

## UNIVERSITY OF VIRGINIA

**RESOURCE AND REPORTING GUIDE FOR EMPLOYEES**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 Quid Pro Quo Harassment, Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, Sexual or Gender-Based Hostile Environment Harassment, Non-Consensual Sexual Contact and Non-Consensual Sexual Intercourse, Sexual Exploitation, Intimate Partner Violence, Stalking, 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 “Sexual Misconduct Policy”). This Resource and Reporting Guide, referred to as the “Employee Resource Guide” in the Sexual Misconduct 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.<sup>1</sup>

When used in this Employee Resource Guide, the term “Employee” refers to Complainants, Respondents, witnesses or any other University employee in need of information, assistance, or support. As outlined in the Sexual Misconduct Policy, the University offers a wide range of resources for Employees to provide support and guidance throughout the initiation, investigation and resolution of a report of Prohibited Conduct. The University will offer reasonable and appropriate Supportive Measures to protect Employees and facilitate the continued access to University employment or education programs and activities. Supportive Measures, which may be temporary or permanent, may include no-contact directives, work schedule modifications, interim disciplinary suspension, suspension from employment, and pre-disciplinary leave (with or without pay). Supportive Measures are available regardless of whether criminal or University disciplinary action.

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<sup>1</sup> This Resource Guide should be read in conjunction with the Sexual Misconduct Policy. Capitalized terms used and not otherwise defined in this Resource Guide are defined in the Sexual Misconduct Policy.

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### **I. UNIVERSITY AND COMMUNITY RESOURCES**

#### **A. EMERGENCY MEDICAL, LAW ENFORCEMENT AND CRISIS RESPONSE RESOURCES**

1. **Medical Assistance:** An individual who experiences sexual assault or any other form of interpersonal violence is strongly encouraged to seek immediate medical attention at the University’s Emergency Department.

<a href="#">UVA Medical Center Emergency Department</a>	1215 Lee Street, Charlottesville (434) 924-2231
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The University’s Medical Center is the **only** hospital in Charlottesville where an individual 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 and sexual 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)* after a sexual assault, administer a “forensic exam.”<sup>2</sup> Regardless of whether a forensic exam is obtained within the first 72 hours after a sexual assault, Employees are encouraged to seek follow-up care to address any ongoing medical concerns, including those related to sexually-transmitted infections and pregnancy. Employees may access follow-up care at the University Medical Center 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. Where 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. *Employees are not required to report an incident to law enforcement or the University in order to receive medical attention or a forensic exam.*<sup>3</sup> If an Employee decides not to report to police at the time of the exam is performed, the evidence will typically be stored for at least two years; however, certain evidence, such as blood or urine samples, may not be stored. Employees may have a support person of their choosing present throughout the forensic exam. In addition, the Emergency Department ensures that an advocate from the Sexual Assault Resource Agency (“SARA”) is available to all patients reporting sexual assault. Employees may accept or decline the confidential services of the SARA advocate.

- 2. Law Enforcement:** Employees 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 Employees in seeking Emergency Protective Orders (see [below](#)).

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

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<sup>2</sup> Detailed information about obtaining a forensic exam at the University Medical Center can be accessed at <http://www.virginia.edu/sexualviolence/sexualassault/afteranassault>.

<sup>3</sup> 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 the 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.

Police Emergency	911
<a href="#">Albemarle County Police</a>	(434) 977-9041
<a href="#">City of Charlottesville Police</a>	(434) 970-3280
<a href="#">University Police</a>	(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. Employees will be directed to the appropriate Police Department when they call “911” or by contacting 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. The Victim/Witness Assistance Officer can provide information and resources to assist an Employee in understanding a law enforcement investigation or criminal prosecution.

3. **Confidential Crisis Resources (Support and Counseling):** Employees 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:

<a href="#">Faculty &amp; Employee Assistance Program Counseling Services</a> (FEAP)	(434) 243-2643 (daytime) (434) 924-0000 (evenings and weekends, ask for consultant on call)
The Women’s Center: Counseling Staff	(434) 982-2252 (daytime)

- b) Community Confidential Crisis Resources:

<a href="#">Sexual Assault Resource Agency</a> (SARA)	(434) 977-7273
<a href="#">Shelter for Help in Emergency</a> (SHE)	(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:**

<a href="#">Faculty &amp; Employee Assistance Program Counseling Services (FEAP)</a>	(434) 243-2643 (daytime) (434) 924-0000 (evenings and weekends, ask for consultant on call)
<a href="#">University Medical Associates</a>	(434) 924-1931
<a href="#">UVA Health System General Gynecology</a>	(434) 924-1955 or (800) 251-1841
<a href="#">The Women’s Center: Counseling Staff</a>	(434) 982-2252
<a href="#">UVA Teen and Young Adult Health Center</a> (Provides health care for ages 12 to 26)	(434) 982-0090
<a href="#">Mary D. Ainsworth Psychological Clinic</a> (Clinical training program that generally does not see patients in crisis)	(434) 982-4737 <a href="mailto:ainsworth@virginia.edu">ainsworth@virginia.edu</a>

**2. Community Confidential Resources:**

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

**3. National Confidential Resources:**

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

**C. LEGAL RESOURCES**

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

<a href="http://www.valegalaid.org/">Virginia Legal Aid</a>	<a href="http://www.valegalaid.org/">http://www.valegalaid.org/</a>
<a href="http://cvlas.org/our-services/">Central Virginia Legal Aid Society</a>	<a href="http://cvlas.org/our-services/">http://cvlas.org/our-services/</a> 1000 Preston Avenue, Suite B 434-327-1447 434-327-1445
<a href="https://www.justice4all.org/">Legal Aid Justice Center</a>	<a href="https://www.justice4all.org/">https://www.justice4all.org/</a> 1000 Preston Avenue, Suite A Charlottesville, VA 22903 Phone: (434) 977-0553

#### D. UNIVERSITY SUPPORTIVE MEASURES

The Title IX Coordinator or Deputy Title IX Coordinators can provide Employees with information, support, and assistance and can arrange for a broad range of Supportive Measures. They have received training for this purpose and will assist Employees in determining whether certain forms of Supportive Measures may be beneficial and appropriate. 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 Title IX Grievance Process outlined in Appendix A and the Procedures for Sexual and Gender-Based Misconduct outlined in Appendix B provide additional guidance about how the University will evaluate such requests.

<a href="#">Title IX Office</a>	O’Neil Hall, 445 Rugby Rd. titleixcoordinator@virginia.edu (434) 297-7988
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The availability of Supportive Measures will be determined by the specific circumstances of each case. The Title IX Coordinator, in conjunction with Human Resources and/or the Office of the Provost, will consider a number of factors in determining which measures to take, including the needs of the Employee seeking Supportive Measures; the overall structure and work needs of the relevant unit or Department; the severity or pervasiveness of the alleged Prohibited Conduct; as appropriate, any continuing effects; whether the Complainant and the Respondent share the same employment assignment or parking location; and whether other judicial measures have been taken. The University will maintain the privacy of any Supportive Measures provided to the extent practicable and will promptly address any violation of the Supportive Measures. The Title IX Coordinator has the discretion to impose and/or modify any Supportive Measure based on all available information and is available to meet with a Complainant or Respondent to address any concerns about the provision of Supportive Measures (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.

Supportive Measures may be temporary or permanent and may be modified by the University as circumstances change. Supportive Measures may include, but are not limited to the following:

- Arranging a meeting with Police to discuss or report Prohibited Conduct;
- Arranging a meeting with Police to discuss safety planning;
- Providing contact information for available counseling services;
- Providing contact information for available medical services;
- Imposition of a No Contact Directive or Mutual No Contact Directive against an Employee or Student (i.e., an order directing a party to refrain from contacting the other, directly or indirectly);
- Modifying an Employee's work schedule and/or work location;
- Re-assigning an Employee's parking location;
- Changing an Employee's phone number at work;
- Assistance in enforcement of Protective Orders in an Employee's work environment;
- Increased security or monitoring of certain areas on Grounds; and
- Any other measures that may be arranged by the University (to the extent reasonably available) to ensure the safety and well-being of an Employee who has been affected by Prohibited Conduct.

In some cases, an Employee may choose to seek leave to attend court proceedings or meet other legal obligations. The University will endeavor to approve reasonable leave for Employees who have experienced Prohibited Conduct to seek Protective Orders, attend court, make custody arrangements, or relocate to a safe living environment. Employees should direct any such requests for leave to their supervisor. Employees and/or supervisors should direct any questions or concerns related to such requests to the Title IX Coordinator.

The Title IX Coordinator will ensure Employees receive written notification of all their rights and options, regardless of whether an Employee chooses to report Prohibited Conduct to the University or to the Police.

## **II. REPORTING PROHIBITED CONDUCT**

Employees 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 Sexual Misconduct Policy. A non-exhaustive list of examples of conduct that may constitute Sexual Harassment or Sexual and/or Gender-Based Hostile Environment Harassment include:

- Continued unwelcome questioning about intimate or personal matters that create a hostile

environment;

- Unwelcome touching or 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 based of an individual's sex of 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, Employees 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 and 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

Employees have the right to notify Police or decline to notify Police. Employees may contact the Police directly (see [Section I](#), above). Alternatively, Employees may seek assistance in notifying Police from the Title IX Coordinator. The Title IX Coordinator can assist in setting up an initial meeting with Police. Filing a Police report does not obligate an Employee to participate in any subsequent criminal proceedings. Although a Police report may be made at any time, Employees 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 Employees who have experienced, have knowledge of, or have witnessed Prohibited Conduct to report the incident *immediately* to the University.

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 Supportive Measures, assist the Complainant in identifying external reporting options, and take other reasonable steps to respond. Making a report to the University does not require participation in any subsequent University proceedings, nor is a report required in order for an Employee to receive Supportive Measures.

Employees are encouraged to report Prohibited Conduct through *Just Report It*, the University’s website for online reporting, or by contacting the Title IX Coordinator or Deputy Title IX Coordinators:

<a href="http://justreportit.virginia.edu">Just Report It</a>	<a href="http://justreportit.virginia.edu">http://justreportit.virginia.edu</a>
Meredith Smith, Title IX and Sexual Misconduct Coordinator  Charlotte Breen, Deputy Title IX Coordinator/Director of Investigations	O’Neil Hall, Terrace Level Suite C023 <a href="mailto:titleixcoordinator@virginia.edu">titleixcoordinator@virginia.edu</a> (434) 297-7988

Employees should be aware that every supervisor, manager, and human resources professional is required to report to the Title IX Coordinator all relevant details about an incident of Prohibited Conduct where both the Complainant and the Respondent are Employees. A list of Confidential Employees is posted here: <https://eocr.virginia.edu/chart-confidential-resources>.

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 Employee and the University community, as described in Grievance Process and Procedures attached as [Appendix A](#) and [Appendix B](#) to the Sexual Misconduct Policy.

An Employee may report anonymously to the University by downloading and printing a PDF form and transmitting or delivering the completed form to that Title IX Office, either by email or by phone from a restricted number or email address or by mail. If reporting anonymously, please provide as much information as possible, including the time, date,

and location of the incident and a detailed description of the incident. Note that consistent with University policy **Responsible Employees may not report anonymously.**

#### 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). 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 are arranged by the Title IX Coordinator and are enforceable through the University. Employees may speak with the University Police Department’s Victim/Witness Assistance Coordinator, who can explain the process for seeking a Protective Order and can escort an Employee to the appropriate office in order to initiate a petition seeking a Protective Order.