

Piedmont Virginia Community College

Section VIII – Human Resources Policies

VIII – 20.0 Sexual Harassment & Title IX SAVE Act

Effective: November 2025

Revised: March 2026

Responsible Dept: Title IX Coordinator / Associate Vice President of Human Resources

1. Purpose

The purpose of this Policy is to establish that the college prohibits sexual harassment and retaliation, and to set forth procedures by which allegations of sexual harassment shall be reported, filed, investigated, and resolved.

2. Policy Statement

Piedmont Virginia Community College is committed to providing an environment that is free from harassment and discrimination based on any status protected by law. Accordingly, this Policy prohibits sex discrimination, which includes sexual harassment, sexual assault, sexual exploitation, domestic violence, dating violence, and stalking. This Policy also prohibits retaliation.

This Policy supplements the following general policy statement set forth by the Virginia Community College System: This college promotes and maintains educational opportunities without regard to race, color, national origin, religion, disability, sex, sexual orientation, gender identity, ethnicity, marital status, pregnancy, childbirth or related medical conditions including lactation, age (except when age is a bona fide occupational qualification), veteran status, or other non-merit factors. This Policy also addresses the requirements under the Violence Against Women Reauthorization Act of 2013, (also known as the Campus SaVE Act), and Virginia law.

2.1 Academic Freedom and Freedom of Information

This Policy does not allow censorship of constitutionally protected expression. As a "marketplace of ideas," the college encourages intellectual inquiry and recognizes that such inquiry may result in intellectual disagreements. Verbal or written communications

PVCC does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities. View the full nondiscrimination statement and find contacts at pvcc.edu/nondiscrimination.

constitute sexual harassment only when such communications are sufficiently severe, pervasive, and objectively offensive that they undermine and detract from a student's educational experience or an employee's work performance. Verbal or written communications, without accompanying unwanted sexual physical contact, does not constitute sexual assault.

In addressing all complaints and reports of alleged violations of this Policy, the College will take actions to comply with this Policy that recognizes and ensure the free speech rights of students and employees. This Policy does not apply to curricula, curricular materials, or abridge the use of any textbooks.

2.2 False Statements

The College prohibits knowingly making false statements or knowingly submitting false information. Any individual who knowingly files a false report or formal complaint, who knowingly provides false information to college officials, or who intentionally misleads College officials who are involved in the investigation or resolution of a report or formal complaint may be subject to disciplinary action, up to and including dismissal for students and termination of employment for faculty and staff. An allegation that cannot be proven by a preponderance of the evidence is insufficient evidence of a knowing false statement.

2.3 Consensual Relationships

Pursuant to VCCS Policy 3.14.2, consenting romantic or sexual relationships between employees and students for whom the employee has a direct professional responsibility are prohibited. Consenting romantic or sexual relationships between employees where one employee has a direct professional responsibility to the other also are prohibited. Consenting romantic or sexual relationships between other employees (not in a supervisory position), or with students for whom the employee does not have a direct professional responsibility, although not expressly prohibited, are unwise and strongly discouraged. The relationship may be viewed in different ways by each of the parties, in retrospect. Additionally, circumstances may change and conduct that was previously welcome may become unwelcome.

3. Definitions

Actual Knowledge. Actual knowledge means notice of sexual harassment or allegations of sexual harassment to a College's Title IX Coordinator or any other official of the College who has authority to institute corrective measures on behalf of the College. "Notice" includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator.

Advisor. An advisor is an individual who provides the complainant or respondent support, guidance, and advice. Advisors may be present at any meeting or live hearing but may not speak directly on behalf of the complainant or respondent, except to conduct cross-

examination during a live hearing. Advisors may be but are not required to be licensed attorneys.

Appeal Officer. The Appeal Officer is the designated employee who reviews the complete record of the formal complaint and written statements of the parties during an appeal of a written determination or dismissal of a formal complaint or any allegations therein. The Appeal Officer decides whether to grant the appeal and determines the result of the appeal.

Campus. Campus refers to (i) any building or property owned or controlled by the College within the same reasonably contiguous geographic area of the College and used in direct support of, or in a manner related to, the College's educational purposes, and (ii) any building or property that is within or reasonably contiguous to the area described in clause (i) that is owned by the College but controlled by another person, is frequently used by students, and supports institutional purposes, such as a food or other retail vendor.

Complainant. A complainant is an individual who is alleged to be the victim of conduct that could constitute sexual harassment. A complainant may file a formal complaint against faculty, staff, students, or third parties.

Consent. Consent is knowing, voluntary, and clear permission by word or action, to engage in mutually agreed upon sexual activity. Silence does not necessarily constitute consent. Past consent to sexual activities, or a current or previous dating relationship, does not imply ongoing or future consent. Consent to some sexual contact (such as kissing or touching) cannot be presumed to be consent for other sexual activity (such as intercourse). An individual cannot consent who is under the age of legal consent. The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred. Any sexual activity or sex act committed against one's will, by the use of force, threat, intimidation, or ruse, or through one's mental incapacity or physical helplessness is without consent.

- i. Mental incapacity means that condition of a person existing at the time which prevents the person from understanding the nature or consequences of the sexual act involved (the who, what, when, where, why, and how) and about which the accused knew or should have known. This includes incapacitation by using drugs or alcohol. Intoxication is not synonymous with incapacitation.
- ii. Physical helplessness means unconsciousness or any other condition existing at the time which otherwise renders the person physically unable to communicate an unwillingness to act and about which the accused knew or should have known. Physical helplessness may be reached through the use of alcohol or drugs.

Cross-examination. Cross-examination is the opportunity for a party's advisor to ask questions of the other party and the other party's witnesses.

Cumulative Evidence. Cumulative evidence is additional evidence that has been introduced already on the same issue and is therefore unnecessary. The Hearing Officer has the

discretion to exclude cumulative evidence.

Dating Violence. Dating violence is violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury committed by a person who is or has been in a close relationship of a romantic or intimate nature with the other person. The existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Deliberate Indifference. Deliberate indifference refers to a response to sexual harassment that is clearly unreasonable in light of the known circumstances. The College's response may be deliberately indifferent if the response restricts the rights to the Freedom of Speech and Due Process under the First, Fifth, and Fourteenth Amendments of the U.S. Constitution.

Direct Examination. Direct examination is the questioning of a witness by a party who has called the witness to provide such testimony.

Domestic Violence. Domestic violence is violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury and that is committed by a person against such person's family or household member, which includes a current or former spouse, a person with whom the victim shares a child in common, or who is cohabitating with or has cohabitated with the person as a spouse or intimate partner.

Due Process. Due process is a right guaranteed by the Fifth and Fourteenth Amendments of the U.S. Constitution. Basic procedural due process guarantees that an individual receives notice of the matter pending that relates to the possible deprivation of a property or liberty interest and the opportunity to be heard. For example, students and employees facing suspension or expulsion/termination for disciplinary reasons must be given notice of the allegations against them prior to any hearing or determination of responsibility. Any disciplinary process must be fair and impartial. Additionally, the opportunity to respond must be meaningful.

Education Program or Activity. An education program or activity encompasses all of the College's operations and includes locations, events, or circumstances over which the College exercises substantial control over both the respondent and the context in which the sexual harassment occurs. Examples of education programs or activities include, but are not limited to, college-sponsored conferences, athletic events and sports teams, student organizations, and wi-fi network.

Exculpatory Evidence. Exculpatory evidence is evidence that shows, or tends to show, that a respondent is not responsible for some, or all of the conduct alleged in the notice of allegations. The College must provide the respondent with all exculpatory evidence.

Facilitator. A Facilitator guides a discussion between parties during the informal resolution process and reaches a decision to the satisfaction of each party.

Final Decision. A final decision is the written document that describes any sanctions imposed and remedies provided to the respondent and complainant, respectively, at the conclusion of the formal resolution process.

Formal Complaint. A formal complaint is a document filed and signed by a complainant or signed by the Title IX Coordinator that alleges sexual harassment against a respondent and requests the College to investigate the allegation of sexual harassment. The complainant must be participating in or attempting to participate in an education program or activity of the College when the formal complaint is filed. A complainant cannot file a formal complaint anonymously. The Title IX Coordinator may sign on a complainant's behalf in matters where it is in the best interest of the complainant or the College to do so. The College may consolidate formal complaints against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

Freedom of Speech. The freedom of speech is a right guaranteed by the First Amendment of the U.S. Constitution to express one's thoughts and views without unlawful governmental restrictions. As governmental entities, Colleges must not infringe on this right. This Policy expressly prohibits censorship of constitutionally protected expression.

Hearing Officer. A Hearing Officer is the presiding official of a live hearing who must issue a written determination on responsibility. Colleges may choose to hold live hearings with a single Hearing Officer or by committee.

Inculpatory Evidence. Inculpatory evidence is evidence that shows, or tends to show, that a respondent is responsible for some, or all of the conduct alleged in the notice of allegations.

Preponderance of the Evidence. A preponderance of the evidence is evidence that shows that the allegation against the respondent is more likely to be true than not. The preponderance of the evidence standard is the standard of evidence the College must use to determine responsibility.

Relevance. Relevance refers to evidence that tends to prove or disprove whether the respondent is responsible for the alleged conduct. A relevant question asks whether the facts material to the allegations under investigation are more or less likely to be true. A question not directly related to the allegations in the formal complaint generally will be irrelevant.

Remedies. Remedies are actions taken or accommodations provided to the complainant after a determination of responsibility for sexual harassment has been made against the respondent. Remedies are designed to restore or preserve equal access to the College's education program or activity. Remedies may be disciplinary or non-disciplinary.

Report of Sexual Harassment. A report of sexual harassment occurs when anyone reports an allegation of sexual harassment to the Title IX Coordinator, or one that reaches the Title IX Coordinator through a Responsible Employee. An individual need not be participating or attempting to participate in an education program or activity of the College to file a report. The respondent also does not need to be an employee, student, or otherwise affiliated with the College for a person to file a report against a respondent. A report of sexual harassment does not trigger an investigation or the formal or informal resolution process, but it does require the Title IX Coordinator to meet with the complainant and carry out the procedures described in Section S and/or T of this Policy, as applicable.

Respondent. A respondent is an individual who has been reported to have engaged in conduct that could constitute sexual harassment as defined under this Policy. In most cases, a respondent is a person enrolled or employed by the College or who has another affiliation or connection with the College. The College may dismiss a formal complaint when the College has little to no control over the respondent but will offer supportive measures to the complainant and set reasonable restrictions on an unaffiliated respondent when appropriate.

Responsible Employee. A Responsible Employee is an employee who has the authority to take action to redress sexual harassment; who has been given the duty to report sexual harassment to the Title IX Coordinator [or other designee]; or an employee a student could reasonably believe has such authority or duty. [The College may name Responsible Employees by title, or name employees who are Campus Security Authorities (CSAs) as Responsible Employees.] A Responsible Employee shall not be an employee who, in his or her position at the College, provides services to the campus community as a licensed health care professional, (or the administrative staff of a licensed health care professional), professional counselor, victim support personnel, clergy, or attorney. [Colleges may choose to identify by name employees who are not Responsible Employees.]

Review Committee. A Review Committee is the committee consisting of three or more persons, including the Title IX Coordinator or designee, a representative of campus police or campus security, and a student affairs representative, that is responsible for reviewing information related to acts of sexual violence.

Sex Discrimination. Sex discrimination is the unlawful treatment of another based on the individual's sex that excludes an individual from participation in, separates or denies the individual the benefits of, or otherwise adversely affects a term or condition of an individual's employment, education, or participation in an education program or activity. The College's treatment of a complainant or a respondent in response to a formal complaint of sexual harassment constitutes sex discrimination under Title IX when such response is deliberately indifferent.

Sexual Assault. Sexual assault is any sexual act directed against another person without consent or where the person is incapable of giving consent. Sexual assault includes the

specific offenses of Sexual Violence (see E.33) and Fondling. *Fondling* (actual or attempted) is defined as:

- a) the intentional touching of the clothed or unclothed genitals, buttocks, groin, breasts, or other body parts of the Complainant by the Respondent (i) without the consent of the Complainant, and (ii) for the purpose of sexual degradation, sexual gratification, or sexual humiliation; or
- b) the forced touching by the Complainant of the Respondent's clothed or unclothed genitals, buttocks, groin, breasts, or other body parts (i) without consent of the Complainant, and (ii) for the purpose of sexual degradation, sexual gratification, or sexual humiliation.

Sexual Exploitation. Sexual exploitation occurs when a person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual harassment offenses. Examples of sexual exploitation include prostituting another person; non-consensual video or audio-taping of otherwise consensual sexual activity; going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex), and knowingly transmitting HIV or an STD to another.

Sexual Harassment. Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

- a) *Quid Pro Quo*: The submission to or rejection of such conduct is used as the basis for educational or employment decisions affecting the student or employee either explicitly or implicitly;
- b) *Hostile Environment*: Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to an education program or activity of the College, including a student's educational experience or an employee's work performance; and
- c) *Clery Act/VAWA Offenses*: Sexual assault/sexual violence, dating violence, domestic violence, and stalking, as defined by this Policy.

33. Sexual Violence. Sexual violence means physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. Sexual violence includes rape and sexual assault.

Stalking. Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress. Such conduct can occur in person or online, but the conduct must involve an education program or activity of the College.

Statement. A statement is a person's intent to make factual assertions during the formal or

informal resolution process, including evidence that contains a person's statement(s). Party or witness statements, police reports, Sexual Assault Nurse Examiner (SANE) reports, medical reports, and other records, such as emails and texts may be considered by the Hearing Officer even if they were not subject to cross-examination at a live hearing.

Supportive Measures. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the College's education programs or activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the campus environment, or to deter sexual harassment.

Third Party. A third party is any person who is not a student or employee of the College.

Title IX. Title IX means Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in any education program or activity receiving Federal financial assistance.

Title IX Coordinator. The Title IX Coordinator is the employee or employees designated and authorized to coordinate the College's efforts to comply with its responsibilities under Title IX.

Workday. A workday is any eight-hour day, Monday through Friday, that the College is open for regular business. Workdays include days when classes are not held, but when employees are expected to be at work.

Written Determination. A written determination is the written decision by a Hearing Officer that a respondent is responsible or not responsible for a violation of this Policy by a preponderance of the evidence after a live hearing. A written determination also is the result of an appeal decided by an Appeal Officer.

4. Applicability

Members of the campus community who believe they have been victims of crimes may report the incident to campus or local police. All emergencies or any incident where someone is in imminent danger should be reported immediately to campus police/security or local police by dialing 911 or campus police at 434.961.5319.

Whether or not a report is made to law enforcement, any person may report incidents of sexual harassment, domestic violence, dating violence, sexual assault, or stalking (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute a violation of this Policy), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator and Deputy Coordinator (see **Section. 5**), or by reporting such conduct to a Responsible Employee to ensure that the

Title IX Coordinator receives the verbal or written report. The Title IX Coordinator is solely responsible for overseeing the prompt, fair, and impartial investigation and resolution of reports and formal complaints filed with the College. Additional contacts and an online reporting system link can be found on the PVCC Safe site: <https://www.pvcc.edu/pvcc-safe>.

During non-business hours, campus community members should report alleged violations of this Policy through the online reporting system on the PVCC Safe site: <https://www.pvcc.edu/pvcc-safe> or to the campus police at 434.961.5319.

There is no time limit for reporting incidents of sexual harassment with the Title IX Coordinator. However, complainants should report possible violations of this Policy as soon as possible to maximize the College's ability to respond effectively to the report. Failure to report promptly also could result in the loss of relevant evidence.

5. Responsibilities

The Title IX Coordinator for PVCC is Kim Savage Main Campus, 501 College Drive, 434-961-5245, kvansavage@pvcc.edu. The Deputy Title IX Coordinator is David Lerman, Main Campus, 501 College Drive, 434-961-5430, dlerman@pvcc.edu.

5.1 Confidentiality and Anonymous Reports

Individuals may be concerned about their privacy when they report a possible violation of this Policy. The College must keep confidential the identity of any individual who has made a report or formal complaint of sexual harassment; any complainant or any individual who has been reported to be the perpetrator of sexual harassment; and any witness related to a report or formal complaint of sexual harassment, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA), or as otherwise required by law, or to carry out the purposes of this Policy, including the conduct of any investigation, live hearing, or judicial proceeding arising from any report or formal complaint.

The College has a responsibility to respond to conduct that violates this Policy. For this reason, most College employees may not keep secret a report of sexual harassment. The College expects employees to treat information they learn concerning incidents of reported violations of this Policy with respect and as confidentially as possible. College employees must share such information only with those College and law enforcement officials who must be informed of the information pursuant to this Policy.

Responsible Employees must report all alleged violations of this Policy obtained in the course of his or her employment to the Title IX Coordinator as soon as practicable after addressing the immediate needs of the complainant. Other campus employees have a duty to report sexual assault, domestic violence, dating violence, and stalking for federal statistical reporting purposes (Campus Security Authority (CSA) under the Clery Act). CSAs

include student/conduct affairs personnel, campus law enforcement, student activities staff, human resources staff, and advisors to student organizations. All employees must report suspected child abuse or neglect to the [Title IX Coordinator/other designated official] as soon as practicable, but no later than 24 hours after forming such suspicion, pursuant to VCCS Policy Number 3.14.6, Reporting Sexual Child Abuse or Neglect.

If a complainant wishes to keep the report of sexual harassment completely confidential, it is recommended that he or she reports the alleged conduct to someone without a duty to report incidents of sexual harassment to the Title IX Coordinator. Full-time employees also may contact the Employee Assistance Program. If the complainant requests that the complainant's identity is not released to anyone else, the College's response will be limited to providing supportive measures, if appropriate and reasonably available. When supportive measures are provided, the College will protect that person's privacy to the extent possible while still providing the supportive measures.

The College will accept anonymous reports, but a complainant may not remain anonymous if a complainant files a formal complaint. In the absence of a formal complaint, the College's response will be limited to providing supportive measures if appropriate and reasonably available.

The College may pursue the formal resolution process even if the complainant requests the College to take no action. The Title IX Coordinator will notify the complainant in writing within five (5) workdays of the decision to pursue the formal resolution process when he or she is unable to maintain confidentiality or respect the complainant's request for no further action. The Title IX Coordinator will give the complainant's wishes due consideration.

5.2 Immunity

The College encourages the reporting of incidents that violate this Policy. The use of alcohol or drugs should not be a deterrent to reporting a possible incident of sexual harassment. When conducting the investigation, the College's primary focus will be on addressing the alleged sexual harassment and not on alcohol and drug violations that may be discovered or disclosed. The College does not condone underage drinking or the use of illicit drugs; however, the College will grant immunity from disciplinary action based on the personal consumption of alcohol or drugs to individuals who report incidents that violate this Policy, provided that such report is made in good faith. The College may provide referrals to counseling and may require educational options, rather than disciplinary sanctions, in such cases.

5.3 Timely Warnings

The College is required by federal law to issue timely warnings for reported incidents that pose a substantial threat of bodily harm or danger to members of the campus community. The College will ensure, to the extent possible, that an alleged victim's name

and other identifying information is not disclosed, while still providing enough information for members of the campus community to make decisions to address their own safety in light of the potential danger

5.4 Interim Measures

- a) Immediate Suspension. Prior to the resolution of a formal complaint, the College may immediately suspend the respondent from an education program or activity when it determines that the respondent's continued presence poses an immediate threat to the physical health or safety of any person arising from the allegations of sexual harassment. Prior to such suspension, the College will conduct an individualized safety and risk analysis, focusing on the respondent and the specific facts and circumstances arising from the allegations of sexual harassment that justify the suspension. The College shall notify the respondent in writing of the specific facts and circumstances that make the immediate suspension necessary and reasonable and shall give the respondent the opportunity to challenge the decision immediately following the notice of suspension.
- b) Administrative Leave. The College may place a respondent employee on administrative leave prior to the resolution of a formal complaint. Reasons to place an employee on administrative leave include but are not limited to, the continued presence of the employee may be harmful to the employee or other employees; may hamper an investigation into the employee's alleged conduct; or may disrupt the work environment.
- c) Mutual No Contact Order. The College may impose a "no contact" order on each party, requiring the parties to refrain from having contact with one another, directly or through proxies, whether in person or by electronic means.

5.5 Supportive Measures

The College will offer supportive measures to complainants and respondents, whether or not a formal complaint has been filed, or whether the alleged incident is under investigation by a law enforcement agency. All requests for supportive measures will be provided if appropriate and reasonably available.

Supportive measures may include, but are not limited to, course schedule adjustments, reassignment of duty, leaves of absence, alternative parking arrangements, rescheduling class work, assignments, and examinations; allowing alternative class or work arrangements, such as independent study or teleworking; escort services, increased security and monitoring of certain areas of the campus, and other similar measures. Provisions of supportive measures to either party will be kept confidential to the extent possible.

5.6 Education and Awareness Program

The College conducts a program to educate students and employees about this Policy and its procedures. The education and awareness program are designed to promote awareness of sexual assault, domestic violence, dating violence, and stalking.

The program, at a minimum, shall include:

- a) A statement that the College prohibits sexual harassment, including sexual assault, domestic violence, dating violence, and stalking;
- b) The definition of sexual harassment, including sexual assault, domestic violence, dating violence, and stalking;
- c) The definition of consent;
- d) Safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of sexual assault, domestic violence, dating violence, or stalking against a person other than such individual;
- e) Information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks;
- f) Information on possible sanctions and procedures to follow after an incident of sexual assault, domestic violence, dating violence or stalking;
- g) The College's disciplinary procedures;
- h) Information on how the College will protect confidentiality; and
- i) Written notification about available resources and support services and available supportive measures available if appropriate and reasonably available.

The College offers the prevention and awareness program to all new and existing students and employees.

6. Procedures for Implementation

Appendix 1 (posted as a separate document) provides detail and step by step instructions for the following procedures:

- a) Steps for a complainant to take after an incident
- b) Support services
- c) Handling reports of sexual violence
- d) Handling reports of sexual harassment, including domestic violence, dating violence, sexual assault, or stalking
- e) Resolution of formal complaints
- f) Formal resolution process

- g) Conduct of live hearing
- h) Actions following the written determination
- i) Appeals
- j) Informal resolution process
- k) Sanctions and Corrective Actions
- l) Academic transcript notations and expungement
- m) Training and training materials
- n) Record keeping
- o) Use of template/reports to system council.

7. Sanctions for Violation of Policy

8. Other General Information

N/A