

Policy Title: Discrimination and Harassment Policy	Effective Date: 11/21/2014
Policy Number: GEN-PO-1002	Date of Last Review: 8/14/2020
Oversight Department: Office of Institutional Equity	Next Review Date: 8/1/2023

1. PURPOSE

- A.** Radford University is committed to providing an environment that emphasizes the dignity and worth of every member of its community and that is free from harassment and discrimination based on race, sex, The purpose of the Discrimination and Harassment Policy, hereafter "Policy," is to establish clearly and unequivocally that Radford University prohibits discrimination harassment and retaliation by individuals subject to its control

B. Academic Freedom and Free Speech

This Policy does not allow curtailment or censorship of constitutionally protected expression, which is valued in higher education and by Radford University. In addressing all reports of alleged violations of this Policy, Radford University will take all permissible actions to ensure the safety of students and employees while complying with any and all applicable guidance

activity from a hidden location or through electronic means; knowingly transmitting HIV or an STD/STI to another; or exposing one's genitals to another in non-consensual circumstances.

Sexual Violence is a physical sexual act perpetrated against a person's will or where a person is incapable of giving consent.

Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to: i) fear for his or her safety or the safety of others; or ii) suffer substantial emotional distress.

Supportive Measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant and 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 Radford University's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or Radford University's educational environment, or deter sexual harassment, discrimination, or harassment. Supportive measures may include referral and coordination of counseling and health services, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutuale (b)-0.7 (u)(9 (s)-1.3 (ay((t)-5a3 (ay(r)143 (o51.3 (b)-0.(o)-6.6 (r 3.3 (s)51.3)-912((r)1.

in notifying law enforcement if the victim so chooses. Crimes dealing with minors must be reported to law enforcement.

D. Criminal Process and Coordination

If a victim is physically or mentally incapacitated for at least ten (10) calendar days, and thereby unable to report the incident to law enforcement, the Title IX Coordinator will make such a report. Radford University will comply with all requests by the Radford University Police Department, Carilion Clinic Police, or local law enforcement for cooperation in investigations. Such cooperation may require the Title IX Coordinator to temporarily suspend the fact-finding aspect of an investigation detailed in the procedures below while the Radford University Police Department, Carilion Clinic Police, or the local law enforcement agency gathers evidence. The Title IX Coordinator will promptly resume the investigation as soon as notified by the Radford University Police Department, Carilion Clinic Police, or local law enforcement agency that it has completed the evidence gathering process. Otherwise, the investigation will not be altered or precluded on the grounds that criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

E. Confidentiality and Request for Information

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2. To the extent possible, Radford University will seek the consent of the Complainant before offering supportive measures to the greatest degree possible.
3. Radford University may remove a Respondent from an educational program or activity on an emergency basis, provided that the University undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment, discrimination, or harassment justifies removal, and provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal. Radford University may temporarily reassign or place on administrative leave any employee alleged to have violated this Policy, pending investigation. Leave will be administered in accordance with appropriate employment policies.
4. Radford University will maintain as confidential any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures.

I. Disciplinary Immunity

Ensuring the safety of individuals who report violations of this Policy is Radford University's primary concern. In compliance with Virginia Code §23.1-808, and in order to facilitate reporting, Radford University will provide disciplinary immunity to a person who reports to any individual employed by the institution that an act of sexual violence, or any other incident violating this Policy, which occurred on campus, in or on a non-campus building or property, or on public property as such terms are defined in Virginia Code § 23.1-806. Disciplinary immunity means that, if the institution determines, as a result of any investigation relating to such alleged act of sexual violence or other violation of this Policy, the reporting individual committed a separate, unrelated, nonviolent act that violates the Radford University Standards of Student Conduct, that person is immune from disciplinary action for such violation. Disciplinary immunity may also be offered to individuals who intervene to help others before a violation of this Policy occurs and to individuals who receive assistance or intervention.

5. PROCEDURES

A. Purpose

These procedures provide a prompt and equitable resolution for reports of discrimination and harassment prohibited by the Radford University Discrimination and Harassment Policy. Any person who believes he or she has been subjected to discrimination or harassment on any of these bases may file a report with Radford University as outlined in these procedures.

These procedures also address 1) any reports of retaliation against individuals who have filed reports of discrimination and harassment, who have opposed discriminatory practices, and those who have testified or otherwise participated in investigations or proceedings arising from reports of discrimination and harassment; and 2) reports of violation of the Radford University Free Expression Policy. Questions regarding discrimination and harassment prohibited by the Education Amendment Act of 1972 or other federal law, may be referred to Radford University's Title IX Coordinator, Office of Institutional Equity, 540-831-5307 (Radford), 540-224-4644 (Roanoke), or the U.S. Department of Education, Office of Civil Rights.

- i. Complete publicly available recordkeeping, including reporting and disclosures required by the Clery Act, without the inclusion of personally identifying information about the Complainant;
- ii. Maintain as confidential, any supportive measures provided to the Complainant, to the extent that maintaining such confidentiality would not impair the ability of

- i. The case will be categorized as a "Title IX Case" and will be referred to a Decision Maker for a live hearing, with a document review as appeal, if
 - (a)

than one Complainant or more than one Respondent, references in this section to the singular "party," "complainant," or "respondent," include the plural as applicable.

9. If a Formal Investigation is requested, at any time prior to reaching a determination regarding responsibility, the Title IX Coordinator may facilitate an Informal Resolution process that does not involve a full investigation and adjudication, provided that the Title IX Coordinator provides written notice as outlined in Section 5; obtains the parties' voluntary, written consent to the Informal Resolution process; and the Informal Resolution process is not offered or facilitated to resolve allegations that an employee sexually harassed or otherwise discriminated against a student.

a. Informal Resolution

- i. For alleged violations of the Discrimination and Harassment Policy, the Complainant and the Respondent have the option to proceed under an informal procedure, when deemed permissible by the Title IX Coordinator and when the allegations are not that an employee sexually harassed or otherwise discriminated against a student.
- ii. If the Complainant, the Respondent, and the Title IX Coordinator all agree that an Informal Resolution should be pursued, the Title IX Coordinator shall attempt to facilitate a resolution that is agreeable to all parties. Prior to beginning the Informal Resolution process, the Title IX Coordinator must obtain the parties' voluntary, written consent to the process.
- iii. Upon initiating an Informal Resolution, the Title IX Coordinator will provide the parties written notice of the following:
 - (a) the allegations;
 - (b) either party has the right to withdraw from the Informal Resolution process at any time prior to agreeing to a resolution and may resume a Formal Investigation process with respect to the Formal Complaint;
 - (c) if an Informal Resolution is pursued and a resolution is reached, parties may not request a Formal Investigation arising from the same allegations;
 - (d) any agreement between parties as part of the Informal Resolution will be provided to the parties in writing. Any violation of the agreement should be reported by the parties to the Title IX Coordinator; and
 - (e) the record of the Informal Resolution will be maintained per the Policy.
- iv. Under this procedure, the Title IX Coordinator will gather information and evidence only to the extent fact-finding is needed to resolve the conflict and to protect the interests of all parties, Radford University, and the campus community. Typically, an Informal Resolution will be completed within 30 business days of confirmed delivery of the Formal Complaint. If an extension is necessary, all parties will be notified of the expected resolution time frame and the reason for the extension. If at any point during the Informal Resolution process, the Complainant, the Respondent, or the Title IX Coordinator wish to suspend the Informal Resolution and proceed through the Formal Investigation, such request will be granted.

v. Any resolution of a Formal Complaint through an Informal Resolution must

viii. Title IX Case

Following the Formal Investigation, the Title IX Coordinator will schedule a live

3. Appeal Procedure for a "Non-Title IX/Non-Student Case"

- a. A Complainant or Respondent desiring to appeal the investigative findings shall file a written request for appeal with the Title IX Coordinator within five (5) business days of delivery of the Final Investigative Report.
- b.

[Code of Virginia § 18.2-61 et seq. \(Article 7\)](#), "Criminal Sexual Assault."

[Code of Virginia § 19.2-389](#), "Dissemination of criminal history record information."

[Code of Virginia § 19.2-389.1](#), "Dissemination of juvenile record information."

[Code of Virginia § 23.1-805](#), "Violence prevention committee; threat assessment team."

[Code of Virginia § 23.1-806](#), "Reporting of acts of sexual violence."

[Code of Virginia § 23.1-808](#), "Sexual violence; policy review; disciplinary review; threat assessment team." Tw 1.989 0 Td4uarfrrt (o)-6.7ipin C ET1