes of a sexual nature;
- Severe, persistent, or pervasive unwelcome comments or conduct regarding an individual's sexual orientation or gender identity;
- Sending emails that contain extreme or persistent sexual messages, images, or language;
- Sex/gender-based violence – non-sexual physical assault of an individual because of an individual's sex or gender.

A. PRESERVATION OF EVIDENCE

The University recognizes that making the decision to report Prohibited Conduct often takes time. Nevertheless, pending the decision to report, Students are strongly encouraged to take immediate steps to preserve all evidence that might support a future report of Prohibited Conduct, a Protective Order, or an investigation by the Police, by the University, or both. Such evidence may include:

- A forensic sexual assault examination (before 120 hours, but as soon as possible);
- Any clothing, sheets or other materials (items containing bodily fluids should be stored in cardboard boxes or paper bags);
- Electronic exchanges (e.g., text messages, emails, Facebook, Instagram, Snapchat or other social media posts, to the extent that they can be captured or preserved);
- Photographs (including photographs stored on smartphones and other devices); and
- Voice-mail messages and other physical, documentary and/or electronic data that might be helpful or relevant in an investigation.

Electronic and photographic evidence may be lost through the upgrade or replacement of equipment (including smartphones), software and/or accounts or may simply be lost to the passage of time.

B. REPORTING TO THE POLICE

Students have the right to notify Police or decline to notify Police. Students may contact the Police directly (see [Section I](#), above). Alternatively, Students may seek assistance in notifying Police from ODOS. ODOS can assist in setting up an initial meeting with Police and can accompany Students to that meeting. Filing a Police report does not

oblige a Student to participate in any subsequent criminal proceedings. Although a Police report may be made at any time, Students should be aware that a one-year statute of limitations may apply to certain misdemeanors in Virginia.

C. REPORTING TO THE UNIVERSITY

The University strongly encourages Students who have experienced, have knowledge of, or have witnessed Prohibited Conduct to make a report to the University. Under Title IX, once an institution has notice of an act of Prohibited Conduct, it is required to (1) take immediate and appropriate steps to investigate or otherwise determine what occurred; and (2) take prompt and effective action to end any Prohibited Conduct that occurred; as appropriate, remedy its effects; and prevent its recurrence. Although there is no time limit for reporting Prohibited Conduct to the University, the University's ability to respond may diminish over time, as evidence may erode, memories may fade, and Respondents may no longer be affiliated with the University. If the Respondent is no longer a Student or an Employee, the University will provide reasonably appropriate remedial measures, assist the Complainant in identifying external reporting options, and take other reasonable steps to respond under Title IX. Making a report to the University does not require participation in any subsequent University proceedings, nor is a report required in order for a Student to receive support or remedial measures.

Students are encouraged to report Prohibited Conduct through *Just Report It*, the University's website for online reporting (which describes how to anonymously report), or by contacting the Title IX Coordinator, Deputy Title IX Coordinator, or ODOS:

<u>Just Report It</u>	<u>http://www.virginia.edu/justreportit/titleix-vawa</u>
ODOS	Peabody Hall, Second Floor Business hours: (434) 924-7133 After hours: (434) 924-7166 for "Dean on Call"
Emily Babb, Assistant Vice President for Title IX Compliance/Title IX Coordinator	O'Neil Hall, Terrace Level Room 037 <u>titleixcoordinator@virginia.edu</u> (434) 297-7988
Akia Haynes, Deputy Title IX Coordinator	

Students should be aware that all disclosures of Prohibited Conduct to any "Responsible Employee" will be reported, as required by University Policy, to the Title IX Coordinator. A **Responsible Employee** is any University Employee who is not a Confidential Employee. A list of Confidential Employees is posted here: http://www.virginia.edu/justreportit/confidential_resources.pdf.

Upon receipt of a report of Prohibited Conduct, the University will conduct an initial assessment, a ***threat assessment***, and take any immediate action that may be necessary to protect the health and safety of the Students and the University community, as described in the Procedures attached as [Appendix A](#) and [Appendix B](#) to the Title IX Policy.

D. SEEKING A PROTECTIVE ORDER

Where Prohibited Conduct is reported to the Police, it may be possible to obtain a court-ordered Emergency or Preliminary Protective Order. These Protective Orders may be issued if the judge or magistrate believes that there is an immediate threat to health or safety. Later, after a full hearing, the court may agree to issue a “Permanent” Protective Order, in appropriate cases. A Permanent Protective Order may remain in place for up to two years under Virginia law and, in some cases, may be extended for an additional two years. “Protective Orders” are separate and distinct from “No Contact Directives” (described above in Section I.D). Protective Orders may be obtained only from a court of law and are enforceable anywhere in the United States; their violation may result in criminal charges. In contrast, No Contact Directives may be obtained from ODOS and are enforceable through the University. ODOS can arrange and/or attend a meeting with the University Police Department’s Victim/Witness Assistance Coordinator, who can explain the process for seeking a Protective Order and can escort a Student to the appropriate office in order to initiate a petition seeking a Protective Order.