

Governance, Administrative & Athletics Committee

September 2017

RADFORD UNIVERSITY

Board of Visitors

RADFORD UNIVERSITY

**RADFORD UNIVERSITY BOARD OF VISITORS
GOVERNANCE, ADMINISTRATION &
ATHLETICS COMMITTEE MEETING
SEPTEMBER 14, 2017
2:40 P.M.**
BOARD ROOM, THIRD FLOOR - MARTIN HALL
RADFORD, VIRGINIA**

DRAFT

AGENDA

- **CALL TO ORDER** Dr. Rachel D. Fowlkes, Chair
- **APPROVAL OF AGENDA** Dr. Rachel D. Fowlkes, Chair
- **APPROVAL OF MINUTES** Dr. Rachel D. Fowlkes, Chair
May 4, 2017
- **REPORTS**
 - Information Technology Report Mr. Danny M. Kemp, *Vice President for Information Technology and Chief Information Officer*
 - Intercollegiate Athletics Report Mr. Robert G. Lineburg, *Director of Intercollegiate Athletics*
- **RECOMMENDATION OF TITLE IX CHANGES** Dr. Rachel D. Fowlkes, Chair
- **OTHER BUSINESS** Dr. Rachel D. Fowlkes, Chair
- **ADJOURNMENT** Dr. Rachel D. Fowlkes, Chair

**** All start times for committees are approximate only. Meetings may begin either before or after the listed approximate start time as committee members are ready to proceed.**

Governance, Administration & Athletics Committee

Dr. Rachel D. Fowlkes, Chair

Ms. Georgia Anne Snyder-Falkinham, Vice-Chair

Mr. Gregory A. Burton

Mr. James R. Kibler, Jr., J.D.

Mr. Steve Robinson

**RADFORD UNIVERSITY BOARD OF VISITORS
GOVERNANCE, ADMINISTRATION & ATHLETICS COMMITTEE MEETING
MAY 4, 2017
BOARD ROOM-MARTIN HALL
RADFORD, VIRGINIA**

DRAFT

MINUTES

COMMITTEE MEMBERS PRESENT

Ms. Alethea “A.J.” Robinson, Chair
Ms. Callie M. Dalton
Dr. Rachel D. Fowlkes
Ms. Georgia Anne Snyder-Falkinham

COMMITTEE MEMBERS ABSENT

Mr. Steve Robinson, Vice Chair

OTHER BOARD MEMBERS PRESENT

Mr. Christopher Wade, Rector
Ms. Krisha Chachra
Ms. Mary Ann Hovis
Dr. Susan Whealler Johnston
Mr. Randolph “Randy” J. Marcus
Mr. Kevon DuPree, Student Representative (non-voting advisory member)

OTHERS PRESENT

President Brian O. Hemphill, Ph.D
Mr. Danny Kemp, Vice President for Information Technology and Chief Information Officer
Mr. Robert Lineburg, Director of Athletics
Ms. Stephanie Ballein, Associate Athletic Director
Mr. Joe Carpenter, Vice President for University Relations and Chief Communications Officer
Mr. Ed Oakes, Associate Vice President for Information Technology
Ms. Katherine “Kitty” McCarthy, Vice President for Enrollment Management
Ms. Ashley Schumaker, Chief of Staff, Office of the President
Mr. Allen Wilson, Senior Assistant Attorney General, Commonwealth of Virginia
Ms. Mary Weeks, Secretary to the Board of Visitors
Radford University students, faculty and staff

CALL TO ORDER

Ms. A.J. Robinson, Chair, formally called the meeting to order at 4:00 p.m. in the Board Room, Third Floor, Martin Hall, Radford University, Radford, Virginia.

APPROVAL OF AGENDA

Ms. Robinson asked for a motion to approve the agenda as published and Ms. Georgia Anne Snyder-Falkinham so moved, Ms. Callie Dalton seconded the motion. Agenda was approved by a unanimous vote.

APPROVAL OF MINUTES

Ms. Robinson asked for a motion to approve the February 16, 2017 minutes for the Governance, Administration and Athletics Committee, as published. Ms. Snyder-Falkinham so moved and Dr. Rachel Fowlkes seconded the motion. The minutes were unanimously approved and are available online at: <http://www.radford.edu/content/bov/home/meetings/minutes.html>.

INFORMATION TECHNOLOGY REPORT

Mr. Danny M. Kemp, Vice President for Information Technology and Chief Information Officer, discussed the EDUCAUSE 2017 TOP 10 IT Issues and the various strategies that either are in place or planned for Radford University to address these issues. The top ten issues as follows:

- 1) Information Security
- 2) Student Success and Completion
- 3) Data-Informed Decision Making
- 4) Strategic Leadership
- 5) Sustainable Funding
- 6) Data Management and Governance
- 7) Higher Education Affordability
- 8) Sustainable Staffing
- 9) Next-Gen Enterprise IT
- 10) Digital Transformation of Learning

A copy of Mr. Kemp's presentation is hereto attached as (*Attachment A*) and is made a part thereof. Ms. Robinson thanked Mr. Kemp for his presentation and for his help during her tenure as Committee Chair.

INTERCOLLEGIATE ATHLETICS REPORT

Mr. Robert Lineburg, Director of Athletics, updated the Committee on:

- Various facilities upgrades with the basketball court floor being redone with the new branding logos this summer;
- Beginning with the 2019-2020 academic year, Division I schools' share of NCAA revenue would be tied to academic achievement;
- Mr. Bryheem Hancock has been hired as the new Head Men's Soccer Coach; and
- There is an increase in external revenue streams for 2016-2017, as of the March 31st data, \$841,000 has been raised for Athletics.

Mr. Lineburg recognized the academic excellence of student-athletes and the competitive advantage of Radford's sports. He also thanked Ms. Callie Dalton and former Board member Mr. Mark Pace for sponsoring the Highlander Pride Weekend events. A total of \$117,000 was raised with \$35,000 in expenses. Several Committee members also also thanked Ms. Dalton for her sponsorship. A copy of Mr. Lineburg's presentation is hereto attached as (*Attachment B*) and is made a part thereof. Ms. Robinson thanked Mr. Lineburg for his update and for his support during her tenure as Committee Chair.

NOMINATIONS FOR RECTOR AND VICE RECTOR FOR 2017-2018

Ms. Robinson announced that the Committee received two nominations for Rector, Mr. Mark S. Lawrence and current Rector, Mr. Christopher Wade. Rector Wade withdrew his name for consideration.

Ms. Robinson stated that, according to the Board Bylaws, as the Committee received no nominations for Vice Rector, nominations would have to come from the floor. She asked for a motion to forward to the Board the nomination of Mr. Mark Lawrence as Rector and for Vice Rector nominations to come from the floor during the full Board meeting. Ms. Callie Dalton so moved and Ms. Georgia Anne Snyder-Falkinham seconded the motion. The motion passed unanimously.

ADJOURNMENT

With no further business, Ms. Robinson requested a motion to adjourn. Ms. Snyder-Falkinham made the motion to adjourn, and Ms. Dalton seconded, the motion was unanimously approved. The meeting adjourned at 4:33 p.m.

Respectfully submitted,

Ms. Mary Weeks
Secretary to the Board of Visitors

Information Technology Report

Board of Visitors

Governance, Administration & Athletics Committee

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Agenda

- **EDUCAUSE 2017 Top 10 IT Issues** along with current strategies the Division of Information Technology at Radford University is using to address the issues

EDUCAUSE 2017 Top 10 IT Issues

EDUCAUSE is a nonprofit association whose mission is to advance higher education through the use of information technology.

- Membership comprises more than 2,300 colleges, universities, and educational organizations
- Over 350 corporations
- More than 85,000 individual participants

EDUCAUSE review January/February 2017



EDUCAUSE 2017 Top 10 IT Issues

1. Information Security: Developing a holistic, agile approach to reduce institutional exposure to information security threats

2. Student Success and Completion: Effectively applying data and predictive analytics to improve student success and completion

3. Data-Informed Decision Making: Ensuring that business intelligence, reporting, and analytics are relevant, convenient, and used by administrators, faculty, and students

4. Strategic Leadership: Repositioning or reinforcing the role of IT leadership as a strategic partner with institutional leadership

5. Sustainable Funding: Developing IT funding models that sustain core services, support innovation, and facilitate growth

EDUCAUSE 2017 Top 10 IT Issues

6. Data Management and Governance: Improving the management of institutional data through data standards, integration, protection, and governance

7. Higher Education Affordability: Prioritizing IT investments and resources in the context of increasing demand and limited resources

8. Sustainable Staffing: Ensuring adequate staffing capacity and staff retention as budgets shrink or remain flat and as external competition grows

9. Next-Gen Enterprise IT: Developing and implementing enterprise IT applications, architectures, and sourcing strategies to achieve agility, scalability, cost-effectiveness, and effective analytics

10. Digital Transformation of Learning: Collaborating with faculty and academic leadership to apply technology to teaching and learning in ways that reflect innovations in pedagogy and the institutional mission

Questions?

Addendum

EDUCAUSE 2017 Top 10 IT Issues

1. *Information Security*: Developing a holistic, agile approach to reduce institutional exposure to information security threats

EDUCAUSE 2017 Top 10 IT Issues

Information Security

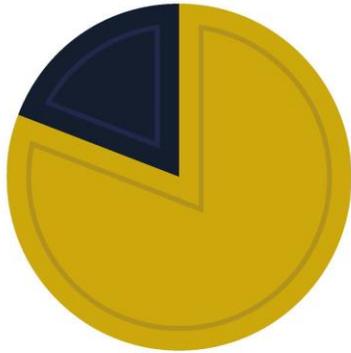
"People think that information security is about technology, but it is really about educating people. 90 percent of all breaches have some sort of human component."

—Patricia Patria, Vice President for Information Technology,
Becker College

1

INFORMATION SECURITY

Like the physical and intellectual assets that an institution maintains, information assets are highly valuable.



81%

of institutions have conducted an IT security risk assessment to help protect institutional data.

Current RU Strategies - Information Security

- Requiring annual Information Security Awareness training
- Performing routine risk assessments
- Reviewing and revising Information Security Policies and Standards
- Implementing new network security tools
- Monitoring network traffic, logging and scanning for vulnerabilities
- Requiring data encryption
- Providing anti-virus/anti-spam software
- Ensuring compliance of third-party vendors
- Implementing two-factor authentication

EDUCAUSE 2017 Top 10 IT Issues

2. Student Success and Completion:

Effectively applying data and predictive analytics to improve student success and completion

2

STUDENT SUCCESS AND COMPLETION

Applying data and predictive analytics is critical to effective student success and completion strategies.



Current RU Strategies - Student Success and Completion

- Implementing data collection and analysis tools to predict student success or risk, with the goal of alerting those who can intervene, and assess the effectiveness of those interventions (Watson Analytics, Cognos Analytics)
- Implementing tools that support advising and other student services (Starfish)
- Implementing tools that support teaching and learning (D2L)
- Implemented a new exit interview process for students wanting to withdraw

EDUCAUSE 2017 Top 10 IT Issues

3. Data-Informed Decision Making:

Ensuring that business intelligence, reporting, and analytics are relevant, convenient, and used by administrators, faculty, and students

EDUCAUSE 2017 Top 10 IT Issues

Data-Informed Decision Making

"If you can take data and create efficiencies, best practices, and processes that enhance the classroom and learning experience, then you are really enhancing the efficiency and effectiveness of the institution and student outcomes."

—David Starrett, Provost and Vice President for Academic Affairs,
Columbia College

GREATEST STRENGTHS

- Leadership commitment and involvement
- Use of data in strategic plan

BIGGEST GAPS

- Sufficient staffing and expertise
- Sufficient investment
- Sufficient training

DATA-INFORMED DECISION MAKING

Data can inform resource allocations to reduce or contain costs and improve institutional value, enhance classroom and learning experiences to improve student outcomes, and help students understand how to attain their degree most efficiently.



Current RU Strategies - Data-Informed Decision Making

- Viewing data as a strategic enterprise asset, to be leveraged to benefit institutional strategic objectives
- Developing effective methods for improved enterprise reporting and analytics to ensure they are relevant to institutional priorities and decision making
- Working to empower users with the ability to produce reports using Cognos Analytics
- Partnering with faculty and Institutional Research to develop a proof-of-concept predictive analytics model for student retention

EDUCAUSE 2017 Top 10 IT Issues

4. *Strategic Leadership*: Repositioning or reinforcing the role of IT leadership as a strategic partner with institutional leadership

EDUCAUSE 2017 Top 10 IT Issues

Strategic Leadership

“IT leaders really are college leaders. They understand the significant roles of each area well enough to translate the business goals to the types of technologies needed to help achieve those goals.”

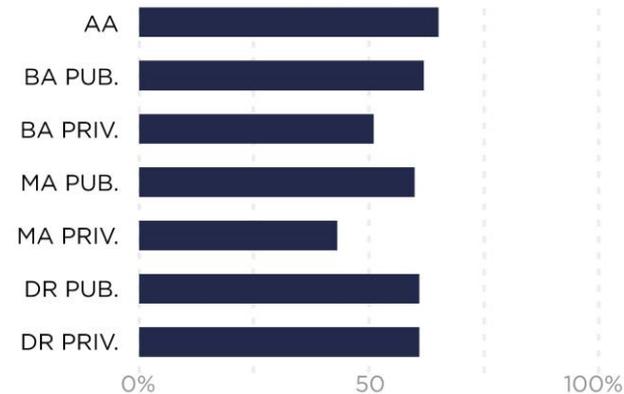
—Victoria Duggan, Chief Compliance Officer, Montgomery College

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STRATEGIC LEADERSHIP

The first IT leadership challenge is getting invited to the executive leadership table; the second challenge is staying at the table. In 2015, 57% of CIOs were part of their institution's executive cabinet, and varies by institution type.

Percentage of CIOs in the cabinet of their institution



Current RU Strategies - Strategic Leadership

- V. P. for Information Technology & CIO reports to the President and is a member of the Executive Cabinet.
- IT leadership is here to help academic and administrative areas succeed

EDUCAUSE 2017 Top 10 IT Issues

5. Sustainable Funding: Developing IT funding models that sustain core services, support innovation, and facilitate growth

EDUCAUSE 2017 Top 10 IT Issues

Sustainable Funding

"Failure to fund information technology adequately is failure to provide a fundamental foundation upon which to thrive in the future."

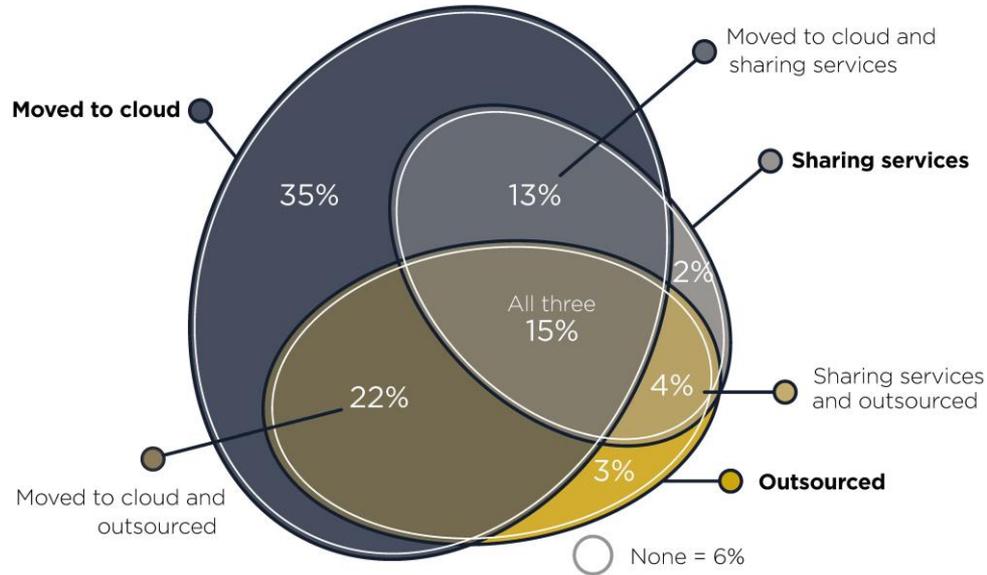
—Dwight Fischer, Assistant Vice President and CIO, Dalhousie University

SUSTAINABLE FUNDING



IT services and infrastructure are moving outside the institution, generally to the cloud, and cloud funding depends on ongoing expenditures rather than one-time investments.

Approaches to changing service delivery models



Current RU Strategies - Sustainable Funding

- Maintaining a base budget
- Submitting New Initiative Requests
- Utilizing the Equipment Trust Fund for academic needs
- Utilizing cloud technology when appropriate
- Maintaining the emphasis on investing in IT rather than IT spending

EDUCAUSE 2017 Top 10 IT Issues

6. Data Management and Governance:

Improving the management of institutional data through data standards, integration, protection, and governance

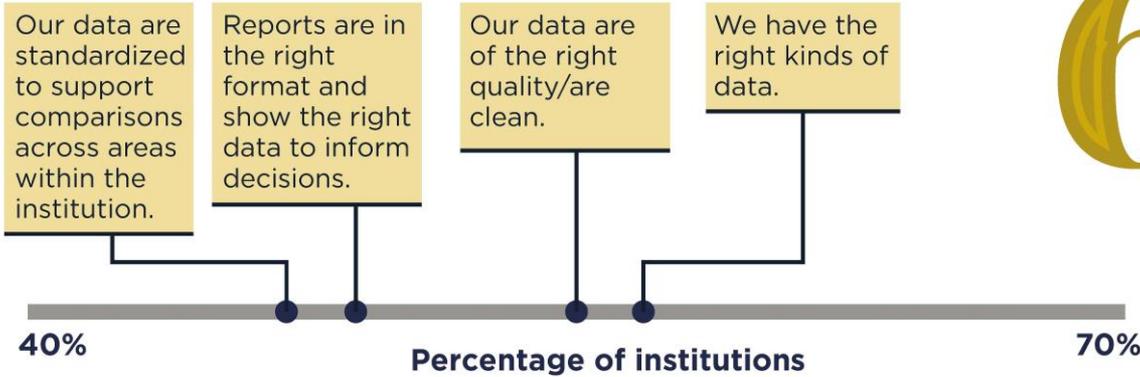
EDUCAUSE 2017 Top 10 IT Issues

Data Management and Governance

"Being good at data management and governance creates bottom-line opportunities."

—Timothy M. Chester, Vice President for Information Technology,
University of Georgia

DATA MANAGEMENT AND GOVERNANCE



Institutional data reside in different offices and systems, with formats and standards optimized for each context. A coordinated approach is necessary to use data for student success.

Current RU Strategies - Data Management and Governance

- Viewing data as a strategic enterprise asset
- Managing data through data governance and data administration
 - Established a Systems Operations Committee (SOC)
 - Formed a Data Standards Subcommittee
 - Identified Data Owners for all sensitive systems
- Improving the integrity of data with systems integration
- Protecting data through the use of Information Security best practices

EDUCAUSE 2017 Top 10 IT Issues

7. Higher Education Affordability:

Prioritizing IT investments and resources in the context of increasing demand and limited resources

EDUCAUSE 2017 Top 10 IT Issues

Higher Education Affordability

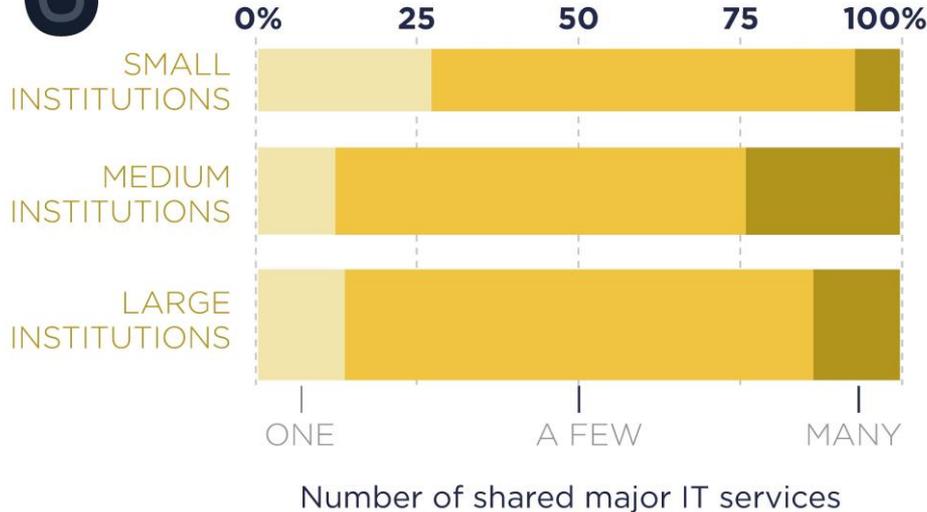
"We need to give priority to those investments that help our institutions actually address the questions around affordability."

—Ellen F. Falduto, Chief Information and Planning Officer, the College of Wooster

HIGHER EDUCATION AFFORDABILITY

7

Sharing services is one way to distribute the cost of delivering IT. Medium-sized institutions (student FTE of 3,000–7,999) lead other colleges and universities in sharing major IT services.



Current RU Strategies - Higher Education Affordability

- Maintaining centralized IT to allow for sharing of services
- Partnering with other Universities
- Focusing on student enrollment, student success, fund raising, and efficiencies
- Other cost reduction strategies
 - Reviewing maintenance agreements and software licenses
 - Reviewing lab utilization data
 - Hiring temporary contractors rather than full-time staff for special projects
 - Leveraging capabilities in existing applications to enhance efficiencies
 - Moving more applications to the cloud when appropriate
 - Realigning resources when needed to meet demands
 - Eliminating non-essential services

EDUCAUSE 2017 Top 10 IT Issues

8. *Sustainable Staffing*: Ensuring adequate staffing capacity and staff retention as budgets shrink or remain flat and as external competition grows

EDUCAUSE 2017 Top 10 IT Issues

Sustainable Staffing

"Some people consider the cloud to be a panacea that will allow us to massively reduce costs, notably in staff, but what we are now seeing instead is the emergence of core skills needed internally (security, integration, cloud architecture, and so on). These do not come cheap."

—Stuart D. Lee, Deputy CIO, IT Services, University of Oxford



SUSTAINABLE STAFFING

As higher education increasingly incorporates technology, IT organizations depend on the knowledge and expertise of their staff. New hires need to be great hires, and great staff need to want to stay.

One in five workforce study respondents (21%) said they probably or definitely would pursue employment outside their current institutions in 2016.



Current RU Strategies - Sustainable Staffing

- 9.0% of IT staff pursued employment elsewhere in 2015
 - 4.6% of IT staff pursued employment elsewhere in 2016
 - 1.1% of IT staff pursued employment elsewhere in 2017
-

- Working with Human Resources to strengthen applicant pools and address salary inequities
- Allowing staff in appropriate positions to telework
- Providing opportunities for training and professional development
- Improving communications and collaboration among staff
- Providing opportunities for staff to work on challenging projects

EDUCAUSE 2017 Top 10 IT Issues

9. *Next-Gen Enterprise IT:* Developing and implementing enterprise IT applications, architectures, and sourcing strategies to achieve agility, scalability, cost-effectiveness, and effective analytics

EDUCAUSE 2017 Top 10 IT Issues

Next-Gen Enterprise IT

"We spend a lot of time modifying, and I would move heaven and earth to get back to baseline. We don't need to distinguish ourselves because of our HR system."

—Kirk Kelly, Associate Vice President and CIO, Portland State University

9 NEXT-GEN ENTERPRISE IT

Some of higher education's enterprise application systems are 15 years old, and many are based on design principles from the 1980s and 1990s. These systems—which are often highly customized and idiosyncratic—can't keep pace with demands for interoperability, data integration, and modern interfaces.

On average,

65% of these systems are customized to meet the specific campus needs.

Current RU Strategies - Next-Gen Enterprise IT

- Minimizing custom modifications
- Utilizing cloud hosted applications when appropriate
- Remaining up-to-date on current versions of software
- Investing in IT staff education and training to stay current
- Cross training and “blending” of responsibilities within teams
- Creating an organizational culture and staff development strategies flexible enough to support innovation and accommodate change
- Utilizing modern vendor programming interfaces
- Using and leveraging data in enterprise applications through analytics
- Dedicating staff resources to integrations
- Realigning resources when needed to meet demands

2017 Top 10 IT Issues

10. Digital Transformation of Learning:
Collaborating with faculty and academic leadership to apply technology to teaching and learning in ways that reflect innovations in pedagogy and the institutional mission

2017 Top 10 IT Issues

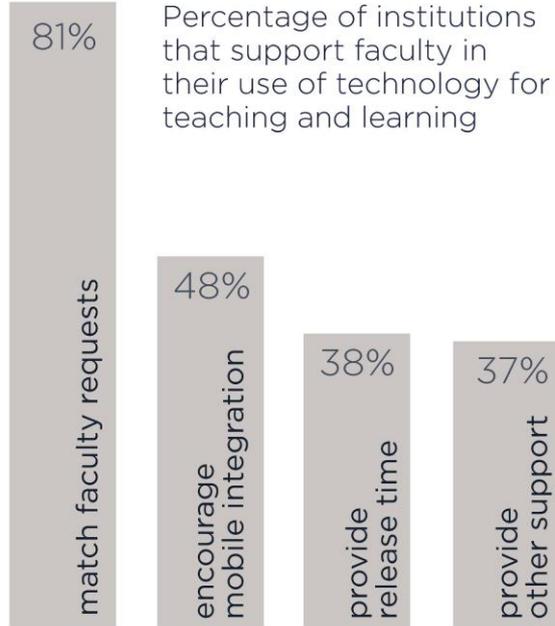
Digital Transformation of Learning

"I recently attended a campus technology session and learned about a tool called Hypothes.is. Afterwards, I immediately redesigned one of my own lessons. As a result, the students were engaged in a meaningful, interactive digital activity that reinforced key concepts and learning outcomes in a fun, memorable way."

—Aimee Whiteside, Assistant Professor, the University of Tampa

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DIGITAL TRANSFORMATION OF LEARNING



Digital transformation begins with faculty, helping them understand the ways students benefit from technology-enhanced teaching and partnering innovative faculty members with IT, educational technology staff, teaching and learning centers, and other key units to share and apply success stories.

Current RU Strategies - Digital Transformation of Learning

- Consulting with faculty and academic leadership to understand and support innovations and changes in higher education
- Supporting a set of core educational technologies (e.g., course management system, technology-enhanced learning spaces)
- Reviewing tools for enhanced on-line collaboration
- Providing faculty and staff support with training opportunities and one-on-one consulting
- Providing support for voice & video technologies
- Supporting state-of-the-art digital classrooms
- Supporting the Center for Innovative Teaching & Learning

Mapping of EDUCAUSE and AGB Top Issues

EDUCAUSE Top 10 IT Issues	AGB Top Strategic Issues for Boards
Information Security	Campus Safety
Student Success and Completion Data Management and Governance	Student Success and Completion
Higher Education Affordability Sustainable Funding	The Value Proposition
Digital Transformation of Learning Strategic Leadership	The Academic Workplace The Changing Environment for Higher Education
Next-Gen Enterprise IT	The Partnership Imperative
Data-Informed Decision Making	The Business Model
Sustainable Staffing	Diversity and Inclusivity

Source: EDUCAUSE

End

Athletics

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Agenda

Board of Visitor's Presentation

- I. Student-Athlete Experience
- II. Culture
- III. Academic Excellence
- IV-VI. Competitive Excellence
- VII-VIII. Resource Development
- IX. Branding
- X. Special Events

Intercollegiate Athletics

I. Student-Athlete Experience

Support a culture that promotes safety, excellence, and wellness

Facilities

- Transition of Sports Medicine Facilities
- Tennis Facility Upgrade

Student-Athlete Development

- Recap of Career/Internship Event
- Recap of Financial Seminar
- Amaya Rousseau selected to represent the Big South Conference at the NCAA, NACWAA Women's Leadership Symposium
- Annual Graduation Cording Ceremony - May 5th

Intercollegiate Athletics

II. Culture

Empower and improve the student-athlete experience

Beginning with the 2019-2020 academic year, Division I schools' share of NCAA revenue will be tied to academic achievement.

2016-2017 Academic Performance Rate (APR) of 979

Bryheem Hancock hired as new Head Men's Soccer Coach.

Intercollegiate Athletics

III. Academic Excellence

Reward and recognize the academic excellence of Student-Athletes

Rachael Ross of Women's Basketball collected her second Big South All-Academic Team.

Christian Lutete of Men's Basketball received Big South All-Academic Team.

Jessica Shelton of Women's Indoor Track and Field received Big South All-Academic Team.

Zach Turk of Men's Soccer and Hannah Duff of Women's Soccer nominated for the Big South Conference George A. Christenberry Award.

Intercollegiate Athletics

IV. Competitive Excellence

Compete for conference championships and participate and advance in postseason play

Winter Sports Summary:

Women's Basketball

- Finished with a 24-9 overall record & a 14-4 record in Big South play
- Captured first Big South Regular Season Championship in 25 years
- Advanced to first Big South Tournament Championship game since 2008
- Made seventh postseason appearance in program history, earning a bid to the WNIT

Men's Basketball

- Placed sixth in the conference standings, one spot higher than previous season

Women's Indoor Track & Field

- The Highlanders advanced two athletes to the finals of the 60-meter hurdles and 400 meters at the conference meet for the first time in program history.
- Radford improved one spot in the conference from last year, placing sixth as a team.

Intercollegiate Athletics

V. Competitive Excellence

Compete for conference championships and participate and advance in postseason play

Student-Athlete Accolades

- Janayla White of Women's Basketball named All-Big South Honorable Mention.
- Khiana Johnson of Women's Basketball earned a spot on the Big South All-Freshman Team.
- Janayla White and Destinee Walker of Women's Basketball named to the Big South All-Tournament Team.
- Ed Polite, Jr. of Men's Basketball named All-Big South Honorable Mention.
- Jessica Shelton of Women's Indoor Track & Field earned All-Conference honors in the pentathlon for the second straight season.

Sasser Cup Standings

Fourth place overall through winter championship season

- 1st place Men's All-Sports Standings
- 4th place Women's All-Sports Standings

Intercollegiate Athletics

VI. Competitive Excellence

Compete for conference championships and participate and advance in postseason play

Spring Sports In Competition:

Baseball

Softball

Lacrosse

Men's & Women's Golf

Men's & Women's Tennis

Women's Outdoor Track & Field

Intercollegiate Athletics

VII. Resource Development

Increase external revenue streams in support of the Athletics Department (2016-2017) Learfield Sports Properties as of 4/1/2017

- Overall Revenue: \$268,050 (\$184,300 cash, \$83,750 trade)
- Overall Percentage to Goal: 89% (\$300,000)
- Cash Revenue Target: 102% (\$180,000)
- Trade Revenue Target: 70% (\$120,000)

(2017-2018) Learfield Sports Properties as of 4/1/2017

- Overall Revenue: \$141,375 (\$103,875 cash, \$37,500 trade)
- Overall Percentage to Goal: 43% (\$330,000)
- Cash Revenue Target: 45% (\$230,000)
- Trade Revenue Target: 38% (\$100,000)

-Current revenue number reflects twelve (12) new business partners and ten (10) multi-year agreement contracts negotiated during the 2016-2017 sales cycle.

-Currently have surpassed the overall cash revenue amount from 2015-16 by \$61,000 and have eclipsed our combined overall revenue total from 2015-16 by \$25,000.

Intercollegiate Athletics

VIII. Resource Development

Increase external revenue streams in support of the Athletics Department

Total New Pledges & Gifts to Radford Athletics Club	\$741,387
Total membership to date for 2016-17	697 members

- Crowdfunding initiative launched in April for new Hydro-Therapy for Sports Medicine facility. Target market includes former student-athletes, current and former parents.
Goal - \$20,000 with additional \$15,000 in challenge gifts
- \$270,000 in commitments to the Student-Athlete experience campaign to enhance Strength & Conditioning, Sports Medicine and Nutritional Programming.
Goal - \$500,000

Intercollegiate Athletics

IX. Branding

Design a branding which is consistent across all programs and facilities

Softball Stadium - Scoreboard, Press Box, Dugouts, Chair Backs

Baseball Stadium - Press box, New Field Turf Behind Home Plate, Chair Backs

Sioros Center - 3D Logo Decals in Office Space, Branded Banners in Hitting Facility

Dedmon Center - Basketball Court to Re-Brand after Graduation

Tennis Complex - Tennis Courts to Re-Brand with summer project

Intercollegiate Athletics

X. Special Events-Recap

“HIGHLANDER PRIDE WEEKEND” Sponsored by E.C. Pace & Company

Coach Joe Davis Basketball Office Suite Naming & Dedication

Baseball Stadium Naming Dedication & Reception

Intercollegiate Athletics

Questions?

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Information Technology Report

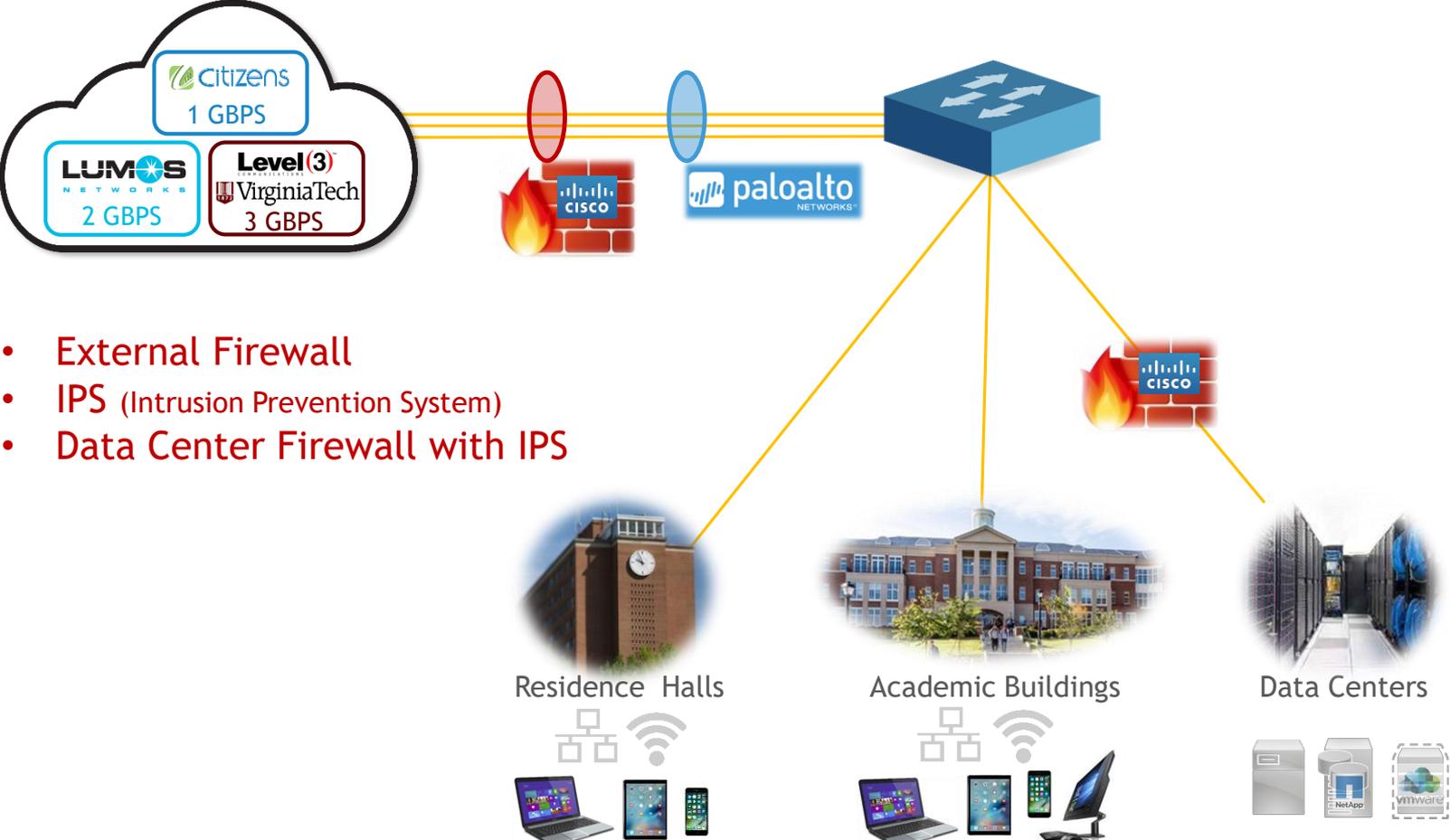
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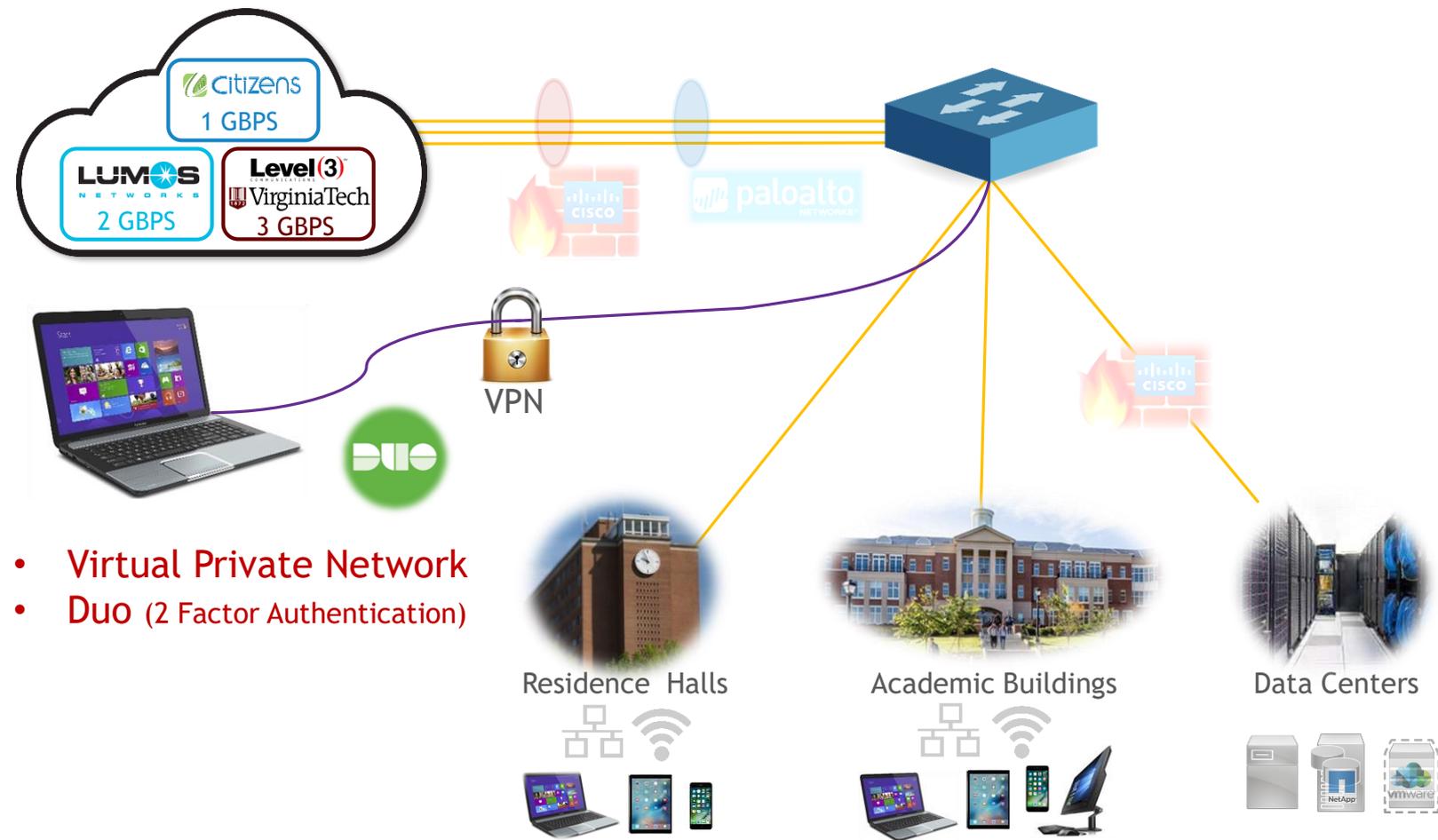
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Radford University's Primary Security Risks

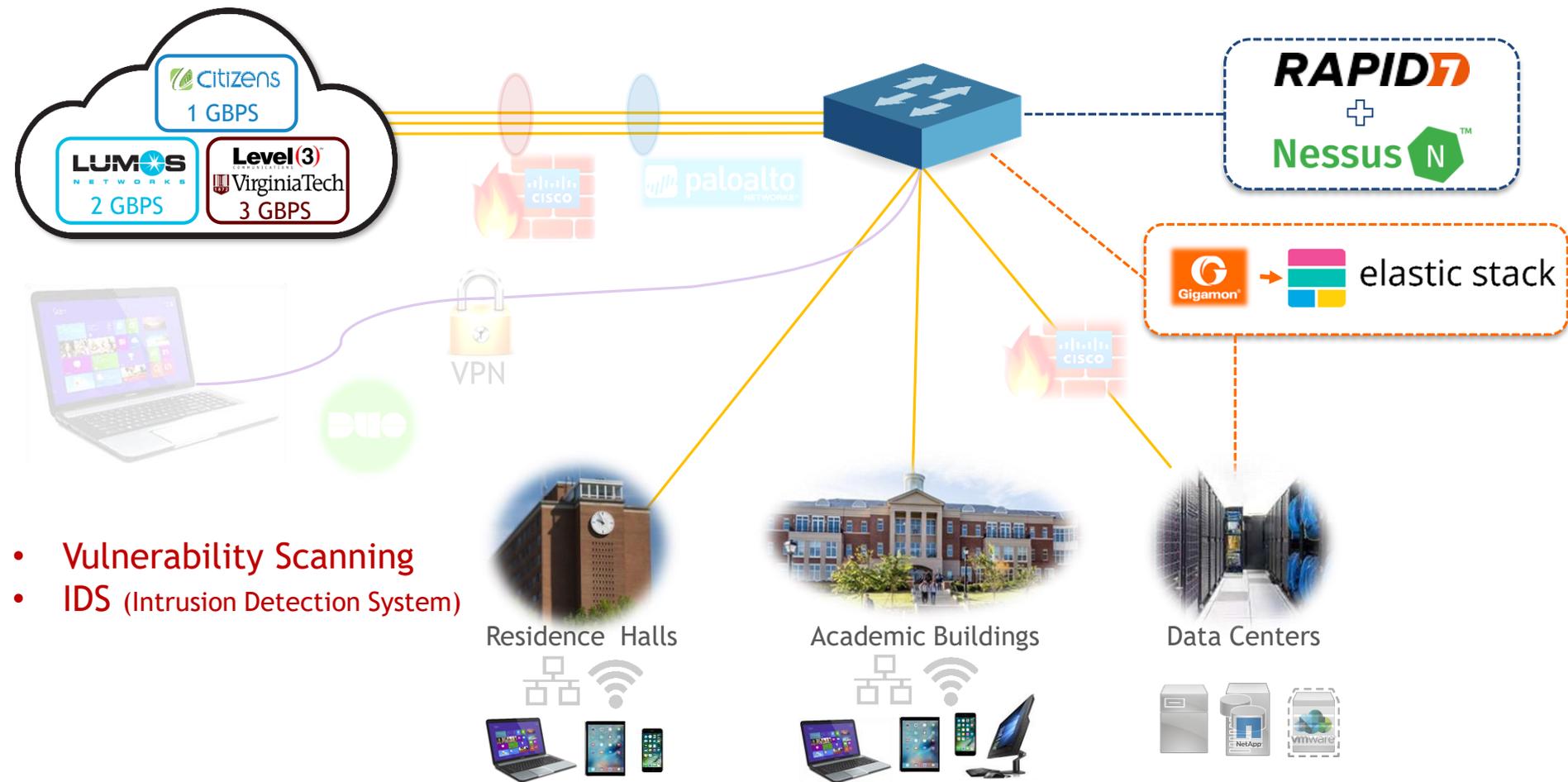
- Phishing (password theft)
- Malware from web sites and email
- Ransomware
- Attacks from outside (Hackers, Denial of Service)
- Unpatched vulnerabilities
- An “open” environment to meet the needs of the Education community



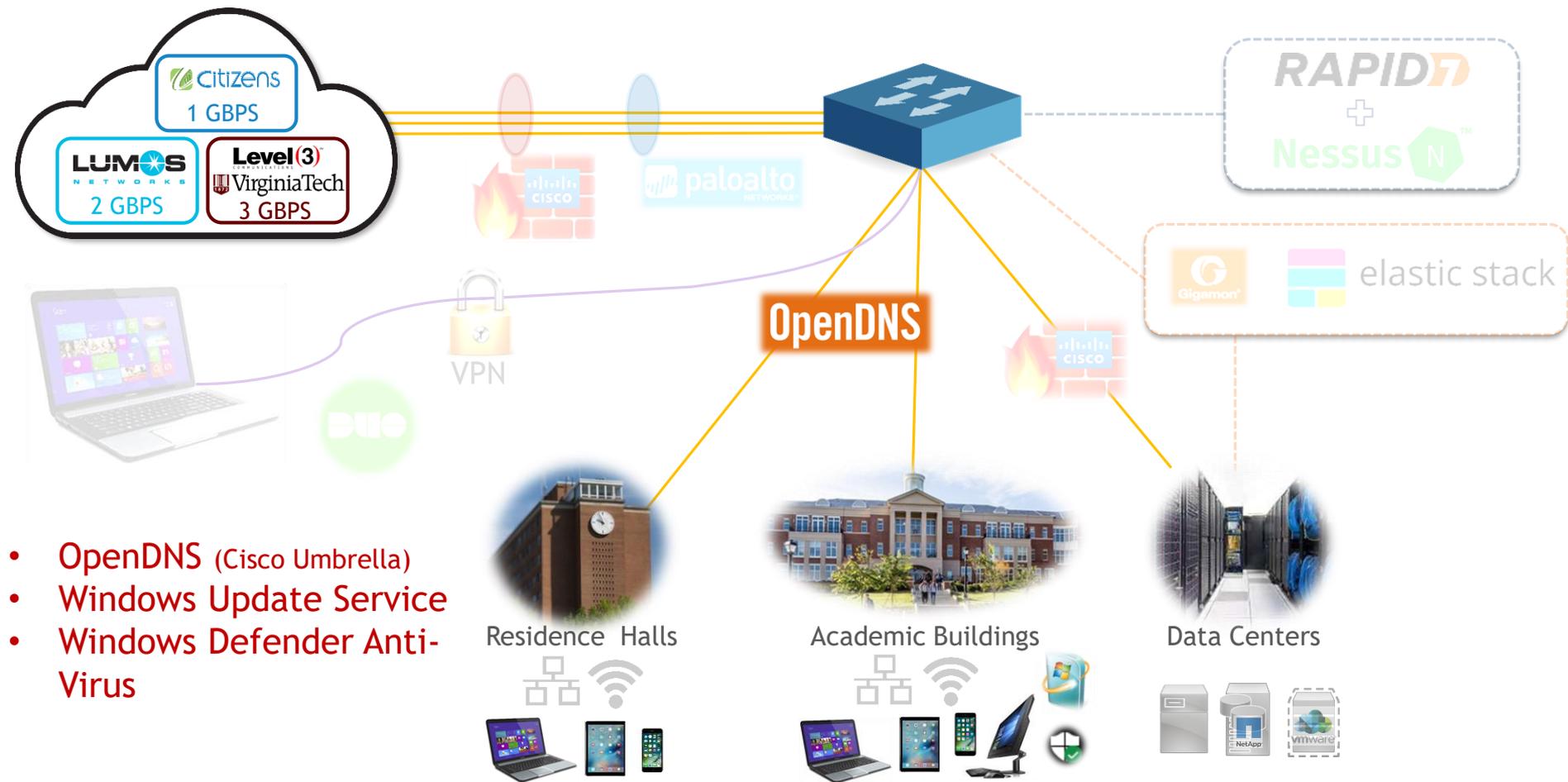
- External Firewall
- IPS (Intrusion Prevention System)
- Data Center Firewall with IPS



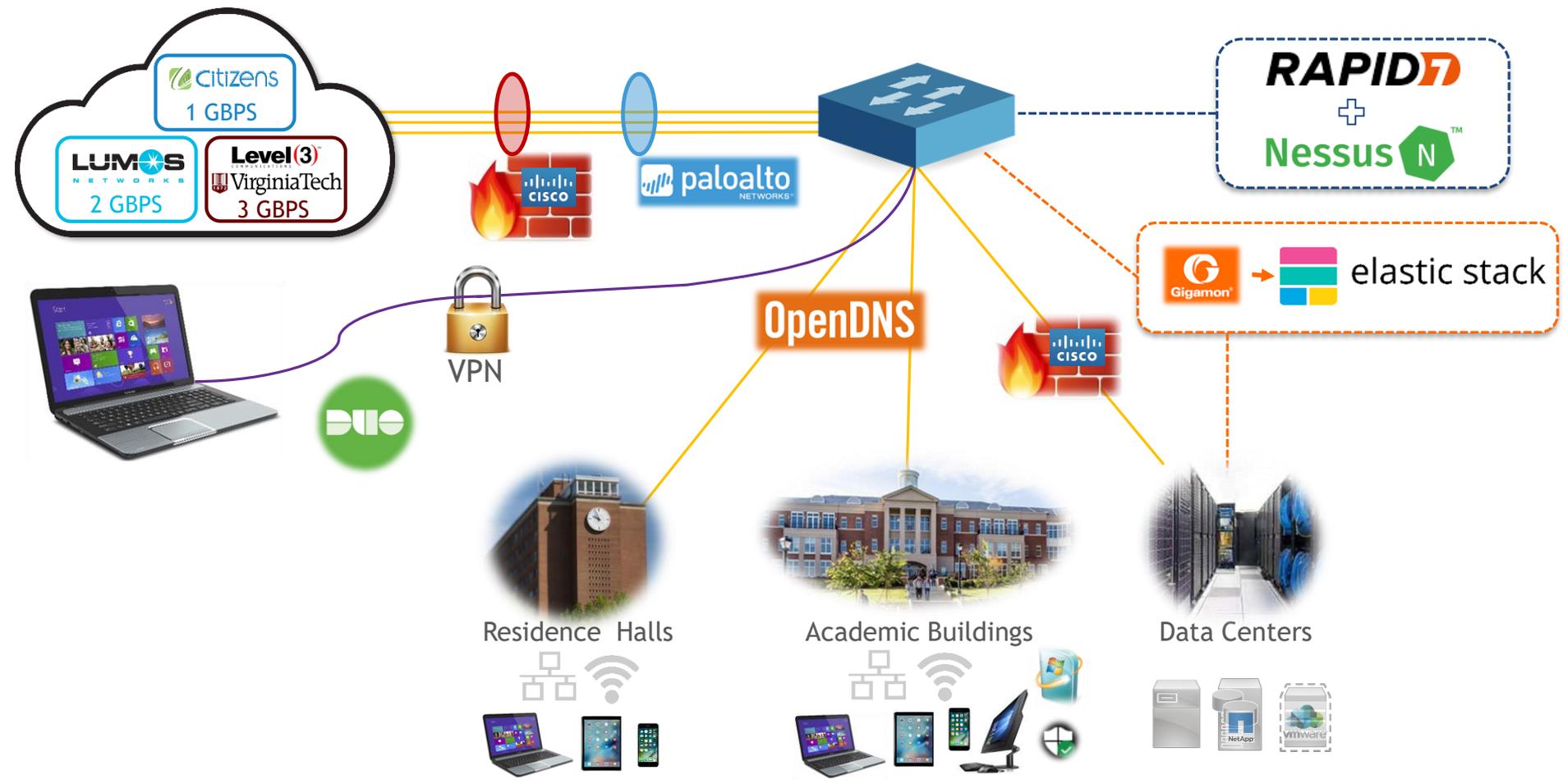
- Virtual Private Network
- DUO (2 Factor Authentication)



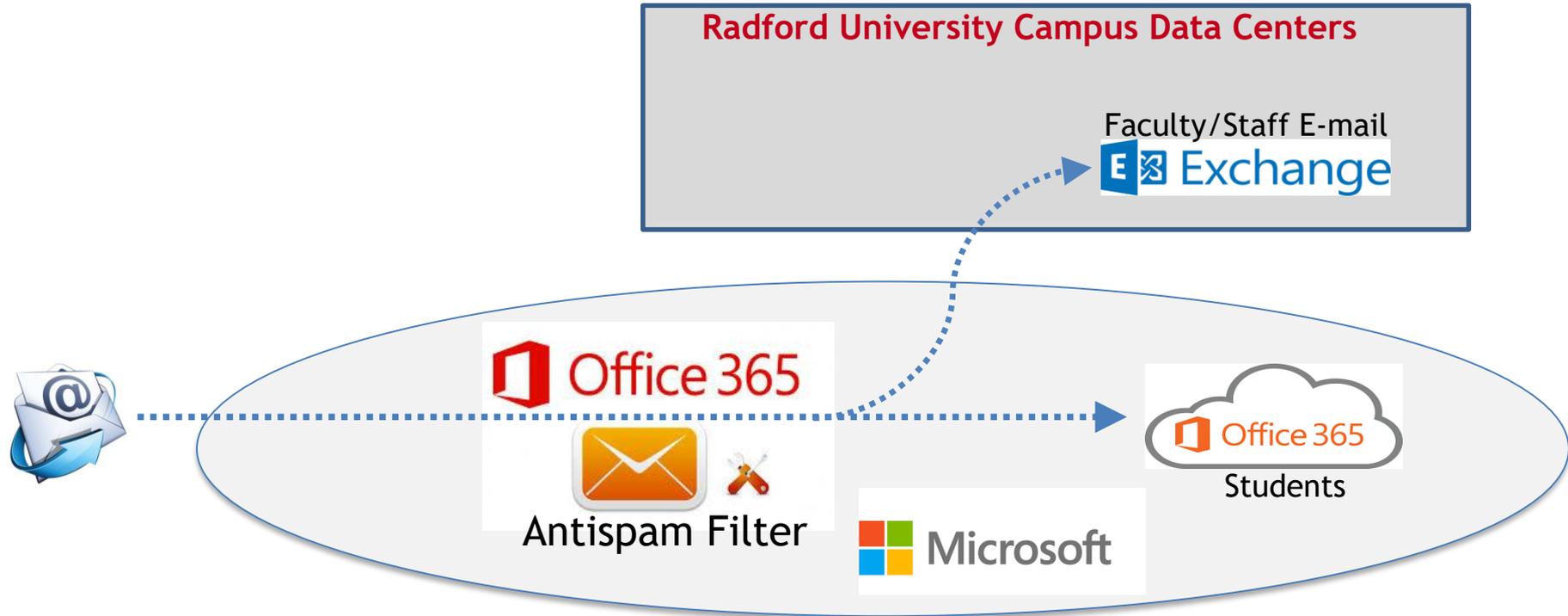
- Vulnerability Scanning
- IDS (Intrusion Detection System)

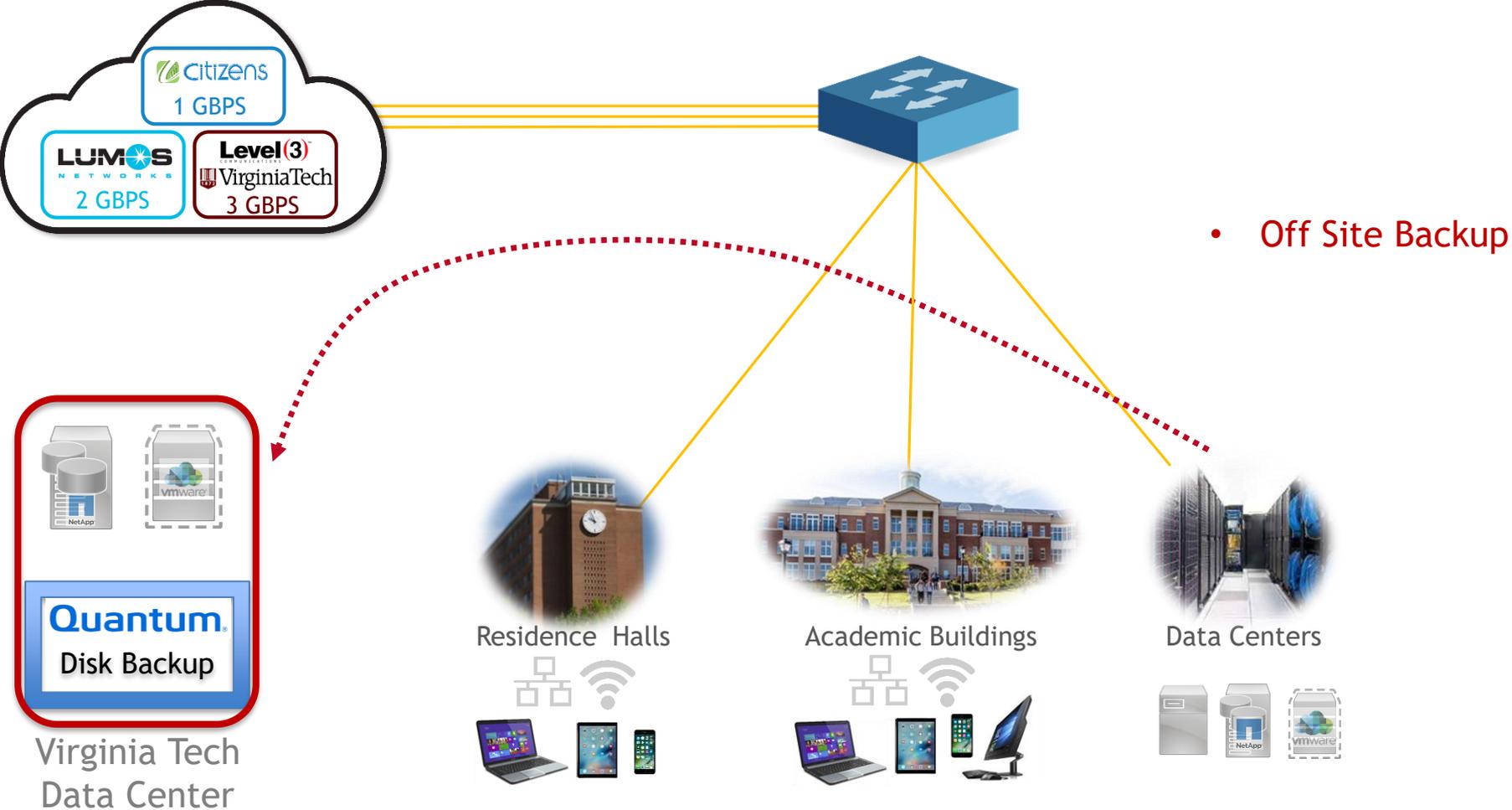


- OpenDNS (Cisco Umbrella)
- Windows Update Service
- Windows Defender Anti-Virus



Antispam Filter





- Off Site Backup

Cybersecurity Awareness & Education

- Annual security awareness training for faculty/staff on data protection, common cybersecurity issues and other threats.
- MOAT (*Current*)
- SANS (*Future*)
 - Securing the Human



Questions?

Division of Information Technology (DoIT)

Highlights of Major Accomplishments

Spring/Summer 2017

Residence Hall Wireless Enhancements

- Students living in campus residence halls rely heavily on Wi-Fi for their many connected devices. In the fall of 2016, DoIT began planning upgrades to the residence hall Wi-Fi network to enhance reliability, coverage and throughput.
- During the summer of 2017, approximately 700 additional Wi-Fi access points were added in residence halls including one in each room in Muse Hall.
- DoIT will monitor this environment closely during the fall semester and adjust signal levels to continue improving this critical service.

Desire 2 Learn (D2L) Enhancement

- Desire2Learn (D2L) is the learning management system used by faculty and students to access class materials, online quizzes, discussions, grades and other resources.
- In May, DoIT upgraded to the latest version of this software with a new streamlined mobile friendly user interface.
- Academic Technologies staff held multiple training sessions throughout the summer, providing faculty with an overview and hands-on experience with the new interface.

Server Firewall Replacement Project

- Maintaining a high level of security is critical for today's IT environments.
- Rollout of a next generation firewall with intrusion prevention capabilities is progressing as planned with the campus web server, portal and several other key systems already moved behind this system.
- Groups of servers will continue to be moved behind this system throughout the summer.

WiFi Connectivity Simplified

- Access to the campus WiFi networks (Eduroam and Radford_Wireless) was simplified in March eliminating the need for Windows users to validate that their computer had antivirus software and updates enabled.
- This change has dramatically reduced the support issues for WiFi connectivity.

Technology Support for the IMPACT Program

- DoIT continues to assist the new IMPACT competency based education program with a variety of technology needs.
- Single Sign-On integration has been completed with the learning management system; servers have been established for data analytics.
- Continue to work closely with the team to provide resources as needs arise.

Technology Support for Whitt Hall Renovation

- DoIT staff worked closely with capital outlay and construction as well as building contractors to complete the installation of technology infrastructure and audio/video systems for the renovated Whitt Hall.
- One new math classroom and several meeting spaces were configured with the latest technology to support faculty and staff in this building.

Technology Planning for Reed and Curie Renovation

- DoIT staff continue to provide feedback to the architects on the infrastructure and audio/visual architecture for the Reed Hall renovation.
- Continue to assist with technology needs for those faculty/staff displaced out of Reed/Curie by this project; and to remove existing technology components from Reed/Cuire.

Technology Support for other Campus Space Changes

- DoIT continues collaborating closely with facilities management and future occupants to support the network and audio/visual infrastructure for a number of other renovations and moves impacting Russell Hall, Peters Hall, Walker Hall, Porterfield Hall, Cook Hall, and Waldron Hall.
- This includes: installation of new network wiring, podiums, data control processors, and smart boards; installation of new or relocated audio/visual equipment; moving phone lines; and assisting departments with moving and reconnecting office technology.

CAS/Shibboleth Single Sign-On Project

- Completed the upgrade to the authentication system used by the campus community to access on premise and cloud based systems. This work included an upgrade to the latest Shibboleth version and now provides a more reliable system through clustered servers.
- This also included an upgrade to the Active Directory Federation Service (ADFS) and federation of this service with Shibboleth to allow more seamless access to the Office 365 environment.
- Integrations were completed or updated for Barnes and Noble Ignite, Community Funded, Office 365, eVA, Housing, T2 parking, Portfolium, ZoHo, PeopleAdmin Select Suite, Chrome River, Mediat, and Adobe Captivate Prime.
- Integration is underway for New Recreation service, VisualZen for Quest, ServiceNow, University Tickets, and Cognos reporting.

IT Infrastructure other Activities

- Provisioned server and Microsoft SQL with R to support retention analytics.
- Provisioned server and Titanium software support for Counseling Services.
- Provided additional network and CATV services for off campus housing locations.

- Moved the mail record, transitioned the spam filtering to O365, and decommissioned Proofpoint.
- In the process of migrating faculty/staff email accounts to O365.

Computer Lab Virtualization

- Procurement and Contracts completed vendor negotiations and issued a contract in August for a "Hosted Application / Virtual Computer Lab Environment".
- DoIT staff are currently working with this vendor to configure this environment and provide this new service to faculty and students during the fall of 2017.
- This system will begin with access for 50 concurrent users and can be expanded as demands increase.

Computer Replacement Cycle

- 160 faculty and staff due for replacement computers attended an open house event to preview available models, ask questions, and select their preferred system.
- The information gathered at this event was used to order machines and prepare training for the planned summer rollout of these new computers.

Apple Enterprise Connect Installed

- Addressed challenges that was making it slightly more difficult for Apple users by completing a two-day engagement with Apple.
- Resulted in an app for university owned Apple computers that allows these machines to integrate with Active Directory username and passwords.
- Allows faculty and staff using Apple computers to easily map and reconnect network drives.

Camera Systems

- College of Humanities & Behavioral Sciences - Installed a 12-camera observation system in the Vivarium.
- Peters Hall - Installed new modulators and cameras in Counselor Ed observation rooms.

Zoom Video Conferencing and Zoom Room Project

- On July 1, 2017 the cloud video conferencing system was replaced with a product from Zoom.
- 203 web enabled video conferences used Zoom between July 1 and August 15 in 2017.
- Five Zoom Rooms have been installed with three more scheduled for early fall installation.
- Zoom Rooms provide an easy to use interface allowing users to walk into a space and quickly begin a video conference.

Eclipse Viewing Event

- On August 21, 2017 Radford University hosted a live event in the planetarium using video conferencing technology during the solar eclipse. This event made use of the new Zoom web conferencing technology.

- A team of university scientists working in a temporary outdoor data collection center in Nashville, TN was conferenced in with Radford University about the data that was collected.
- The video conference was made available to Radford City Schools (RCPS), the Blacksburg New School (BNS), and the Radford City Library.

Boys State Support

- Provided audio/video and technology support for Boys State including two video conferences with Virginia's Attorney General Mark Herring and Virginia gubernatorial candidate Ed Gillespie.

Technology Support Services Statistics

- Processed 4,094 support requests between May 1 and August 15 in 2017
- 64 technology-training workshops were offered during the spring to provide faculty and staff with opportunities to enhance their technology skills.
- 50 technology-training workshops were offered during the summer to provide faculty and staff with opportunities to enhance their technology skills.
- 15 Mac and PC deployment classes were held with 156 participants receiving new machines.
- 299 web enabled video meetings were conducted between May 1 and August 15 in 2017.
- Nine labs were upgraded/installed with 164 new machines deployed.

Printing

- Printing Services acquired a new 44" wide format printer replacing a 7-year old model. This new device prints four times faster with significantly reduced ink costs.
- Produced 71,000 UV Coated homecoming "Save the Date" postcards.
- Produced 7,200 variable data 5-piece matched mailing for Advancement Spring Solicitation.
- Produced 80,000 UV Coated homecoming postcards.
- Produced 270 field experience program handbooks resulting in 29,000 impressions.
- Provided tours for Governors School students and produced 500 month books for students.

Identity Services

- Identity Services, Enterprise Systems and Human Resources collaborated on and implemented a more efficient process to provision university accounts for adjunct faculty.
- Completed the annual user recertification for sensitive systems.

Cable TV

- Completed the transition from Direct TV to Dish Network.

Information Security

- Installed new IPS units (Palo Alto) in May, replacing older units that are no longer supported. These units have higher bandwidth capacity and a more robust feature set.
- A new Major Incident Guideline has been developed and is in review. The

Identity and Access portion of the Security Standard has been revised to accommodate federated authentication and two-factor authentication.

- Purchased new IT Security training from SANS (Securing the Human) that is more flexible than the previous system (MOAT). Currently planning the introduction for October.
- Work continues on developing dashboards and log indices for the new intrusion detection system (Gigamon/ELK).
- The new process for evaluating cloud and third party providers has enabled better controls and documentation of these services. Prospective vendors are being routed directly to ISO for evaluation.
- Vulnerability scanning schedules have been improved. The team is in the process of reviewing all the assets/hosts for each scan.

Banner 9 Upgrade

- Database updates and module patches for Banner 8 were released to PROD in July. These updates were required as the foundation for the upgrade to Banner 9 in 2018.
- Project Planning has begun for the 2018 upgrade.
- Implementation of Banner Administrative pages will be required by December 2018, followed by Self-Service pages soon after.

IBM Cognos Analytics/ ODS 8.5

- Successfully upgraded the University's administrative reporting environment to Cognos Analytics.
- Open training and support sessions were provided to the campus community to assist the users in accessing and navigating the new environment.

Exit Interview Update

- In conjunction with Student Affairs, revisions are underway to refine processes and workflows.

Medicat Implementation for Student Affairs

- Testing of data conversion from Banner to Medicat is complete.
- Student Affairs is expected to be using the system with the start of fall term.

Cardinal/CIPPS Project

- Enterprise Systems, Human Resources, Budget and Finance continue to work collaboratively on the Commonwealth project of implementing a new payroll system, Cardinal Human Capital Management.
- Finance and DoIT staff continue to travel to Richmond to attend required meetings and have submitted numerous tasks to comply with all project deadlines.
- Internal processes are currently under review by utilizing Ellucian consulting services to improve business processes that will ensure Cardinal Payroll success.
- Additional automation of current manual processes are being reviewed to achieve processes that are more efficient.

Royall Update for Enrollment Management

- Data interfaces between Royall, Banner and Radius continue to be reviewed.
- Necessary changes to support more efficient processing and automation of Admission decisions and communications are underway.

Chrome River (electronic travel and expense management system) Implementation

- Chrome River was implemented in August with a pilot group consisting of DoIT, Finance and Admissions.
- The remainder of the campus will be trained by the end of 2017.

Residential Life HMS Upgrades

- The CBORD Odyssey Housing Management System was upgraded in July 2017.

Registrar Parchment Implementation

- Official electronic transcript processing is being implemented for Radford students and alumni this fall.

Data Analytics for Student Retention Proof-of-Concept

- DoIT has been collaborating closely with Enrollment Management, Student Affairs and faculty in the academic department of Information Technology to develop a predictive analytics tool that can assist in identifying factors that impact student retention.
- Enrollment Management plans to begin using information from this system during the fall to assist with their outreach efforts to increase student retention.

Financial Aid Period Based Budgeting

- DoIT staff and Financial Aid worked together to implement an automated period based budget process for students.
- This will enable the Financial Aid Office to provide expected costs of attendance for admitted students in a more timely manner.

People Admin SelectSuite Implementation

- The first phase of the PeopleAdmin SelectSuite implementation was completed with the launch of the enhanced Applicant Tracking and Position Management solution as well as the new Records Professional module to improve electronic file management and onboarding processes.
- An integration with Banner for the management of position descriptions was completed along with data migration from PeopleAdmin 5.8 legacy system.
- Planning for the implementation of an enhanced Performance Management solution has begun with a target completion date at the end of October of this year.

Duo Two-Factor Implementation

- Planning for the rollout of Duo Two-Factor Authentication campus-wide is ongoing.
- The initial development work to integrate Duo self-enrollment and device management with the Identity Management Self-Service interface was approved and slated to be complete by the end of September.
- A Duo website providing information about the project and resources for end users is underway and will be finalized after the portal development work is complete.
- A Duo pilot phase with a rollout to the entire IT Division is slated for completion this fall.

Zoho Project Management Tool

- DoIT needed a project management tool that was more cost-effective, user-friendly and designed for teams who need basic project management and collaboration functionality.
- Several project management tools were evaluated before selecting Zoho Projects because of its intuitive interface for task management and collaboration with teams in or outside of the division.
- A Zoho Projects portal and the Zoho Reports module were setup and configured for DoIT.
- Hands-on training sessions and documentation were provided to Directors and Managers.

Implementation of Handshake Platform for Career Services.

- The Handshake platform was implemented this summer for the Career Services area.
- The system identifies employment and internship opportunities. It uses data to pair students with a job or internship that best match their interests.
- The system provides a one-stop shop for employers to find and recruit students.
- The system will also provide Radford University with employment data to gather insights and demonstrate results.
- Handshake was successfully rolled out to students and employers over the summer.

ARMS Data Integration for Athletic Compliance

- Working together with Athletics, data integration was developed to feed the ARMS system to provide coaches and administrators with additional academic information to track a student athlete's academic progress and class schedule.
- This new process will streamline compliance reporting and save many hours of manual data entry which was previously required.

New System for SGA Elections

- The Simply Voting cloud hosted election system has been purchased to replace an outdated system.
- Simply Voting will provide additional security and segmenting for a streamlined voting process.
- The system has been fully configured and is ready for the first student election this fall.

Communicating with Students via Text Messaging

- The Mongoose Texting Solution for Higher Education was implemented over the summer to allow administrative offices to use text messaging for non-emergency reminders to prospective and current students.
- Currently, Admissions, Financial Aid and the Registrars offices are coordinating communication plans for the use of text messaging for important reminders to prospective students.
- In the next phase, current students will be able to “opt-in” to the system through MyRU.
- Guidelines for non-emergency text messaging were developed and approved.

Additional Features for Web Sites and the RU Magazine

- The Web Services area worked closely with University Relations to develop additional components and styling to be used for web sites and the university magazine site.
- These features will keep sites fresh and provide additional modern capabilities that are trending within the Higher Ed market.

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Athletics

RADFORD
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Agenda

Board of Visitor's Presentation

I. Student-Athlete Experience

II. Culture

III. Academic Excellence

IV-V. Competitive Excellence

VI-IX. Resource Development

X. Branding

XI. Special Events

Intercollegiate Athletics

I. Student-Athlete Experience

Support a culture that promotes safety, excellence, and wellness

Facilities

- Transition of Sports Medicine Facility
- Tennis Facility Upgrade

Intercollegiate Athletics

II. Culture

Empower and improve the student-athlete experience

NCAA approved Bylaw 17.1.7.8 Additional Required Days Off

Student-athletes must be provided an additional 14 days off during the school year (including vacation periods during the declared playing season) or outside the playing and practice season during a regular academic term when classes are in session.

NCAA approved Bylaw 17.1.7.9.7 Seven-Day Discretionary Period after Championship

Student-Athletes must be provided at least seven days off after the playing season

Intercollegiate Athletics

III. Academic Excellence

Reward and recognize the academic excellence of Student-Athletes

Pitcher Kyle Palmer was named to Big South All Academic Team.

Pitcher Kayla Bishton was named to Big South All Academic Team.

Women's Track competitor Courtney Rice was named to Big South All Academic Team.

Men's soccer defender Fraser Colmer was voted the 2016-17 Big South Conference Male Scholar-Athlete of the Year.

Volleyball received the American Volleyball Coaches Association Team Academic Award for the 5th straight year.

Volleyball was recognized as achieving a Top-25 GPA in NCAA Division I.

Intercollegiate Athletics

IV. Competitive Excellence

Compete for conference championships and participate and advance in postseason play

Baseball Spring Highlights

- 2017 Big South Tournament Champions
- Advanced to NCAA Tournament
- Danny Hrbek and Kyle Zurak named All Big South 1st team
- John Gonzalez, Kyle Butler and Spencer Horwitz named All Big South 2nd team
- Zack Ridgely, Kyle Zurak and Danny Hrbek earned VaSID All-State Honors
- Zack Ridgely named Big South Pitcher of the Year
- Kyle Zurak drafted in the 8th round by the New York Yankees
- Spencer Horwitz named Collegiate Freshman All-American

Softball Spring Highlights

- Hunter Mundy named All Big South 1st team, All Big South Freshman Team, VaSID 2nd Team
- Abby Morrow named All Big South Honorable Mention

Intercollegiate Athletics

V. Competitive Excellence

Compete for conference championships and participate and advance in postseason play

2017 Big South Conference Preseason Poll

- Men's Cross Country picked fourth place
- Women's Cross Country picked sixth place
- Men's Soccer picked first place
 - Fraser Colmer (Southampton, England) selected Preseason Defensive Player of the Year honor
- Women's Soccer picked fourth place
- Volleyball picked second place
 - Maddie Palmer (Simpsonville, S.C.) headlines the preseason All-Conference team as the Preseason Player of the Year

Intercollegiate Athletics

VI. Resource Development

Increase external revenue streams in support of the Athletics Department

Learfield Sports Properties 2016-2017 Results

Overall Revenue:	\$268,050 (\$184,300 cash, \$83,750 trade)
Overall Percentage to Budget:	89% (\$300,000)
Cash Revenue Target:	102% (\$180,000)
Trade Revenue Target:	70% (\$120,000)

Intercollegiate Athletics

VII. Resource Development

Increase external revenue streams in support of the Athletics Department

Learfield Sports Properties as of 8/15/2017

Overall Revenue:	\$264,875* (\$181,875 cash, \$83,500 trade)
Overall Percentage to Budget:	80% (\$330,000)
Cash Revenue Target:	79% (\$230,000)
Trade Revenue Target:	83% (\$100,000)

- Projected to surpass our overall 2016-17 revenue total by August 31, 2017
- Projected to reach goal by November 1, 2017

Intercollegiate Athletics

VIII. Resource Development

Increase external revenue streams in support of the Athletics Department

2016-2017 Results

Total New Pledges & Gifts to Highlander Club	\$934,354
Total membership	1069 members

- For the second consecutive year, the all-staff giving campaign reached its goal of 100% participation.
- Doubled Highlander Club membership from 451 to 1,069 active members
- The Inaugural Highlander Pride Weekend netted \$82,000 for the Student-Athlete Scholarship Fund.
- The Student-Athlete Experience campaign raised over half of its total campaign goal of \$500,000 to improve the areas of sports performance, sports medicine, and nutritional programming.

Intercollegiate Athletics

IX. Resource Development

Increase external revenue streams in support of the Athletics Department

GOALS FOR 2017-2018 FUND DRIVE YEAR

Total New Pledges & Gifts to Highlander Club	\$1,200,000
Membership in Radford Athletics Club	1500 members

Intercollegiate Athletics

X. Branding

Design a branding which is consistent across all programs and facilities

Dedmon Center - Basketball Court

Cupp Stadium - Scoreboard

Tennis Complex - Tennis Courts to Re-Brand with fall/spring project

Intercollegiate Athletics

XI. Special Events

Meet the Coaches Night - Thursday, September 14th | 6:30 p.m. - 8:00 p.m.

Radford Athletics Hall of Fame - Friday, October 6th | 6:30 p.m. (reception) | 7 p.m. (dinner & ceremony)

Class of 2017 inductees:

- Don Staley (Men's & Women's Soccer)
- Chris Oliver (Men's Basketball)
- Tiffany Evans (Women's Track & Field)

Athletics

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Title IX Policy Summary

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Updates to Title IX Policy

- Added gender expression to the list of protected group identity/activity;
- Corrected official office/department names and titles;
- Corrected and in some cases amended, deadlines and time frames (e.g. calendar/business days);
- Deleted section on the delegation of investigative duties to the Office of Student Standards and Conduct as it creates a conflict of interest;
- Deleted the process by which pending an investigation, an interim suspended employee or employee on leave with pay, can state for cause to the Title IX Coordinator, why he or she should not be suspended/placed on leave.

Questions?

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Radford University

Board of Visitors

Resolution

Board of Visitors Approval of the Amendments to the Radford University

Discrimination, Harassment, Sexual Misconduct and Retaliation Policy

September 15, 2017

WHEREAS, Radford University is committed to providing an environment that emphasizes the dignity and worth of every member of its community, and supporting an environment that is free from harassment and discrimination based on race, sex, color, national origin, religion, age, veteran status, sexual orientation, gender identity, pregnancy, genetic information, against otherwise qualified persons with disabilities, or based on any other status protected by law; and

WHEREAS, the Radford University Board of Visitors adopted the Radford University Discrimination, Harassment, Sexual Misconduct and Retaliation Policy at its November 21, 2014, meeting and revised same on September 18, 2015; and

WHEREAS, the Interim Title IX Coordinator, in consultation with the Commonwealth of Virginia University Counsel, has identified several items in the Radford University Discrimination, Harassment, Sexual Misconduct and Retaliation Policy that require amendment, as set forth in Attachment A, additions are in red deletions are in ~~red~~, with final document in University approved policy format as set forth in Attachment B; and

NOW, THEREFORE, BE IT RESOLVED that, as part of this commitment, the Radford University Board of Visitors hereby adopts the revised Radford University Discrimination, Harassment, Sexual Misconduct and Retaliation Policy, dated September 15, 2017.

RADFORD UNIVERSITY
RADFORD, VIRGINIA

Date Adopted by the Board of Visitors: November 21, 2014
Date Last Amended by the Board of Visitors: September 18, 2015

Discrimination, Harassment, Sexual Misconduct, and Retaliation Policy

A. Policy. 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, color, national origin, religion, age, veteran status, sexual orientation, gender identity, gender expression, pregnancy, genetic information, against otherwise qualified persons with disabilities, or based on any other status protected by law. In pursuit of this goal, any question of impermissible discrimination on these bases will be addressed with efficiency and energy and in accordance with this policy and the Radford University Discrimination Grievance Procedures. This policy and the Discrimination Grievance Procedures also address complaints or reports of retaliation against those who have opposed practices prohibited by this policy, those who have filed complaints or reports under this policy, and those who have testified or otherwise participated in enforcement of this policy. Questions regarding discrimination prohibited by the Education Amendment Act of 1972 or other federal law, may be referred to Radford University's Title IX Coordinator, Brooke Chang Geoffrey P. Gabriel, Office of Diversity and Equity, 540-831-5307 or ggabriel3wehang6@radford.edu or the U.S. Department of Education, Office of Civil Rights.

B. Purpose. The purpose of this policy is to establish clearly and unequivocally that Radford University prohibits discrimination, harassment, sexual misconduct, and retaliation by individuals subject to its control or supervision and to set forth procedures by which such allegations shall be filed, investigated and adjudicated.

C. Applicability. This policy applies to on-campus conduct involving students, employees, faculty and staff, visitors to campus (including, but not limited to, students participating in camp and programs, non-degree seeking students, exchange students, and other students taking courses or participating in programs at Radford University), and contractors working on campus who are not Radford University employees, and to students, visiting students, employees, faculty and staff participating in Radford University - sponsored activities off campus. This policy also is applicable to any conduct that occurs off campus that has continuing effects that create a hostile environment on campus. Allegations of on-campus or off-campus violations of this policy should be reported to the Title IX Coordinator in accordance with the guidance below and the Discrimination Grievance Procedures. This Policy replaces and supersedes the Radford University Sexual Harassment Policy and Nondiscrimination Statement, as well as any and all references related to discrimination, harassment, sexual misconduct and retaliation that may be contained in other Radford University policies, including the Standards of Student Conduct.

D. Definitions

1. **Discrimination** is inequitable and unlawful treatment based on an individual's protected characteristics or statuses -- race, sex, color, national origin, religion, age, veteran status, sexual

orientation, gender identity, gender expression, pregnancy, genetic information, disability, or any other status protected by law -- that excludes an individual from participation in, denies the individual the benefits of, treats the individual differently or otherwise adversely affects a term or condition of an individual's employment, education, living environment or participation in an educational program or activity. This includes failing to provide reasonable accommodation, consistent with state and federal law, to persons with disabilities.

2. **Harassment** is a form of discrimination in which unwelcome verbal, written, or physical conduct is directed toward an individual on the basis of his or her protected characteristics or statuses, by any member of the campus community. Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents.

Harassment violates this policy when it creates a hostile environment, as defined below.

3. **Sexual harassment** is a form of discrimination based on sex. It is defined as unwelcome sexual advances, requests for sexual favors, or other conduct of a sexual nature including: verbal (e.g., specific demands for sexual favors, sexual innuendoes, sexually suggestive comments, jokes of a sexual nature, sexual propositions, or sexual threats); non-verbal (e.g., sexually suggestive emails, other writings, articles or documents, objects or pictures, graphic commentaries, suggestive or insulting sounds or gestures, leering, whistling, or obscene gestures); or physical (e.g., touching, pinching, brushing the body, any unwelcome or coerced sexual activity, including sexual assault). Sexual harassment, including sexual assault, can involve persons of the same or different sexes. Sexual harassment may also include sex-based harassment directed toward stereotypical notions of what is female/feminine v. male/masculine or a failure to conform to those gender stereotypes.

This policy prohibits the following types of sexual harassment:

a. Term or condition of employment or education. This type of sexual harassment (often referred to as "quid pro quo" harassment) occurs when the terms or conditions of employment, educational benefits, academic grades or opportunities, living environment or participation in a Radford University activity are conditioned upon, either explicitly or implicitly, submission to or rejection of unwelcome sexual advances or requests for sexual favors, or such submission or rejection is a factor in decisions affecting that individual's employment, education, living environment, or participation in a Radford University program or activity.

b. Hostile environment. Acts that create a hostile environment, as defined below.

4. **Hostile environment** may be created by oral, written, graphic or physical conduct that is sufficiently severe, persistent or pervasive and objectively offensive that it interferes with, limits or denies the ability of an individual to participate in or benefit from Radford University's educational programs, services, opportunities, or activities or the individual's employment access, benefits or opportunities. Mere subjective offensiveness is not enough to create a hostile environment. In determining whether conduct is severe, persistent or pervasive, and thus creates a hostile environment, the following factors will be considered: (a) the degree to which the conduct affected one or more individuals' education or employment; (b) the nature, scope, frequency, duration, and location of the incident(s); (c) the identity, number, and relationships of persons involved; (d) the perspective of a "reasonable person" in the same situation as the person subjected to the conduct, and (e) the nature of higher education.

5. **Responsible employee** includes all Radford University employees other than the following individuals who are designated as confidential sources: physicians and licensed medical personnel at the Student Health Center, and licensed counselors at the Student Counseling Services and the Substance Abuse and Violence Educational Support Services. A responsible employee must report to the ~~Title~~ Title IX Coordinator all relevant information received about an incident of conduct that potentially is in violation of this policy ~~_without and without delay, after addressing any immediate needs of the victim of such conduct. If necessary, the report may be made after addressing any immediate needs of the victim.~~

6. **Sexual misconduct** includes sexual assault or sexual violence, sexual exploitation, dating violence, domestic violence, and stalking.

a. **Sexual assault** or **sexual violence** is non-consensual contact of a sexual nature. It includes any sexual contact when the victim does not or is unable to consent through the use of force, fear, intimidation, physical helplessness, ruse, impairment or incapacity (including impairment or incapacitation as a result of the use of drugs or alcohol, knowingly or unknowingly); intentional and non-consensual touching of, or coercing, forcing, or attempting to coerce or force another to touch, a person's genital area, groin, inner thigh, buttocks or breast; and non-consensual sexual intercourse, defined as anal, oral or vaginal penetration with any object.

b. **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 fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred.

c. **Sexual exploitation** occurs when a person takes non-consensual or abusive sexual advantage of another for anyone's advantage or benefit other than the person being exploited, and that behavior does not meet the definition of sexual assault. Sexual exploitation includes prostituting another person, non-consensual visual or audio recording of sexual activity, non-consensual distribution of photos or other images of an individual's sexual activity or intimate body parts with an intent to embarrass such individual, non-consensual voyeurism, knowingly transmitting HIV or an STD/STI to another, or exposing one's genitals to another in non-consensual circumstances.

d. **Dating violence** is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. A social relationship of a romantic or intimate nature means a relationship which is characterized by the expectation of affection or sexual involvement between the parties. 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. Dating violence can be a single event or a pattern of behavior that includes, but is not limited to, sexual or physical abuse. Dating violence does not include acts covered under the definition of domestic violence.

e. **Domestic violence** is a felony or misdemeanor crime of violence committed: (i) by a current or former spouse or intimate partner of the victim; (ii) by a person with whom the victim shares a

child in common; (iii) by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; (iv) by a person similarly situated to a spouse of the victim under the law of the Commonwealth of Virginia; or (v) by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family laws of the Commonwealth of Virginia or the applicable jurisdiction. Domestic violence can be a single event or a pattern of behavior that includes, but is not limited to, sexual or physical abuse.

f. **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, meaning significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. A "course of conduct" means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.

E. Retaliation

Any form of retaliation, including intimidation, threats, harassment, and other adverse action taken or threatened against any complainant or person reporting or filing a complaint alleging discrimination, sexual harassment, or sexual misconduct or any person cooperating in the investigation of allegations of discrimination, sexual harassment, or sexual misconduct to include testifying, assisting or participating in any manner in an investigation pursuant to this policy and the Discrimination Grievance Procedures is strictly prohibited by this policy. Action is generally deemed adverse if it would deter a reasonable person in the same circumstances from opposing practices prohibited by this policy. Retaliation may result in disciplinary or other action independent of the sanctions or interim measures imposed in response to the underlying allegations of discrimination, sexual harassment or sexual misconduct. Retaliation prohibited by this policy includes any discrimination, intimidation, threat, or coercion against the Title IX Coordinator, ~~the Deputy Title IX Coordinator,~~ or staff of the Office of Diversity and Equity for purpose of interfering with his or her job responsibilities.

F. Reporting

1. Conduct in violation of this policy shall be reported promptly by all students, employees, visitors, or contractors. Radford University's Title IX Coordinator is responsible for overseeing the investigation of all reports of alleged discrimination, sexual harassment, or sexual misconduct in accordance with the Discrimination Grievance Procedures. Employees receiving such reports or complaints should immediately notify the Title IX Coordinator and should not undertake any independent efforts to determine whether or not the report or complaint has merit before reporting it to the Title IX Coordinator.

2. Radford University's Interim Title IX Coordinator is [Geoffrey P. Gabriel](#). ~~W. Brooke Chang, J.D.~~

The Interim Title IX Coordinator's ~~and Deputy Title IX Coordinator's~~ contact information is as follows:

[W. Brooke Chang, J.D.](#)
[Title IX Coordinator and Director](#)
[\(540\) 831-7122 \(Direct\)](#)
<mailto:wchang6@radford.edu>

Geoffrey **P.** Gabriel
~~Deputy~~ Interim Title IX
Coordinator
(540) 831-~~76122222~~ (Direct)
ggabriel3@radford.edu

Office of Diversity and Equity
Radford University
314B Tyler Place, 2nd Floor
P.O. Box 6988
Radford, VA 24142
(540) 831- 5307 (Main)

3. Mandatory employee reporting: All employees, other than the confidential employees detailed in Section D(5) and Section H of this policy, who receive information regarding a complaint or report of discrimination, sexual harassment, sexual misconduct, or retaliation must report any relevant information about the alleged incident to the Title IX Coordinator without delay after addressing the needs of the victim. No Radford University employee shall undertake any independent efforts to determine whether or not the report or complaint has merit or can be substantiated before reporting it to the Title IX Coordinator

4. Reports made by Students: Students should report violations of this policy to the ~~Title IX Coordinator~~ Title IX Coordinator ~~or Deputy Title IX Coordinator~~. Note: Students are not restricted to reporting to student contacts and may report to anyone listed in this policy or any supervising staff or faculty member. Other than reports made to confidential sources in accordance with Section D(5) and Section H of this policy, reports must ~~be forwarded~~ be forwarded to the Title IX Coordinator.

5. Reports made by visitors or contractors: Visitors, including visiting students, and employees of contractors working on campus should report violations of this policy to the Title IX Coordinator.

6. All members of the Radford University community are expected to provide truthful information in any report or proceeding under this policy and the Discrimination Grievance Procedures. Submitting or providing any false or misleading information in bad faith or with a view toward personal gain or intentional harm to another in connection with any report, investigation, or proceeding under this policy and the Discrimination Grievance Procedures is prohibited and subject to conduct charges for students under the Standards of Student Conduct or discipline for employees under the appropriate policy. This provision does not apply to reports made or information provided in good faith, even if the facts as alleged are not later substantiated by a preponderance of the evidence.

G. Criminal Reporting

If a victim is in immediate danger or needs immediate medical attention, contact 911 or the Radford University Police Department (RUPD) at (540) 831-5500 (blue light emergency phones on campus connect directly to RUPD). Some conduct in violation of this policy may also be a crime under Virginia law. Individuals are encouraged to report incidents of sexual misconduct to law enforcement, even if the reporting individual is not certain if the conduct constitutes a crime. Radford University will provide assistance to victims in notifying law enforcement if the victim so chooses. Crimes dealing with minors

must be reported to law enforcement.

H. Confidentiality and Anonymous Reporting

Radford University officials have varying reporting responsibilities under state and federal law. If a victim of conduct in violation of this policy or another reporting party wishes to make a confidential report, it must be made to physicians and licensed medical personnel at the Student Health Center, and licensed counselors at the Student Counseling Services and the Sexual Abuse and Violence Education Support Services (SAVES). These individuals will encourage victims to make a report to the Radford University Police Department, the Title IX Coordinator, or local law enforcement. Students and student organizations cannot keep reports confidential, even if working with officials above ~~that-who~~ are able to maintain confidentiality of reports. Other faculty and staff receiving reports of conduct in violation of this ~~policy-are~~policy are mandated reporters, but will maintain privacy to every extent possible without compromising Radford University's ability to investigate and respond in accordance with applicable law and regulations.

Notwithstanding a complainant's request that law enforcement not be informed of an incident, Radford University is required pursuant to Virginia Code § ~~23.1-80623-9.2:15~~ to report information about an incident to law enforcement if necessary to address an articulable and significant threat posing a health or safety emergency, as defined by the implementing regulations of the Family Educational Rights and Privacy Act, 34 C.F.R. § 99.36, as detailed in the Sexual Violence Threat Assessment provisions of the Discrimination Grievance Procedures. The ~~Title~~ Title IX Coordinator may be limited in the ability to investigate an anonymous report unless sufficient information is furnished to enable the Title IX Coordinator to conduct a meaningful and fair investigation. If the complainant requests confidentiality or that the complaint not be pursued, Radford University may also be limited in the actions it is able to take and its ability to respond.

I. Timely Warnings

Radford University 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. Radford University will ensure, to every extent possible, that a 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.

J. Sexual Misconduct Survivor/Victim Procedures and Services

1. Radford University will assist sexual misconduct survivors/victims in a supportive manner, implementing the procedures set out herein. Because of the potential seriousness and sensitivity of the investigations involved, it is important to undertake these investigations properly. Preserving the evidence is often a key step of successful investigation of alleged sexual misconduct.

2. Recommended procedure for anyone who has experienced sexual misconduct:

- a. Go to a safe place.
- b. For your safety and confidential care, report promptly to the Student Health Center or the nearest medical facility/emergency room. You may request a Sexual Assault Advocate if one is not provided. Physical evidence may be usable if proper procedures are followed for evidence

collection within 96 hours of the assault.

c. Contact a trusted friend or family member. For professional and confidential counseling support, contact Student Counseling Services (540) 831- 5226, the Substance Abuse and Violence Education Support ~~Coordinator Services~~ (SAVES) (540) 831-5709, the Center for Assessment and Psychological Services (CAPS) (540) 831-2471, or the Women’s Resource Center of the New River Valley (540) 639-9592. Among other services, the Women’s Resource Center of the New River Valley offers survivors a 24-hour Hotline at (800) 788-1123 or TTY for Deaf and Hard of Hearing Individuals at (540) 639-2197, emergency shelter, crisis intervention, counseling, applicable referrals, and court advocacy. Radford University employees can also contact the Women’s Resource Center of the New River Valley.

d. Employees will be assisted with available options for changing parking, work and living arrangements ~~after alleged sexual misconduct~~^[ATW1].

~~e.~~

d.e. It is your right to have evidence collected and retained anonymously by law enforcement while you consider whether to pursue criminal charges. Evidence preservation is enhanced in the following ways:

- i. Do not wash your hands, bathe, or douche. Do not urinate, if possible.
- ii. Do not eat, blow your nose, drink liquids, smoke, or brush your teeth if oral contact took place.
- iii. Keep the clothing worn when the assault took place. If you change clothing, place the worn clothing in a paper bag (evidence deteriorates in plastic).
- iv. Do not destroy any physical evidence that may be found in the vicinity of the assault by cleaning or straightening the location of the crime. The victim should not clean or straighten the location of the crime until law enforcement officials have had an opportunity to collect evidence.
- v. Tell someone all the details you remember or write them down as soon as possible.
- vi. Maintain text messages, pictures, online postings, video and other documentary or electronic evidence that may corroborate a complaint.

3. There is no time limit for filing a complaint of sexual misconduct. However, complainants should report as soon as possible to maximize Radford University’s ability to respond. Failure to report promptly could result in the loss of relevant evidence and impair Radford University’s ability to adequately respond to the allegations.

4. The victim shall have the right to file a complaint with law enforcement and the option to be assisted by the Title IX Coordinator and other Radford University authorities in notifying the proper law enforcement authorities of the alleged sexual misconduct.

5. Radford University officials (excluding the Radford University Police Department, and confidential

resources) receiving reports of a possible sexual misconduct will follow the procedures set forth under this policy and the Discrimination Grievance Procedures. The Radford University Police Department will follow departmental procedures.

6. Resources for Victims of Sexual Misconduct

- a. Any student or visiting student who reports sexual misconduct to the Title IX Coordinator, the Substance Abuse and Violence Educational Support Services (SAVES), Student Health Center, and Student Counseling Services will receive an information pamphlet(s) outlining resources and options. Radford University Police Department protocol includes coordination with the Women's Resource Center.
- b. The Title IX Coordinator or designee shall advise victims of resources available with the Women's Resource Center and encourage use of these resources. Any individual who is reported to be the victim of sexual misconduct shall receive from the ~~Title Title~~ IX Coordinator or designee information on contacting the Women's Resource Center and services available through the Women's Resource Center's memorandum of understanding with Radford University.
- c. Students and visiting students will be assisted with available options for changing academic, transportation, parking, work and living arrangements after alleged sexual misconduct. Safety arrangements such as no-contact orders and escorts are also available as needed.

K. Title IX Coordinator Oversight

The Title IX Coordinator oversees the investigation and resolution of all reports by students, visiting students, and faculty and staff of alleged discrimination, sexual harassment or sexual misconduct in accordance with the Discrimination Grievance Procedures. ~~For complaints involving alleged violations of this policy by a student or students, the Title IX Coordinator may delegate certain investigative responsibilities to the Office of Student Standards and Conduct while maintaining oversight of the investigation. See the Discrimination Grievance Procedures for further information regarding coordination with the Title IX Coordinator.~~^[GG2] Reports of discrimination by the Title IX Coordinator should be made to the President.

L. Interim Measures

Radford University may take interim measures, as necessary to assist or protect the complainant during the investigation and resolution of complaints of discrimination and any law enforcement investigation. Radford University must to address also address the safety of the complainant or any member of the campus community, and ~~to~~ avoid retaliation. If, in the judgment of the Title IX Coordinator or other Radford University leadership, the safety ~~or~~ and well-being of any member of the campus community may be jeopardized by the presence on campus of the accused individual, the Title IX Coordinator may provide remedies to address the short-term effects of harassment, discrimination and/or retaliation and to prevent further violations. To the extent possible, Radford University will seek the consent of the complainant before taking interim measures to the greatest degree possible. Interim measures may include, but are not necessarily limited to, changes in classroom or work schedules or housing arrangements, no-contact orders, bans from campus, safety escorts on campus, referral and coordination of counseling and health services, and modification of work or academic requirements.

Radford University may temporarily reassign or place on administrative leave an employee alleged to have violated this policy. ~~In such a situation the employee will be given the opportunity to meet with the Title IX Coordinator prior to such action being imposed, or as soon thereafter as reasonably possible, to show cause why the action should not be implemented.~~^[663]

M. Sanctions

If it is determined that conduct in violation of this policy has occurred, sanctions will be determined in accordance with the Discrimination Grievance Procedures. Consequences for violating this policy will depend on the facts and circumstances of each particular situation, the frequency and severity of the offense, and any history of past conduct in violation of this policy. Sanctions may include penalties up to and including dismissal for students and termination for employees. In addition to sanctions that may be imposed on an individual found in violation of this policy, Radford University will take steps to prevent recurrence of any sexual misconduct, including sexual assault and sexual violence, and to remedy discriminatory effects on the complainant and others, if appropriate.

N. Student Amnesty

Ensuring the safety of students who report violations of this policy is Radford University's primary concern. In order to facilitate reporting, Radford University will, with the following limited exceptions, provide amnesty to a student who reports an incident in violation of this policy, directed toward that student or another student, for minor disciplinary infractions, such as underage drinking, at the time of the incident. Amnesty may not be offered if (1) the minor disciplinary infraction places or placed the health or safety of any other person at risk or (2) the student who committed the disciplinary infraction previously has been found to have committed the same disciplinary infraction. If amnesty is provided, no conduct proceedings or conduct record will result for minor disciplinary infractions. Amnesty for minor disciplinary infractions also may be offered to students who intervene to help others before a violation of this policy occurs and for students who receive assistance or intervention. Abuse of amnesty requests may result in a decision by the Dean of Students Office not to extend amnesty to the same student repeatedly. The Office of Student Standards and Conduct and the ~~Dean of Students Office~~Office of the Dean of Students shall maintain records regarding the provision of amnesty for at least seven (7) years. Infractions that constitute offenses shall not be considered minor policy violations for which amnesty may be offered under this provision.

O. Education and Awareness

1. For more information about sexual misconduct and resources available in the local community, please visit the Women's Resource Center of the New River Valley website at: www.wrcnrv.org.
2. The Title IX Coordinator coordinates an education, training and awareness program on discrimination, sexual harassment, and sexual misconduct for students and employees, including training on primary prevention, risk reduction, consent and other pertinent topics. The Office of Substance Abuse and Violence Education Support Services (SAVES) provides programming on sexual misconduct issues, resources available on campus in the community, bystander intervention, and coordinates intervention programs.

P. 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 complaints and 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 regarding free speech rights of students and employees. This policy does not in any way apply to curriculum and curriculum decisions or abridge the use of particular textbooks or curricular materials.

RADFORD UNIVERSITY RADFORD, VIRGINIA

Date Adopted by the President: October 14, 2014
Date Last Amended by the President's Cabinet: October 6, 2015

Discrimination Grievance Procedures

Purpose: These procedures provide a prompt and equitable resolution for complaints or reports of discrimination based on race, sex, color, national origin, religion, age, veteran status, sexual orientation, gender identity, pregnancy, genetic information, against otherwise qualified persons with disabilities, or based on any other status protected by law, including complaints alleging sexual harassment or sexual misconduct prohibited by Radford University policy on Discrimination, Harassment, Sexual Misconduct, and Retaliation ("Discrimination Policy"). Any person who believes he or she has been subjected to discrimination or harassment on any of these bases may file a complaint with Radford University as outlined in these procedures. These procedures also address any complaints or reports of retaliation against individuals who have filed complaints or reports of discrimination, who have opposed discriminatory practices, and those who have testified or otherwise participated in investigations or proceedings arising from complaints or reports of discrimination. Questions regarding discrimination prohibited by the Education Amendment Act of 1972 or other federal law, may be referred to Radford University's Interim Title IX Coordinator, ~~Geoffrey P. Gabriel~~~~Brooke Chang~~, Office of Diversity and Equity, 540-831-5307 or ~~ggabriel3~~~~wehang6~~@radford.edu or the U.S. Department of Education, Office of Civil Rights.

Complaints and Reporting

Complaints and reports of discrimination, sexual harassment, and sexual misconduct should be made to Radford University's Interim Title IX Coordinator. The ~~Title Title~~ IX Coordinator is responsible for overseeing the investigation of all reports of alleged discrimination, sexual harassment, or sexual misconduct and is trained to help individuals who file complaints find resources, to investigate reported incidents, and to respond appropriately to conduct alleged to be in violation of the Discrimination Policy. Individuals receiving reports or complaints of discrimination, sexual harassment, or sexual misconduct should immediately notify the Title IX Coordinator after addressing the immediate needs of the victim, and should not undertake any independent efforts to determine whether or not the report or complaint has merit before reporting it to the Title IX Coordinator.

The Radford University ~~Title Title~~ IX Coordinator is ~~W. Brooke Chang, J.D~~~~Geoffrey P. Gabriel~~. The ~~Title IX~~ Coordinator's ~~and Deputy Title IX Coordinator's~~ contact information is listed below:

~~W. Brooke Chang, J.D.~~
~~Title IX Coordinator and Director~~
~~(540) 831-7122 (Direct)~~
~~wchang6@radford.edu (email)~~

Geoffrey Gabriel
~~Deputy~~ Interim Title IX
Coordinator
(540) 831-~~716~~222 (Direct)
ggabriel3@radford.edu (email)
Office of Diversity and Equity
Radford University
314B Tyler Place, 2nd Floor
P.O. Box 6988
Radford, VA 24142
(540) 831- 5307 (Main)

Reports of conduct in violation of the Discrimination Policy should be made without undue delay after the incident after addressing the needs of the victim, and may be made orally or in writing, including online on the Office of Diversity and Equity webpage to the ~~Title Title~~ IX Coordinator. The Title IX Coordinator also will accept, without comment or need for explanation, a sealed envelope addressed to “Title IX Coordinator.” The envelope, at a minimum, need only contain a piece of paper with the name and room number or phone number of the individual wishing to make a report. Individuals also can report the incidents anonymously online through the SAVES office webpage:

<http://www.radford.edu/content/saves/home/assault/sexual-misconduct.html>

or Confidential Reporting and Silent Witness through the Radford University Police Department webpage:

<http://www.radford.edu/content/police/home/forms/witness.html>

or by leaving an anonymous message with the Radford University Police Department 540-831-STOP (7867). As will be the case with all reports, however made, the reporting individual will be contacted promptly, but in no case more than three calendar days from the date of the report, for an interview with the Title IX Coordinator or designee.

Notwithstanding the forgoing, individuals who believe they have been the subject of conduct in violation of the Discrimination Policy are encouraged to make detailed written statements of the facts, including the name(s) of the offending individual(s), and any witness(es), promptly after an incident.

The Role of the Title IX Coordinator

The ~~Title Title~~ IX Coordinator is charged with coordinating Radford University’s compliance with federal civil rights laws. The Title IX Coordinator and the Office of Diversity and Equity staff do not serve as an advocate for either the complainant or the respondent. The ~~Title Title~~ IX Coordinator or designee will explain to all identified parties the procedures outlined below, including confidentiality. As appropriate, the Title IX Coordinator or designee will provide all identified parties with information about obtaining

medical and counseling services, making a criminal report, information about receiving advocacy services including those offered by the Office of Substance Abuse and Violence Education Support Services (SAVES) — or the Women’s Resource Center of the New River Valley, and guidance on other Radford ~~University~~ ~~University~~ and community resources. The Title IX Coordinator or designee will offer to coordinate with other Radford University leadership, when appropriate, to implement interim measures as described below. The Title IX Coordinator or designee will explain to all involved parties the process of a prompt, adequate, reliable, and impartial investigation, including the opportunity for both the complainant and respondent to identify witnesses and provide other evidence. The Title IX Coordinator or designee will explain to all identified parties the right to have a personal advisor present and to review and respond to the allegations and evidence. The Title IX Coordinator or designee will also explain to the parties and witnesses that retaliation for reporting alleged discrimination, sexual harassment or sexual misconduct, or participating in an investigation of an alleged violation, is strictly prohibited and that any retaliation should be reported immediately and will be promptly addressed.

Written Explanation of Rights and Options

When a student or employee reports that he or she has been a victim of dating violence, domestic violence, sexual assault, sexual exploitation, or stalking, whether the offense occurred on or off campus, the student or employee will be provided a written explanation of rights and options, which shall include:

1. Procedures victims should follow if a crime of dating violence, domestic violence, sexual assault, sexual exploitation, or stalking has occurred, including written information about:

A. The importance of seeking medical attention and of the collection and preservation of evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protective order;

B. How and to whom the alleged offense should be reported;

C. Options about the involvement of local law enforcement and the Radford University Police Department, including the victim's option to:

(i) Notify proper law enforcement authorities, including local law enforcement and/or the Radford University Police Department;

(ii) Be assisted by Radford University staff in notifying law enforcement authorities, if the victim so chooses; and

(iii) Decline to notify such authorities.

D. The rights of victims and Radford University’s responsibilities regarding no contact orders, residential relocation, eviction orders or other orders.

2. Information about how Radford University will protect the confidentiality of victims and other parties, including how Radford University will:

A. Complete publicly available recordkeeping, including reporting and disclosures required by the Clery Act, without the inclusion of personally identifying information about the victim;

B. Maintain as confidential, any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of Radford University to provide the accommodations or protective measures; and

C. Ensure confidentiality of investigative files as education records protected by the Family Educational Rights and Privacy Act (FERPA), including that the process for the Sexual Violence Threat Assessment in accordance with Virginia Code § 23.1-806-9.2:15 could, if the incident poses to members of the Radford University community a health or safety emergency, as defined by the FERPA regulations, lead to disclosure of personally identifying information to the law enforcement agency that would be responsible for investigating the incident and other appropriate parties whose knowledge of the information is necessary to protect the health and safety of the victim or other individuals.

3. Notification of existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within Radford University and in the local community;

4. Options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures, regardless of whether the victim chooses to report the crime to the Radford University Police Department or local law enforcement;

5. The procedures for Title IX investigation, adjudication, appeals, and disciplinary sanctions, including the right to decline to participate in a Title IX investigation by the victim.

Criminal Reporting and Coordination

The Title IX Coordinator or designee will make all complainants aware of the right also to file a complaint with the Radford University Police Department or local law enforcement, and will encourage ~~accurate~~ and accurate and prompt reporting when the complainant elects to report. If a victim of sexual assault, dating violence, domestic violence, or stalking is physically or mentally incapacitated for at least 10 calendar ~~days,~~ and days, and thereby unable to report the incident to law enforcement, ~~then~~ the Title IX Coordinator will ~~make such~~ make s u c h a report. Radford University will comply with all requests by the Radford University Police Department or local law enforcement for cooperation in investigations. Such cooperation may require the Title IX Coordinator or designee to temporarily suspend the fact-finding aspect of a Title IX investigation detailed in the procedures below while the Radford University Police Department or the local law enforcement agency gathers evidence. The ~~Title~~ Title IX Coordinator or designee will promptly resume its Title IX investigation as soon as notified by the Radford University Police Department or local law enforcement agency that it has completed the evidence gathering process. Otherwise, the Title IX 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.

Confidentiality, Anonymity and Requests Not to Pursue Title IX Investigation

Radford University officials have varying reporting responsibilities under state and federal law. If a victim of conduct in violation of this policy or another reporting party wishes to keep a report confidential, it must be made to a licensed medical provider or counselor within Student Health Center, Student Counseling Services or the SAVES Office (for students). These individuals will encourage victims

to make a report to the Radford University Police Department, the Title IX Coordinator, or local law enforcement. Students and student organizations cannot keep reports confidential, even if working with officials above that are able to maintain confidentiality of reports. Other Radford University officials receiving reports of conduct in violation of this policy are mandated reporters but will maintain privacy to every extent possible without compromising Radford University's ability to investigate and respond in accordance with applicable law and regulations. The Title IX Coordinator or designee may be limited in the ability to investigate an anonymous report unless sufficient information is furnished to enable the ~~Title~~ Title IX Coordinator or designee to conduct a meaningful and fair investigation.

If the complainant requests confidentiality or that an investigation not be conducted, Radford University may be limited in the actions it is able to take and its ability to respond while respecting the request. The complainant will be asked to sign a statement stating a desire for confidentiality or that an investigation not be pursued and the Title IX Coordinator or designee will take all reasonable steps to respond to the complaint consistent with the request. Notwithstanding a complainant's request that law enforcement not be informed of an incident, Radford University is required pursuant to Virginia Code § 23-9.2:15 to report information about an incident to local law enforcement if necessary to address an articulable and significant threat posing a health or safety emergency, as defined by the implementing regulations of the Family Educational Rights and Privacy Act (FERPA), 34 C.F.R. § 99.36, and as detailed in the Sexual Violence Threat Assessment provisions, below.

Sexual Violence Threat Assessment

1. Upon receipt of any report of sexual violence, defined as a physical sexual act perpetrated against a person's will or where a person is incapable of giving consent, that is alleged to have occurred (i) against any students; or (ii) on campus, in or on a Radford University building or property, or on public property that is on campus or immediately adjacent to and accessible from campus, the Title IX Coordinator shall promptly inform a review committee of the report, including personally identifying information. The review committee shall be comprised of, at a minimum, the Title IX Coordinator, a representative of Law Enforcement, and a student affairs representative. The review committee may consult other Radford University officials depending on whether the accused individual is a student, faculty, or staff member and the circumstances of the report. The review committee shall be advised by the Office of the Attorney General.
2. Within 72 hours of receipt of the report from the Title IX Coordinator, the review committee shall meet to review the information and shall continue to meet as necessary as new information becomes available. If the criteria in Paragraph 1 are met, the review committee shall convene regardless of whether or not the victim has notified the Radford University Police Department or local law enforcement or whether or not the victim has requested that Radford University proceed with a Title IX investigation.
3. The review committee may obtain law enforcement records and criminal history record information as provided in Virginia Code § 19.2-389 and § 19.2-389.1, health records as provided in Virginia Code § 32.1-127.1:03, available conduct or personnel records, and known facts and circumstances of the reported incident of sexual harassment or sexual misconduct and other evidence known to Radford University, including the Radford University Police Department, and local law enforcement. The review committee shall be considered to be a threat assessment team established pursuant to Virginia Code § ~~23.1-805~~23-

~~9.2:10~~ for purposes of (i) obtaining criminal history record information and health records and (ii) the Virginia Freedom of Information Act (Virginia Code § 2.2-3700 et seq.), [Va. Code § 23-9.2:10](#).) The review committee shall comply with the Family Educational Rights and Privacy Act in conducting its review.

4. In addition to the available information detailed in Paragraph 3, above, the review committee shall consider factors that suggest there is an increased risk of the accused individual committing additional acts of sexual misconduct or other violence, including, but not limited to:

- a. Other sexual misconduct complaints about the same individual;
- b. Prior arrests or reports of misconduct at another institution or a history of violent behavior;
- c. Threats of further sexual misconduct against the reporting individual or others;
- d. A history of failing to comply with a no-contact order issued by Radford University officials;
- e. Allegations of multiple perpetrators in the same incident;
- f. Use of physical violence in the reported incident or a prior incident. Examples of physical violence include, but are not limited to, hitting, punching, slapping, kicking, restraining, or choking;
- g. Reports or evidence of a pattern of perpetration, including a pattern of the accused individual using alcohol or drugs to facilitate sexual misconduct or harassment;
- h. Use of a weapon in the reported incident or a prior incident;
- i. A victim under the age of 18 or who is significantly younger than the accused individual.

The review committee shall also consider whether means exist to obtain evidence other than investigation by law enforcement or a Title IX investigation such as security camera footage, eyewitness reports from security or guard personnel, or physical evidence.

5. If based on a consideration of all factors, the review committee determines that there is a significant and articulable threat to the health or safety of one or more individuals and that disclosure of the information to local law enforcement, including personally identifying information, is necessary to protect the health and safety of one or more individuals, the law enforcement representative shall immediately disclose such information to the law enforcement agency that would be responsible for investigating the incident, for the purpose of investigation and other actions by law enforcement. If the review committee cannot reach a consensus, the law enforcement representative may make the threat determination. Upon any disclosure to law enforcement under this paragraph, ~~the~~ the Title IX Coordinator or designee shall notify the victim that such disclosure is being made. The provisions of this paragraph shall not apply if the law enforcement agency responsible for investigating the alleged incident is located outside the United States.

6. If information is disclosed to law enforcement under Paragraph 5 or if the review committee determines that sufficient factors exist to proceed with a Title IX investigation, despite the stated desires of the victim for confidentiality or not to proceed with an investigation, the ~~Title~~ Title IX Coordinator or designee shall proceed with a full investigation under these procedures. In those situations, the Title IX Coordinator or designee will notify the victim that Radford University is overriding the victim's request

for confidentiality in order to meet Title IX obligations, but, other than the disclosure under Paragraph 5, if made, the information will only be shared with individuals who are responsible for handling Radford University's response to incidents of sexual ~~violence and Radford~~violence. Radford University will ensure that any information maintained by Radford University is maintained in a secure manner.

7. If the reported incident would constitute a felony violation of Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 of the Code of Virginia, as determined by the law enforcement member or any other member of the review committee, the law enforcement member shall inform other members of the review committee and shall notify the attorney for the Commonwealth or other prosecutor responsible for prosecuting the incident and provide information received without disclosing personally identifying information, unless such information was disclosed to a law enforcement agency pursuant to Paragraph 5.

8. At the conclusion of the Sexual Violence Threat Assessment, the ~~Title~~ Title IX Coordinator and law enforcement member shall each retain (i) the authority to proceed with any further investigation or adjudication allowed under state or federal law and (ii) independent records of the review committee's determination considerations, which shall be maintained under applicable state and federal law.

Interim Measures

Radford University may take interim measures, as necessary to assist or protect the complainant during the investigation and resolution of complaints of discrimination and any law enforcement investigation. Radford University must also address the safety of the complainant or any member of the campus community, and to avoid retaliation. If, in the judgment of the Title IX Coordinator or other Radford University leadership, the safety and well-being of any member of the campus community may be jeopardized by the presence on campus of the accused individual, the Title IX Coordinator may provide remedies to address the short-term effects of harassment, discrimination and/or retaliation and to prevent further violations. To the extent possible, Radford University will seek the consent of the complainant before taking interim measures to the greatest degree possible. Interim measures may include, but are not necessarily limited to, changes in classroom or work schedules or housing arrangements, no-contact orders, bans from campus, safety escorts on campus, referral and coordination of counseling and health services, and modification of work or academic requirements.

Radford University may temporarily reassign or place on administrative leave an employee alleged to have violated this policy. In such a situation the employee will be given the opportunity to meet with the Title IX Coordinator prior to such action being imposed, or as soon thereafter as reasonably possible, to demonstrate why the action should not be implemented. [GG4][GG5]

~~Radford University may take measures, as necessary to assist or protect the complainant during investigations of alleged discrimination and the resolution process and any law enforcement investigation, to address the safety of the complainant or any member of the campus community, and to avoid retaliation. If, in the judgment of the Title IX Coordinator or other Radford University leadership, the safety or well-being of any member of the campus community may be jeopardized by the presence on campus of the accused individual, the Title IX Coordinator or designee may provide remedies to address the short-term effects of harassment, discrimination and/or retaliation and to prevent further violations. Radford University will seek the consent of the complainant before taking measures to the greatest degree possible. measures may include, but are not necessarily limited to, changes in classroom or work schedules or housing arrangement, no contact order, ban from campus, escorts on campus, referral and coordination of counseling and health services, and modification of work or academic requirements.~~

~~Radford University may temporarily reassign or place on administrative leave an employee alleged to have violated the Discrimination Policy. In such situation the employee will be given the opportunity to meet with the Title IX Coordinator or designee prior to such action being imposed, or as soon thereafter as reasonably possible, to show cause why the action should not be implemented.~~

Timely Warnings

Radford University 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. Radford University will ensure, to every extent possible, that a 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.

Coordination with the ~~Dean of Students Office~~Office of the Dean of Students and/or the Department of Human Resources

Radford University's Title IX Coordinator is responsible for overseeing all complaints of discrimination and identifying and addressing any pattern or systemic problems that arise during the review of such complaints.

Any member of the Office of Dean of Students or the Office of Student Standards and Conduct, or the Department of Human Resources receiving a report of alleged discrimination, sexual harassment, or sexual misconduct shall report it without delay to the Title IX Coordinator. No member of the ~~Dean of Students Office~~Office of the Dean of Students, the Office of Student Standards and Conduct or the Department of Human Resources shall undertake any independent efforts to determine whether or not the report or complaint has merit before reporting it to the ~~Title~~ Title IX Coordinator. The Title IX Coordinator's Office shall conduct all investigations of allegations of sexual misconduct in accordance with the procedures below. ~~At the sole discretion of the Title IX Coordinator, the Office of Student Standards and Conduct or the Dean of Students Office may be tasked with conducting investigations of complaints of discrimination and harassment while under the oversight of the Title IX Coordinator.~~ [GG6]The Office of Student Standards and Conduct and the ~~Dean of Students Office~~Office of the Dean of Students shall report the findings of investigations of discrimination and harassment to the ~~Title~~ Title IX Coordinator. At the conclusion of the investigation, the Title IX Coordinator shall recommend a penalty/sanction[ATW7], if any, to the Dean of Students and the Director of the Office of Student Standards and Conduct or the Department of Human Resources, as appropriate.

Investigation and Resolution

There are two possible methods for investigation and resolution of a complaint alleging violations of the Discrimination Policy: formal and informal resolution. For alleged violations of the Discrimination Policy other than sexual misconduct, the complainant and the respondent have the option to proceed under an informal procedure, when deemed permissible by the Title IX Coordinator. The Title IX Coordinator or designee will explain the informal and formal procedures to both the complainant and the respondent, if known. In all cases, Radford University will ensure there is no ~~actual~~ conflict of interest in the investigation and resolution of complaints and will strive to avoid the appearance of conflict of interest.

A. Informal investigation and resolution

If the complainant, the respondent, and the Title IX Coordinator or designee all agree that an informal investigation and resolution should be pursued, the Title IX Coordinator or designee shall attempt to facilitate a resolution that is agreeable to ~~the~~all parties. Under this procedure, the ~~Title~~ Title IX Coordinator or designee will conduct a preliminary investigation only to the extent fact-finding is needed to resolve the conflict and to protect the interests of ~~the~~all parties, Radford University, and the campus community. ~~Both~~All parties will be permitted to request witnesses to be interviewed by the Title IX Coordinator and other evidence to be considered in the preliminary investigation. Typically, a preliminary investigation will be completed within 30 calendar days of receipt of notice. If an extension of the preliminary investigation beyond 30 calendar days is necessary, all parties will be notified of the expected resolution time frame. If at any point during this informal investigation and resolution procedure, the complainant, the respondent, or the Title IX Coordinator wish to suspend the informal procedure and proceed through the formal grievance procedure, such request will be granted.

Any resolution of a complaint through the informal procedure must adequately address the concerns of the complainant, as well as the rights of the respondent and the responsibility of Radford University to prevent, address, and remedy alleged violations of the Discrimination Policy. Informal resolution remedies might include providing training, providing informal counseling to an individual whose conduct, if not ceased, could rise to the level of discrimination or harassment, confidential briefing of the respondent's work supervisor, use of processes and ~~penalties~~sanctions set forth in the Standards of Student Conduct, or other methods. All parties will be provided written notification of the resolution of the complaint through the informal procedures, including whether the preliminary investigation substantiated discrimination or harassment by a preponderance of the evidence and a description of Radford University's response. There shall be no right of appeal afforded to the complainant or the respondent following informal investigation and resolution.

B. Formal investigation and resolution

1. A formal complaint may be submitted either in written format or through a verbal interview of the complainant by the Title IX Coordinator or designee regarding the events and circumstances underlying the complaint. The complainant is not required to submit a written complaint to the Title IX Coordinator to commence an investigation. In the case of a third party notification, the Title IX Coordinator will contact the alleged victim promptly, and in no case later than three calendar days from the date of the complaint. The complaint may be supplemented by additional supporting documents, evidence, or recommendations of witnesses to be interviewed during the course of the investigation. The complainant must also disclose if a formal complaint has been filed with another Radford University office, state, or federal entity for the same offense.
2. The Title IX Coordinator or designee will discuss the complaint with the complainant, and the respondent as appropriate, including providing information about the formal investigation procedure and other resources. The Title IX Coordinator or designee will explain to the parties that each has the opportunity to provide evidence and to suggest witnesses to be interviewed during the course of the investigation.
3. The Title IX Coordinator will consider whether interim measures and involvement of other Radford University leadership is appropriate. The Title IX Coordinator also will confirm that the matter involves an alleged violation of the Discrimination Policy, thereby conferring jurisdiction ~~on~~to the Title IX Coordinator's office. If the Title IX Coordinator determines that the Title IX Coordinator's office does not

have jurisdiction, the Title IX Coordinator or designee will offer to assist the complainant and, as appropriate, the respondent, in finding appropriate on-campus and off-campus resources to address the issue(s).

4. ~~All investigations of complaints alleging violations of the Discrimination Policy shall be overseen by the Title IX The Coordinator. The Title Title IX Coordinator or designee will conduct a prompt, adequate, reliable, and impartial investigation of the complaint. Typically an investigation, not including the time necessary for potential appeals, will be completed within 60 calendar days of receipt of notice. If extension of the investigation beyond 60 calendar days is necessary, all parties will be notified of the expected time frame. Only the Title IX Coordinator, a trained investigator designated by the Title IX Coordinator's office, or, for complaints not involving allegations of sexual misconduct, a trained member of the Office of Student Standards and Conduct shall conduct the investigation. All investigations of complaints alleging violations of the Discrimination Policy shall be overseen by the Title IX Coordinator.~~

5. Both complainant and respondent will have the same opportunity to review and respond to evidence obtained during an investigation and will be afforded the same opportunity to review and provide comment to the investigator about the written investigation report before it is finalized. Both the complainant and the respondent may designate an advisor to accompany him or her at any meeting or proceeding during the formal investigation. The role of such advisors shall be limited to advise and consultation. Neither the advisor for the complainant nor the advisor for the respondent shall be permitted to question witnesses, raise objections, or make statements or arguments at any meetings or proceedings during ~~the an~~ investigation or an appeals hearing.

6. The ~~Title Title~~ Title IX Coordinator or designee will determine whether there is a preponderance of the evidence to substantiate the complaint of an alleged violation of the Discrimination Policy. A respondent will not be found in violation of the Discrimination Policy absent a finding of preponderance of evidence that the violation occurred. The "preponderance of the evidence" standard requires that the weight of the evidence, in totality, supports a finding that it is more likely than not that the alleged violation occurred.

7. In determining whether alleged harassment has created a hostile environment, the Title IX Coordinator or designee shall consider ~~not only~~ whether the conduct was unwelcome to the complainant, but also whether the conduct was severe or pervasive and whether a reasonable person similarly situated to the complainant would have perceived the conduct to be objectively offensive.

8. The Title IX Coordinator or designee shall prepare a written investigation report, which shall be provided to both the complainant and the respondent concurrently. In most cases the written investigation report shall be provided to both parties for comments within 60 calendar days of notice of the allegation. If extension of the time frame for the Title IX Coordinator to provide the investigation report beyond 60 calendar days is necessary, all parties will be notified of the ~~expected-revised~~ time frame for completion of the ~~investigation report~~ report of investigation.

9. If the Title IX Coordinator or designee finds by a preponderance of the evidence that a violation of the Discrimination Policy did not occur, the matter will be documented as closed. The complainant may appeal the finding to the Discrimination Appeals Committee under the procedure described below.

10. If the Title IX Coordinator or designee finds by a preponderance of the evidence that violation of the Discrimination Policy did occur, the Title IX Coordinator's or designee's written report will contain recommendations for steps that should be taken to prevent recurrence of any such violation and, as appropriate, remedies for the complainant and the community. The written report also will contain the Title IX Coordinator's or designee's recommendation on sanctions. If interim measures as described above have been taken, the Title IX Coordinator shall include a recommendation regarding continuation, suspension or modification of any such interim measures. The Title IX Coordinator or designee shall provide the written report to both the complainant and respondent, in accordance with subsection 8, above, including the steps the ~~Title~~ Title IX Coordinator or designee has recommended to eliminate a hostile environment, if one was found to exist, and to prevent its recurrence. Notwithstanding any other provision of these procedures, the respondent shall not be provided information about the individual remedies offered or provided to the complainant, but such information shall be provided to the complainant. The respondent and the complainant will be advised of their right to appeal any finding or recommended sanction to the Discrimination Appeals Committee. The appeal procedure outlined below will also be explained. If the respondent does not contest the finding or recommended sanction, the respondent shall sign a statement acknowledging no contest to the finding and the recommended sanction. The sanctioning process will move forward whether or not the respondent signs the statement acknowledging no contest. The completed investigation will be provided to the appropriate individual to determine and impose appropriate sanctions, as described below.

Sanctions

1. Sanctions for students will be determined by the Director of the Office of Student Standards and Conduct in accordance with the Standards of Conduct and, where necessary or appropriate, in consultation with the Dean of Students. Sanctions may include, but are not limited to, warning, suspension or dismissal. Not every violation of the Discrimination Policy will result in an identical sanction. The University reserves the right to impose different sanctions depending on the severity of the incident as well as any previous proven violations by the respondent.
2. Sanctions for teaching and research faculty will be determined by the Provost, in consultation with the Deans and/or the President and in accordance with the Teaching and Research Faculty Handbook and any other applicable Radford University policy and regulations. Possible sanctions include, but are not limited to counseling, training, reassignment, or the initiation of termination proceedings.
3. Sanctions for Administrative and Professional faculty will be determined by the employee's supervisor and Division Head, in consultation with the Executive Director of Human Resources and in accordance with the Administrative and Professional Faculty Handbook and any other applicable Radford University policy and regulations. Possible sanctions include, but are not limited to counseling, training, reassignment, or the initiation of termination proceedings according to procedures in the appropriate governing regulation or policy.
4. Sanctions for Classified or Wage employees will be determined by the employee's supervisor in consultation with the Executive Director of Human Resources in accordance with the Commonwealth's Standards of Conduct Policy. Sanctions that may be imposed by Radford University include, but are not limited to verbal counseling, additional training, issuance of a Written Notice, suspension, or termination

of employment.

5. Contractors shall assign for duty only employees acceptable to Radford University. Radford University reserves the right to require the Contractor to remove from campus any employee who violates the Discrimination Policy.

6. Visitors (including, but not limited to, students participating in camp or other programs at Radford University), who violate the Discrimination Policy will be directed to immediately leave campus and may be subject to a permanent ban from campus.

7. A determination regarding the imposition of sanctions shall be made within 14 calendar days of the date of the Title IX Coordinator's, or designee's final ~~investigative report~~ report of investigation, if neither the complainant nor the respondent requests appeal to the Discrimination Appeals Committee. If an appeal is requested, sanctions, if any, shall be imposed within 14 days of the final decision of the President after consideration of the written decision of the Discrimination Appeals Committee. If extension of the time frame for sanctions to be imposed beyond 14 calendar days is necessary, all parties will be notified by the Office of Student Standards and Conduct or the Department of Human Resources of the expected time for imposing the sanctions. ~~by the responsible individual imposing these sanctions.~~ The respondent shall be informed in writing of any sanctions imposed for violation of the Discrimination Policy by the individual imposing the sanctions within five (5) calendar days of the determination. The ~~Title Title~~ IX Coordinator shall be provided a copy of such written notification. The Title IX Coordinator or designee will disclose to the complainant, as simultaneously as possible to the notification provided to the respondent, information about the sanctions that directly relate to the complainant as is permitted by state and federal law including the Federal Educational Rights and Privacy Act (FERPA) and the Virginia Freedom of Information Act. ~~The Title IX Coordinator or designee also will disclose in writing to the complainant the final results of a disciplinary proceeding involving the respondent with regard to an alleged forcible or non-forcible sex offense, act of stalking, domestic violence or dating violence on the complainant, as permitted by state and federal law including FERPA and the Virginia Freedom of Information Act.~~ [GG8]

Discrimination Appeals Committee

1. Composition of the Committee

The Discrimination Appeals Committee ("Committee") shall be comprised of three trained individuals: one faculty member to be nominated by the Provost, one non-faculty member of the administration to be nominated by the Vice President for Finance and Administration, and one classified employee to be nominated by the Executive Director of Human Resources. The President shall appoint members of the Committee and the Committee Chair. Committee members shall serve indefinitely at the pleasure of the President. The President may appoint one or more persons to serve on the Committee temporarily to fill a vacancy due to recusal or otherwise to ensure a full three-member Committee. The President has sole discretion to permanently remove members of the Committee for cause.

2. Appeal Procedure

a. A complainant or respondent desiring to appeal the investigative findings of the ~~Title Title~~ IX Coordinator shall file a written request for appeal with the Title IX Coordinator within three (3)

business days of receipt of the written investigation report along with information to support one or more of the following grounds for appeal:

- i. the ~~Title Title~~ IX Coordinator or designated investigator exhibited unfair bias which influenced the results of the investigation;
- ii. new evidence, unavailable at the time of the investigation, that could substantially impact the Title IX Coordinator's finding;
- iii. error in the conduct of the investigation that is of such magnitude as to deny fundamental fairness.
- iv. the sanctions recommended by the ~~Title Title~~ IX Coordinator are substantially outside the parameters or guidelines set by Radford University for this type of offense or the cumulative conduct record of the respondent.

b. Within five (5) business days of receipt of the written request for appeal, the Title IX Coordinator will notify the parties of the time and place of hearing before the Committee. Such hearing typically will be scheduled within fifteen (15) calendar days of receipt of the request for appeal. If extension beyond fifteen (15) calendar days is necessary, both parties will be notified by the Discrimination Appeals Committee of the ~~expected-revised~~ time frame. The parties must raise ~~the Titles IX Coordinator~~ [ATW9]within five (5) calendar days of such notification, objections to members of the Committee on the basis of conflict of interest or bias for or against the appellant or appellee. The objection shall be made to the Title IX Coordinator, who will present the objection of any member of the Discrimination Appeals Committee to the President. The President shall rule on any such objections no later than three (3) ~~days-business days~~ prior to the hearing.

c. Within five (5) calendar days of filing the request for appeal, the party appealing the Title IX Coordinator's findings (appellant) must submit a written statement that (i) identifies the names and addresses of witnesses that are requested to be called at the hearing; (ii) identifies and includes copies of any documents that will be used as evidence at the hearing; (iii) describes with specificity the portion of the Discrimination Policy allegedly violated and the grounds for appeal; and (iv) requests a specific remedy. The non-appealing party (appellee) also may submit such information for the Committee's consideration. If the appellee chooses not to participate in the Committee hearing, the ~~Title Title~~ IX Coordinator will provide to the Committee within five (5) calendar days of notification that the appellee will not participate in the hearing: (i) the written investigative report; (ii) the names and addresses of witnesses the Title IX Coordinator will call at the hearing; and (iii) identification and copies of any documents that will be submitted as evidence at the hearing. If the appellee provides notification less than five (5) calendar days prior to the scheduled hearing that he or she will not participate, the hearing shall be postponed to give the ~~Title Title~~ IX Coordinator a full five (5) business days to provide the Committee the above information.

The Title IX Coordinator shall provide the written investigation report and all witness information and documents identified pursuant to this subsection to the Committee and to all parties at least three (3) business days prior to the hearing.

d. Both the appellant and the appellee may retain legal counsel at their own expense or designate a non-

attorney advisor to accompany him or her at any meeting or proceeding in the appeal process. If either party has retained legal counsel or a non-attorney advisor, the party must immediately notify the Committee Chair of such representation. The role of counsel or the non-attorney advisor for the parties shall be limited to advice and consultation with the attorney's client and the client's witnesses. Neither counsel/advisor for the appellant nor counsel/advisor for the appellee shall be permitted to question witnesses, raise objections, or make statements or arguments to the Committee at the hearing. If either party is represented by legal counsel, Radford University may be represented at the hearing by assigned legal counsel from the Office of the Attorney General, who will ensure that the rights of Radford University and the parties are respected.

e. The Chair of the Committee shall preside over the hearing. The hearing will be a non-adversarial proceeding and rules of evidence shall not be strictly applied. However, the Chair of the Committee may limit evidence or testimony that is not relevant to a determination of whether a violation of the Discrimination Policy occurred and whether the grounds for appeal are met by a preponderance of evidence. The hearing will be conducted in a fair and impartial manner. Both appellant and appellee, or the ~~Title Title~~ IX Coordinator or designee if the appellee does not participate, will address the Chair of the Committee and not each other. The Chair will be the final decision-maker on all matters of procedure during the hearing. All hearings will be closed to the public.

f. The past sexual history or sexual character of a party to the complaint, complainant or respondent, with anyone other than each other, will not be admissible. Notwithstanding the above, demonstration of pattern, repeated, and/or predatory behavior by the respondent, in the form of previous findings in any Radford University or judicial proceeding will be admissible. The parties will be notified in advance of the hearing if any information addressed by this paragraph is deemed admissible.

g. Within ten (10) calendar days of the hearing, the Committee will submit a written decision to the parties, the Title IX Coordinator, and the President. The decision shall include: (i) a description of the appellant's grounds for appeal; (ii) whether such grounds are accepted or rejected and the rationale for such determination; (iii) the Committee's decision to uphold or reject the findings of the ~~Title Title~~ IX Coordinator and/or the recommended sanction and the rationale for such determination; (iv) if the Title IX Coordinator's findings and/or recommended sanction are rejected, the findings of the Committee and recommendations for resolution.

h. Within three (3) business days of the Committee's decision, the President shall notify the Committee, the Title IX Coordinator, and the parties, in writing, of her-his decision relative to the findings and recommendations of the Committee. The decision of the President is final with no further right to appeal.

Documentation and record-keeping

The Title IX Coordinator shall maintain, in a confidential manner, for at least ten (10) years paper or electronic files of all complaints, witness statements, documentary evidence, written investigation reports, resolutions, and appeal hearings and associated documents. The Title IX Coordinator will prepare a monthly summary of pending complaints that will be presented to the President and also will be retained for at least ten (10) years. Such summary will contain sufficient information to permit the Title IX Coordinator and the President to assess Radford University compliance with the requirements of Title IX.

Training

Individuals who conduct these Discrimination Grievance Procedures, from the initial investigation to the final resolution, will at a minimum receive annual training on issues related to dating violence, domestic violence, sexual assault, sexual exploitation, and stalking, and how to conduct an investigation and appeal process that protects the safety of victims and promotes accountability.

Policy Title: Discrimination, Harassment, Sexual Misconduct, and Retaliation Policy	Effective Date: 11/21/2014
Policy Number: GEN-PO-1002	Date of Last Review: 9/15/2017
Oversight Department: Office of Diversity and Equity	Next Review Date: 9/1/2020

1. PURPOSE

The purpose of this policy is to establish clearly and unequivocally that Radford University prohibits discrimination, harassment, sexual misconduct, and retaliation by individuals subject to its control or supervision and to set forth procedures by which such allegations shall be filed, investigated and adjudicated.

2. APPLICABILITY

This policy applies to on-campus conduct involving students, employees, faculty and staff, visitors to campus (including, but not limited to, students participating in camps and programs, non-degree seeking students, exchange students, and other students taking courses or participating in programs at Radford University), and contractors working on campus who are not Radford University employees, and to students, visiting students, employees, faculty and staff participating in Radford University-sponsored activities off campus. This policy also is applicable to any conduct that occurs off campus that has continuing effects that create a hostile environment on campus. Allegations of on-campus or off-campus violations of this policy should be reported to the Title IX Coordinator in accordance with the guidance below and the Discrimination Grievance Procedures (see Section 5). This Policy replaces and supersedes the Radford University Sexual Harassment Policy and Nondiscrimination Statement, as well as any and all references related to discrimination, harassment, sexual misconduct and retaliation that may be contained in other Radford University policies, including the Standards of Student Conduct.

3. DEFINITIONS

Discrimination: Discrimination is inequitable and unlawful treatment based on an individual's protected characteristics or statuses -- race, sex, color, national origin, religion, age, veteran status, sexual orientation, gender identity, gender expression, pregnancy, genetic information, disability, or any other status protected by law -- that excludes an individual from participation in, denies the individual the benefits of, treats the individual differently or otherwise adversely affects a term or condition of an individual's employment, education, living environment or participation in an educational program or activity. This includes failing to provide reasonable accommodation, consistent with state and federal law, to persons with disabilities.

Harassment: Harassment is a form of discrimination in which unwelcome verbal, written, or physical conduct is directed toward an individual on the basis of his or her protected characteristics or statuses, by any member of the campus community. Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. Harassment violates this policy when it creates a hostile environment, as defined below.

Sexual Harassment: Sexual harassment is a form of discrimination based on sex. It is defined as unwelcome sexual advances, requests for sexual favors, or other conduct of a sexual nature including: verbal (e.g., specific demands for sexual favors, sexual innuendoes, sexually suggestive comments, jokes of a sexual nature, sexual propositions, or sexual threats); non-verbal (e.g., sexually suggestive emails, other writings, articles or documents, objects or pictures, graphic commentaries, suggestive or insulting sounds or gestures, leering, whistling, or obscene gestures); or physical (e.g., touching, pinching, brushing the body, any unwelcome or coerced sexual activity, including sexual assault). Sexual harassment, including sexual assault, can involve persons of the same or different sexes. Sexual harassment may also include sex-based harassment directed toward stereotypical notions of what is female/feminine v. male/masculine or a failure to conform to those gender stereotypes.

This policy prohibits the following types of sexual harassment:

- a. Term or condition of employment or education. This type of sexual harassment (often referred to as "quid pro quo" harassment) occurs when the terms or conditions of employment, educational benefits, academic grades or opportunities, living environment or participation in a Radford University activity are conditioned upon, either explicitly or implicitly, submission to or rejection of unwelcome sexual advances or requests for sexual favors, or such submission or rejection is a factor in decisions affecting that individual's employment, education, living environment, or participation in a Radford University program or activity.
- b. Hostile environment. Acts that create a hostile environment, as defined below.

Hostile environment: Hostile environment may be created by oral, written, graphic or physical conduct that is sufficiently severe, persistent or pervasive and objectively offensive that it interferes with, limits or denies the ability of an individual to participate in or benefit from Radford University's educational programs, services, opportunities, or activities or the individual's employment access, benefits or opportunities. Mere subjective offensiveness is not enough to create a hostile environment. In determining whether conduct is severe, persistent or pervasive, and thus creates a hostile environment, the following factors will be considered: (a) the degree to which the conduct affected one or more individuals' education or employment; (b) the nature, scope, frequency, duration, and location of the incident(s); (c) the identity, number, and relationships of persons involved; (d) the perspective of a "reasonable person" in the same situation as the person subjected to the conduct, and (e) the nature of higher education.

Responsible Employee: Responsible employee includes all Radford University employees other than the following individuals who are designated as confidential sources: physicians and licensed medical personnel at the Student Health Center, and licensed counselors at the Student Counseling Services and the Substance Abuse and Violence Educational Support Services. A responsible employee must report to the Title IX Coordinator all relevant information received about an incident of conduct that potentially is in violation of this policy and without delay. If necessary, the report may be made after addressing any immediate needs of the victim.

Sexual Misconduct: Sexual misconduct includes sexual assault or sexual violence, sexual exploitation, dating violence, domestic violence, and stalking.

- a. **Sexual assault or sexual violence** is non-consensual contact of a sexual nature. It includes any sexual contact when the victim does not or is unable to consent through the use of force, fear, intimidation, physical helplessness, ruse, impairment or incapacity (including impairment or incapacitation as a result of the use of drugs or alcohol, knowingly or unknowingly); intentional and non-consensual touching of, or coercing, forcing, or attempting to coerce or force another to touch, a person's genital area, groin, inner thigh, buttocks or breast; and non-consensual sexual intercourse, defined as anal, oral or vaginal penetration with any object.
- b. **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 fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred.
- c. **Sexual exploitation** occurs when a person takes non-consensual or abusive sexual advantage of another for anyone's advantage or benefit other than the person being exploited, and that behavior does not meet the definition of sexual assault. Sexual exploitation includes prostituting another person, non-consensual visual or audio recording of sexual activity, non-consensual distribution of photos or other images of an individual's sexual activity or intimate body parts with an intent to embarrass such individual, non-consensual voyeurism, knowingly transmitting HIV or an STD/STI to another, or exposing one's genitals to another in non-consensual circumstances.
- d. **Dating violence** is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. A social relationship of a romantic or intimate nature means a relationship which is characterized by the expectation of affection or sexual involvement between the parties. 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. Dating violence can be a single event or a pattern of behavior that includes, but is not limited to, sexual or physical abuse. Dating violence does not include acts covered under the definition of domestic violence.
- e. **Domestic violence** is a felony or misdemeanor crime of violence committed: (i) by a current or former spouse or intimate partner of the victim; (ii) by a person with whom the victim shares a child in common; (iii) by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; (iv) by a person similarly situated to a spouse of the victim under the law of the Commonwealth of Virginia; or (v) by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family laws of the Commonwealth of Virginia or the applicable jurisdiction. Domestic violence can be a single event or a pattern of behavior that includes, but is not limited to, sexual or physical abuse.

- f. **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, meaning significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. A "course of conduct" means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.

4. **POLICY**

A. **Policy**

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, color, national origin, religion, age, veteran status, sexual orientation, gender identity, gender expression, pregnancy, genetic information, against otherwise qualified persons with disabilities, or based on any other status protected by law. In pursuit of this goal, any question of impermissible discrimination on these bases will be addressed with efficiency and energy and in accordance with this policy and the Radford University Discrimination Grievance Procedures (see Section 5). This policy and the Discrimination Grievance Procedures also address complaints or reports of retaliation against those who have opposed practices prohibited by this policy, those who have filed complaints or reports under this policy, and those who have testified or otherwise participated in enforcement of this policy. Questions regarding discrimination prohibited by the Education Amendment Act of 1972 or other federal law, may be referred to Radford University's Interim Title IX Coordinator, Geoffrey P. Gabriel, Office of Diversity and Equity, 540-831-5307 or ggabriel3@radford.edu, or the U.S. Department of Education, Office of Civil Rights.

B. **Retaliation**

Any form of retaliation, including intimidation, threats, harassment, and other adverse action taken or threatened against any complainant or person reporting or filing a complaint alleging discrimination, sexual harassment, or sexual misconduct or any person cooperating in the investigation of allegations of discrimination, sexual harassment, or sexual misconduct to include testifying, assisting or participating in any manner in an investigation pursuant to this policy and the Discrimination Grievance Procedures (see Section 5) is strictly prohibited by this policy. Action is generally deemed adverse if it would deter a reasonable person in the same circumstances from opposing practices prohibited by this policy. Retaliation may result in disciplinary or other action independent of the sanctions or interim measures imposed in response to the underlying allegations of discrimination, sexual harassment or sexual misconduct. Retaliation prohibited by this policy includes any discrimination, intimidation, threat, or coercion against the Title IX Coordinator, or staff of the Office of Diversity and Equity for purpose of interfering with his or her job responsibilities.

C. **Reporting**

1. Conduct in violation of this policy shall be reported promptly by all students, employees, visitors, or contractors. Radford University's Title IX Coordinator is responsible for overseeing the investigation of all reports of alleged discrimination, sexual harassment, or sexual misconduct in accordance with the Discrimination Grievance Procedures (see

Section 5). Employees receiving such reports or complaints should immediately notify the Title IX Coordinator and should not undertake any independent efforts to determine whether or not the report or complaint has merit before reporting it to the Title IX Coordinator.

2. Radford University's Interim Title IX Coordinator is Geoffrey P. Gabriel. The Interim Title IX Coordinator's contact information is as follows:

Geoffrey P. Gabriel
Interim Title IX Coordinator
(540) 831-7122 (Direct)
ggabriel3@radford.edu
Office of Diversity and Equity
Radford University
314B Tyler Place, 2nd Floor
P.O. Box 6988
Radford, VA 24142
(540) 831- 5307 (Main)

3. **Mandatory employee reporting:** All employees, other than the confidential employees detailed in the definition of Responsible Employee in Section 3. and in Section 4.E. of this policy, who receive information regarding a complaint or report of discrimination, sexual harassment, sexual misconduct, or retaliation must report any relevant information about the alleged incident to the Title IX Coordinator without delay after addressing the needs of the victim. No Radford University employee shall undertake any independent efforts to determine whether or not the report or complaint has merit or can be substantiated before reporting it to the Title IX Coordinator.
4. **Reports made by Students:** Students should report violations of this policy to the Title IX Coordinator. Note: Students are not restricted to reporting to student contacts and may report to anyone listed in this policy or any supervising staff or faculty member. Other than reports made to confidential sources in accordance with the definition of Responsible Employee in Section 3. and in Section 4.E. of this policy, reports must be forwarded to the Title IX Coordinator.
5. **Reports made by visitors or contractors:** Visitors, including visiting students, and employees of contractors working on campus should report violations of this policy to the Title IX Coordinator.
6. All members of the Radford University community are expected to provide truthful information in any report or proceeding under this policy and the Discrimination Grievance Procedures (see Section 5). Submitting or providing any false or misleading information in bad faith or with a view toward personal gain or intentional harm to another in connection with any report, investigation, or proceeding under this policy and the Discrimination Grievance Procedures is prohibited and subject to conduct charges for students under the Standards of Student Conduct or discipline for employees under the appropriate policy. This provision does not apply to reports made or information provided in good faith, even if the facts as alleged are not later substantiated by a preponderance of the evidence.

D. Criminal Reporting

If a victim is in immediate danger or needs immediate medical attention, contact 911 or the Radford University Police Department (RUPD) at (540) 831-5500 (blue light emergency phones on campus connect directly to RUPD). Some conduct in violation of this policy may also be a crime under Virginia law. Individuals are encouraged to report incidents of sexual misconduct to law enforcement, even if the reporting individual is not certain if the conduct constitutes a crime. Radford University will provide assistance to victims in notifying law enforcement if the victim so chooses. Crimes dealing with minors must be reported to law enforcement.

E. Confidentiality and Anonymous Reporting

Radford University officials have varying reporting responsibilities under state and federal law. If a victim of conduct in violation of this policy or another reporting party wishes to make a confidential report, it must be made to physicians and licensed medical personnel at the Student Health Center, and licensed counselors at the Student Counseling Services and the Sexual Abuse and Violence Education Support Services (SAVES). These individuals will encourage victims to make a report to the Radford University Police Department, the Title IX Coordinator, or local law enforcement. Students and student organizations cannot keep reports confidential, even if working with officials above who are able to maintain confidentiality of reports. Other faculty and staff receiving reports of conduct in violation of this policy are mandated reporters, but will maintain privacy to every extent possible without compromising Radford University's ability to investigate and respond in accordance with applicable law and regulations.

Notwithstanding a complainant's request that law enforcement not be informed of an incident, Radford University is required pursuant to Virginia Code § 23.1-806 to report information about an incident to law enforcement if necessary to address an articulable and significant threat posing a health or safety emergency, as defined by the implementing regulations of the Family Educational Rights and Privacy Act, 34 C.F.R. § 99.36, as detailed in the Sexual Violence Threat Assessment provisions of the Discrimination Grievance Procedures (see Section 5). The Title IX Coordinator may be limited in the ability to investigate an anonymous report unless sufficient information is furnished to enable the Title IX Coordinator to conduct a meaningful and fair investigation. If the complainant requests confidentiality or that the complaint not be pursued, Radford University may also be limited in the actions it is able to take and its ability to respond.

F. Timely Warnings

Radford University 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. Radford University will ensure, to every extent possible, that a 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.

G. Sexual Misconduct Survivor/Victim Procedures and Services

- 1.** Radford University will assist sexual misconduct survivors/victims in a supportive manner, implementing the procedures set out herein. Because of the potential seriousness and sensitivity of the investigations involved, it is important to undertake these investigations properly. Preserving the evidence is often a key step of successful investigation of alleged sexual misconduct.
- 2.** Recommended procedure for anyone who has experienced sexual misconduct:
 - a.** Go to a safe place.
 - b.** For your safety and confidential care, report promptly to the Student Health Center or the nearest medical facility/emergency room. You may request a Sexual Assault Advocate if one is not provided. Physical evidence may be usable if proper procedures are followed for evidence collection within 96 hours of the assault.
 - c.** Contact a trusted friend or family member. For professional and confidential counseling support, contact Student Counseling Services at (540) 831- 5226, the Substance Abuse and Violence Education Support Services (SAVES) at (540) 831-5709, the Center for Assessment and Psychological Services (CAPS) at (540) 831-2471, or the Women's Resource Center of the New River Valley at (540) 639-9592. Among other services, the Women's Resource Center of the New River Valley offers survivors a 24-hour Hotline at (800) 788-1123 or TTY for Deaf and Hard of Hearing Individuals at (540) 639-2197, emergency shelter, crisis intervention, counseling, applicable referrals, and court advocacy. Radford University employees can also contact the Women's Resource Center of the New River Valley.
 - d.** Employees will be assisted with available options for changing parking, work and living arrangements.
 - e.** It is your right to have evidence collected and retained anonymously by law enforcement while you consider whether to pursue criminal charges. Evidence preservation is enhanced in the following ways:
 - i.** Do not wash your hands, bathe, or douche. Do not urinate, if possible.
 - ii.** Do not eat, blow your nose, drink liquids, smoke, or brush your teeth if oral contact took place.
 - iii.** Keep the clothing worn when the assault took place. If you change clothing, place the worn clothing in a paper bag (evidence deteriorates in plastic).
 - iv.** Do not destroy any physical evidence that may be found in the vicinity of the assault by cleaning or straightening the location of the crime. The victim should not clean or straighten the location of the crime until law enforcement officials have had an opportunity to collect evidence.
 - v.** Tell someone all the details you remember or write them down as soon as possible.
 - vi.** Maintain text messages, pictures, online postings, video and other documentary or electronic evidence that may corroborate a complaint.

3. There is no time limit for filing a complaint of sexual misconduct. However, complainants should report as soon as possible to maximize Radford University's ability to respond. Failure to report promptly could result in the loss of relevant evidence and impair Radford University's ability to adequately respond to the allegations.
4. The victim shall have the right to file a complaint with law enforcement and the option to be assisted by the Title IX Coordinator and other Radford University authorities in notifying the proper law enforcement authorities of the alleged sexual misconduct.
5. Radford University officials (excluding the Radford University Police Department, and confidential resources) receiving reports of a possible sexual misconduct will follow the procedures set forth under this policy and the Discrimination Grievance Procedures (see Section 5). The Radford University Police Department will follow departmental procedures.
6. Resources for Victims of Sexual Misconduct:
 - a. Any student or visiting student who reports sexual misconduct to the Title IX Coordinator, the Substance Abuse and Violence Educational Support Services (SAVES), Student Health Center, and Student Counseling Services will receive an information pamphlet(s) outlining resources and options. Radford University Police Department protocol includes coordination with the Women's Resource Center.
 - b. The Title IX Coordinator or designee shall advise victims of resources available with the Women's Resource Center and encourage use of these resources. Any individual who is reported to be the victim of sexual misconduct shall receive from the Title IX Coordinator or designee information on contacting the Women's Resource Center and services available through the Women's Resource Center's memorandum of understanding with Radford University.
 - c. Students and visiting students will be assisted with available options for changing academic, transportation, parking, work and living arrangements after alleged sexual misconduct. Safety arrangements such as no-contact orders and escorts are also available as needed.

H. Title IX Coordinator Oversight

The Title IX Coordinator oversees the investigation and resolution of all reports by students, visiting students, and faculty and staff of alleged discrimination, sexual harassment or sexual misconduct in accordance with the Discrimination Grievance Procedures (see Section 5). Reports of discrimination by the Title IX Coordinator should be made to the President.

I. Interim Measures

Radford University may take interim measures, as necessary to assist or protect the complainant during the investigation and resolution of complaints of discrimination and any law enforcement investigation. Radford University must also address the safety of the complainant or any member of the campus community, and avoid retaliation. If, in the judgment of the Title IX Coordinator or other Radford University leadership, the safety and well-being of any member of the campus community may be jeopardized by the presence on campus of the accused individual, the Title IX Coordinator may provide remedies to address the short-term effects of harassment, discrimination and/or retaliation and to prevent further violations. To the extent possible, Radford University will seek the consent of the complainant

before taking interim measures to the greatest degree possible. Interim measures may include, but are not necessarily limited to, changes in classroom or work schedules or housing arrangements, no-contact orders, bans from campus, safety escorts on campus, referral and coordination of counseling and health services, and modification of work or academic requirements. Radford University may temporarily reassign or place on administrative leave an employee alleged to have violated this policy.

J. Sanctions

If it is determined that conduct in violation of this policy has occurred, sanctions will be determined in accordance with the Discrimination Grievance Procedures (see Section 5). Consequences for violating this policy will depend on the facts and circumstances of each particular situation, the frequency and severity of the offense, and any history of past conduct in violation of this policy. Sanctions may include penalties up to and including dismissal for students and termination for employees. In addition to sanctions that may be imposed on an individual found in violation of this policy, Radford University will take steps to prevent recurrence of any sexual misconduct, including sexual assault and sexual violence, and to remedy discriminatory effects on the complainant and others, if appropriate.

K. Student Amnesty

Ensuring the safety of students who report violations of this policy is Radford University's primary concern. In order to facilitate reporting, Radford University will, with the following limited exceptions, provide amnesty to a student who reports an incident in violation of this policy, directed toward that student or another student, for minor disciplinary infractions, such as underage drinking, at the time of the incident. Amnesty may not be offered if (1) the minor disciplinary infraction places or placed the health or safety of any other person at risk or (2) the student who committed the disciplinary infraction previously has been found to have committed the same disciplinary infraction. If amnesty is provided, no conduct proceedings or conduct record will result for minor disciplinary infractions. Amnesty for minor disciplinary infractions also may be offered to students who intervene to help others before a violation of this policy occurs and for students who receive assistance or intervention. Abuse of amnesty requests may result in a decision by the Office of the Dean of Students not to extend amnesty to the same student repeatedly. The Office of Student Standards and Conduct and the Office of the Dean of Students shall maintain records regarding the provision of amnesty for at least seven (7) years. Infractions that constitute offenses shall not be considered minor policy violations for which amnesty may be offered under this provision.

L. Education and Awareness

1. For more information about sexual misconduct and resources available in the local community, please visit the Women's Resource Center of the New River Valley website at: www.wrcnrvalley.org.
2. The Title IX Coordinator coordinates an education, training and awareness program on discrimination, sexual harassment, and sexual misconduct for students and employees, including training on primary prevention, risk reduction, consent and other pertinent topics. The Office of Substance Abuse and Violence Education Support Services (SAVES) provides programming on sexual misconduct issues, resources available on campus in the community, bystander intervention, and coordinates intervention programs.

M. 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 complaints and 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 regarding free speech rights of students and employees. This policy does not in any way apply to curriculum and curriculum decisions or abridge the use of particular textbooks or curricular materials.

5. PROCEDURES (Discrimination Grievance Procedures)

A. Purpose

These procedures provide a prompt and equitable resolution for complaints or reports of discrimination based on race, sex, color, national origin, religion, age, veteran status, sexual orientation, gender identity, pregnancy, genetic information, against otherwise qualified persons with disabilities, or based on any other status protected by law, including complaints alleging sexual harassment or sexual misconduct prohibited by Radford University policy on Discrimination, Harassment, Sexual Misconduct, and Retaliation ("Discrimination Policy"). Any person who believes he or she has been subjected to discrimination or harassment on any of these bases may file a complaint with Radford University as outlined in these procedures. These procedures also address any complaints or reports of retaliation against individuals who have filed complaints or reports of discrimination, who have opposed discriminatory practices, and those who have testified or otherwise participated in investigations or proceedings arising from complaints or reports of discrimination. Questions regarding discrimination prohibited by the Education Amendment Act of 1972 or other federal law, may be referred to Radford University's Interim Title IX Coordinator, Geoffrey P. Gabriel, Office of Diversity and Equity, 540-831-5307 or ggabriel3@radford.edu or the U.S. Department of Education, Office of Civil Rights.

B. Complaints and Reporting

Complaints and reports of discrimination, sexual harassment, and sexual misconduct should be made to Radford University's Title IX Coordinator. The Title IX Coordinator is responsible for overseeing the investigation of all reports of alleged discrimination, sexual harassment, or sexual misconduct and is trained to help individuals who file complaints find resources, to investigate reported incidents, and to respond appropriately to conduct alleged to be in violation of the Discrimination Policy. Individuals receiving reports or complaints of discrimination, sexual harassment, or sexual misconduct should immediately notify the Title IX Coordinator after addressing the immediate needs of the victim, and should not undertake any independent efforts to determine whether or not the report or complaint has merit before reporting it to the Title IX Coordinator.

The Radford University Interim Title IX Coordinator is Geoffrey P. Gabriel. The Interim Title IX Coordinator's contact information is listed below:

Geoffrey Gabriel
Interim Title IX Coordinator
(540) 831-7122 (Direct)
ggabriel3@radford.edu (email)
Office of Diversity and Equity
Radford University
314B Tyler Place, 2nd Floor
P.O. Box 6988
Radford, VA 24142
(540) 831- 5307 (Main)

Reports of conduct in violation of the Discrimination Policy should be made without undue delay after the incident after addressing the needs of the victim, and may be made orally or in writing, including online on the [Office of Diversity and Equity webpage](#) to the Title IX Coordinator. The Title IX Coordinator also will accept, without comment or need for explanation, a sealed envelope addressed to "Title IX Coordinator." The envelope, at a minimum, need only contain a piece of paper with the name and room number or phone number of the individual wishing to make a report. Individuals also can report the incidents anonymously online through the SAVES office webpage:

<http://www.radford.edu/content/saves/home/assault/sexual-misconduct.html>

or Confidential Reporting and Silent Witness through the Radford University Police Department webpage:

<http://www.radford.edu/content/police/home/forms/witness.html>

or by leaving an anonymous message with the Radford University Police Department at 540-831-STOP (7867). As will be the case with all reports, however made, the reporting individual will be contacted promptly, but in no case more than three calendar days from the date of the report, for an interview with the Title IX Coordinator or designee.

Notwithstanding the forgoing, individuals who believe they have been the subject of conduct in violation of the Discrimination Policy are encouraged to make detailed written statements of the facts, including the name(s) of the offending individual(s), and any witness(es), promptly after an incident.

C. The Role of the Title IX Coordinator

The Title IX Coordinator is charged with coordinating Radford University's compliance with federal civil rights laws. The Title IX Coordinator and the Office of Diversity and Equity staff do not serve as an advocate for either the complainant or the respondent. The Title IX Coordinator or designee will explain to all identified parties the procedures outlined below, including confidentiality. As appropriate, the Title IX Coordinator or designee will provide all identified parties with information about obtaining medical and counseling services, making a criminal report, information about receiving advocacy services including those offered by the Office of Substance Abuse and Violence Education Support Services (SAVES) or the Women's Resource Center of the New River Valley, and guidance on other Radford University and community resources. The Title IX Coordinator or designee will offer to coordinate with other Radford University leadership, when appropriate, to implement interim measures as

described below. The Title IX Coordinator or designee will explain to all involved parties the process of a prompt, adequate, reliable, and impartial investigation, including the opportunity for both the complainant and respondent to identify witnesses and provide other evidence. The Title IX Coordinator or designee will explain to all identified parties the right to have a personal advisor present and to review and respond to the allegations and evidence. The Title IX Coordinator or designee will also explain to the parties and witnesses that retaliation for reporting alleged discrimination, sexual harassment or sexual misconduct, or participating in an investigation of an alleged violation, is strictly prohibited and that any retaliation should be reported immediately and will be promptly addressed.

D. Written Explanation of Rights and Options

When a student or employee reports that he or she has been a victim of dating violence, domestic violence, sexual assault, sexual exploitation, or stalking, whether the offense occurred on or off campus, the student or employee will be provided a written explanation of rights and options, which shall include:

1. Procedures victims should follow if a crime of dating violence, domestic violence, sexual assault, sexual exploitation, or stalking has occurred, including written information about:
 - a. The importance of seeking medical attention and of the collection and preservation of evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protective order;
 - b. How and to whom the alleged offense should be reported;
 - c. Options about the involvement of local law enforcement and the Radford University Police Department, including the victim's option to:
 - i. Notify proper law enforcement authorities, including local law enforcement and/or the Radford University Police Department;
 - ii. Be assisted by Radford University staff in notifying law enforcement authorities, if the victim so chooses; and
 - iii. Decline to notify such authorities.
 - d. The rights of victims and Radford University's responsibilities regarding no contact orders, residential relocation, eviction orders or other orders.
2. Information about how Radford University will protect the confidentiality of victims and other parties, including how Radford University will:
 - a. Complete publicly available recordkeeping, including reporting and disclosures required by the Clery Act, without the inclusion of personally identifying information about the victim;
 - b. Maintain as confidential, any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of Radford University to provide the accommodations or protective measures; and
 - c. Ensure confidentiality of investigative files as education records protected by the Family Educational Rights and Privacy Act (FERPA), including that the process for the Sexual Violence Threat Assessment in accordance with Virginia Code § 23.1-806 could, if the incident poses to members of the Radford University community a health or safety emergency, as defined by the FERPA regulations, lead to disclosure of

personally identifying information to the law enforcement agency that would be responsible for investigating the incident and other appropriate parties whose knowledge of the information is necessary to protect the health and safety of the victim or other individuals.

3. Notification of existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within Radford University and in the local community;
4. Options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures, regardless of whether the victim chooses to report the crime to the Radford University Police Department or local law enforcement;
5. The procedures for Title IX investigation, adjudication, appeals, and disciplinary sanctions, including the right to decline to participate in a Title IX investigation by the victim.

E. Criminal Reporting and Coordination

The Title IX Coordinator or designee will make all complainants aware of the right also to file a complaint with the Radford University Police Department or local law enforcement, and will encourage accurate and prompt reporting when the complainant elects to report. If a victim of sexual assault, dating violence, domestic violence, or stalking is physically or mentally incapacitated for at least 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 or local law enforcement for cooperation in investigations. Such cooperation may require the Title IX Coordinator or designee to temporarily suspend the fact-finding aspect of a Title IX investigation detailed in the procedures below while the Radford University Police Department or the local law enforcement agency gathers evidence. The Title IX Coordinator or designee will promptly resume its Title IX investigation as soon as notified by the Radford University Police Department or local law enforcement agency that it has completed the evidence gathering process. Otherwise, the Title IX 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.

F. Confidentiality, Anonymity and Requests Not to Pursue Title IX Investigation

Radford University officials have varying reporting responsibilities under state and federal law. If a victim of conduct in violation of this policy or another reporting party wishes to keep a report confidential, it must be made to a licensed medical provider or counselor within Student Health Center, Student Counseling Services or the SAVES Office (for students). These individuals will encourage victims to make a report to the Radford University Police Department, the Title IX Coordinator, or local law enforcement. Students and student organizations cannot keep reports confidential, even if working with officials above that are able to maintain confidentiality of reports. Other Radford University officials receiving reports of conduct in violation of this policy are mandated reporters but will maintain privacy to every extent possible without compromising Radford University's ability to investigate and respond in accordance with applicable law and regulations. The Title IX Coordinator or designee may be limited in the ability to investigate an anonymous report unless sufficient information is furnished to enable the Title IX Coordinator or designee to conduct a meaningful and fair investigation.

If the complainant requests confidentiality or that an investigation not be conducted, Radford University may be limited in the actions it is able to take and its ability to respond while respecting the request. The complainant will be asked to sign a statement stating a desire for confidentiality or that an investigation not be pursued and the Title IX Coordinator or designee will take all reasonable steps to respond to the complaint consistent with the request. Notwithstanding a complainant's request that law enforcement not be informed of an incident, Radford University is required pursuant to Virginia Code § 23.1-806 to report information about an incident to local law enforcement if necessary to address an articulable and significant threat posing a health or safety emergency, as defined by the implementing regulations of the Family Educational Rights and Privacy Act (FERPA), 34 C.F.R. § 99.36, and as detailed in the Sexual Violence Threat Assessment provisions, below.

G. Sexual Violence Threat Assessment

1. Upon receipt of any report of sexual violence, defined as a physical sexual act perpetrated against a person's will or where a person is incapable of giving consent, that is alleged to have occurred (i) against any students; or (ii) on campus, in or on a Radford University building or property, or on public property that is on campus or immediately adjacent to and accessible from campus, the Title IX Coordinator shall promptly inform a review committee of the report, including personally identifying information. The review committee shall be comprised of, at a minimum, the Title IX Coordinator, a representative of Law Enforcement, and a student affairs representative. The review committee may consult other Radford University officials depending on whether the accused individual is a student, faculty, or staff member and the circumstances of the report. The review committee shall be advised by the Office of the Attorney General.
2. Within 72 hours of receipt of the report from the Title IX Coordinator, the review committee shall meet to review the information and shall continue to meet as necessary as new information becomes available. If the criteria in Paragraph 1 are met, the review committee shall convene regardless of whether or not the victim has notified the Radford University Police Department or local law enforcement or whether or not the victim has requested that Radford University proceed with a Title IX investigation.
3. The review committee may obtain law enforcement records and criminal history record information as provided in Virginia Code § 19.2-389 and § 19.2-389.1, health records as provided in Virginia Code § 32.1-127.1:03, available conduct or personnel records, and known facts and circumstances of the reported incident of sexual harassment or sexual misconduct and other evidence known to Radford University, including the Radford University Police Department, and local law enforcement. The review committee shall be considered to be a threat assessment team established pursuant to Virginia Code § 23.1-805 for purposes of (i) obtaining criminal history record information and health records and (ii) the Virginia Freedom of Information Act, (Virginia Code § 2.2-3700 et seq.). The review committee shall comply with the Family Educational Rights and Privacy Act in conducting its review.
4. In addition to the available information detailed in Paragraph 3, above, the review committee shall consider factors that suggest there is an increased risk of the accused individual committing additional acts of sexual misconduct or other violence, including, but not limited to:

- a. Other sexual misconduct complaints about the same individual;
- b. Prior arrests or reports of misconduct at another institution or a history of violent behavior;
- c. Threats of further sexual misconduct against the reporting individual or others;
- d. A history of failing to comply with a no-contact order issued by Radford University officials;
- e. Allegations of multiple perpetrators in the same incident;
- f. Use of physical violence in the reported incident or a prior incident. Examples of physical violence include, but are not limited to, hitting, punching, slapping, kicking, restraining, or choking;
- g. Reports or evidence of a pattern of perpetration, including a pattern of the accused individual using alcohol or drugs to facilitate sexual misconduct or harassment;
- h. Use of a weapon in the reported incident or a prior incident;
- i. A victim under the age of 18 or who is significantly younger than the accused individual.

The review committee shall also consider whether means exist to obtain evidence other than investigation by law enforcement or a Title IX investigation such as security camera footage, eyewitness reports from security or guard personnel, or physical evidence.

5. If, based on a consideration of all factors, the review committee determines that there is a significant and articulable threat to the health or safety of one or more individuals and that disclosure of the information to local law enforcement, including personally identifying information, is necessary to protect the health and safety of one or more individuals, the law enforcement representative shall immediately disclose such information to the law enforcement agency that would be responsible for investigating the incident, for the purpose of investigation and other actions by law enforcement. If the review committee cannot reach a consensus, the law enforcement representative may make the threat determination. Upon any disclosure to law enforcement under this paragraph, the Title IX Coordinator or designee shall notify the victim that such disclosure is being made. The provisions of this paragraph shall not apply if the law enforcement agency responsible for investigating the alleged incident is located outside the United States.
6. If information is disclosed to law enforcement under Paragraph 5 or if the review committee determines that sufficient factors exist to proceed with a Title IX investigation, despite the stated desires of the victim for confidentiality or not to proceed with an investigation, the Title IX Coordinator or designee shall proceed with a full investigation under these procedures. In those situations, the Title IX Coordinator or designee will notify the victim that Radford University is overriding the victim's request for confidentiality in order to meet Title IX obligations, but, other than the disclosure under Paragraph 5, if made, the information will only be shared with individuals who are responsible for handling Radford University's response to incidents of sexual violence. Radford University will ensure that any information maintained by Radford University is maintained in a secure manner.

7. If the reported incident would constitute a felony violation of Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 of the Code of Virginia, as determined by the law enforcement member or any other member of the review committee, the law enforcement member shall inform other members of the review committee and shall notify the attorney for the Commonwealth or other prosecutor responsible for prosecuting the incident and provide information received without disclosing personally identifying information, unless such information was disclosed to a law enforcement agency pursuant to Paragraph 5.
8. At the conclusion of the Sexual Violence Threat Assessment, the Title IX Coordinator and law enforcement member shall each retain (i) the authority to proceed with any further investigation or adjudication allowed under state or federal law and (ii) independent records of the review committee's determination considerations, which shall be maintained under applicable state and federal law.

H. Interim Measures

Radford University may take interim measures, as necessary to assist or protect the complainant during the investigation and resolution of complaints of discrimination and any law enforcement investigation. Radford University must also address the safety of the complainant or any member of the campus community, and to avoid retaliation. If, in the judgment of the Title IX Coordinator or other Radford University leadership, the safety and well-being of any member of the campus community may be jeopardized by the presence on campus of the accused individual, the Title IX Coordinator may provide remedies to address the short-term effects of harassment, discrimination and/or retaliation and to prevent further violations. To the extent possible, Radford University will seek the consent of the complainant before taking interim measures to the greatest degree possible. Interim measures may include, but are not necessarily limited to, changes in classroom or work schedules or housing arrangements, no-contact orders, bans from campus, safety escorts on campus, referral and coordination of counseling and health services, and modification of work or academic requirements. Radford University may temporarily reassign or place on administrative leave an employee alleged to have violated this policy. In such a situation, the employee will be given the opportunity to meet with the Title IX Coordinator prior to such action being imposed, or as soon thereafter as reasonably possible, to demonstrate why the action should not be implemented.

I. Timely Warnings

Radford University 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. Radford University will ensure, to every extent possible, that a 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.

J. Coordination with the Office of the Dean of Students and the Department of Human Resources

Radford University's Title IX Coordinator is responsible for overseeing all complaints of discrimination and identifying and addressing any pattern or systemic problems that arise during the review of such complaints.

Any member of the Office of the Dean of Students, the Office of Student Standards and Conduct, or the Department of Human Resources receiving a report of alleged discrimination, sexual harassment, or sexual misconduct shall report it without delay to the Title IX Coordinator. No member of the Office of the Dean of Students, the Office of Student Standards and Conduct or the Department of Human Resources shall undertake any independent efforts to determine whether or not the report or complaint has merit before reporting it to the Title IX Coordinator. The Title IX Coordinator's Office shall conduct all investigations of allegations of sexual misconduct in accordance with the procedures below. The Office of Student Standards and Conduct and the Office of the Dean of Students shall report the findings of investigations of discrimination and harassment to the Title IX Coordinator. At the conclusion of the investigation, the Title IX Coordinator shall recommend a sanction, if any, to the Dean of Students and the Director of the Office of Student Standards and Conduct or the Department of Human Resources, as appropriate.

K. Investigation and Resolution

There are two possible methods for investigation and resolution of a complaint alleging violations of the Discrimination Policy: formal and informal resolution. For alleged violations of the Discrimination Policy other than sexual misconduct, the complainant and the respondent have the option to proceed under an informal procedure, when deemed permissible by the Title IX Coordinator. The Title IX Coordinator or designee will explain the informal and formal procedures to both the complainant and the respondent, if known. In all cases, Radford University will ensure there is no conflict of interest in the investigation and resolution of complaints and will strive to avoid the appearance of conflict of interest.

1. Informal investigation and resolution:

If the complainant, the respondent, and the Title IX Coordinator or designee all agree that an informal investigation and resolution should be pursued, the Title IX Coordinator or designee shall attempt to facilitate a resolution that is agreeable to all parties. Under this procedure, the Title IX Coordinator or designee will conduct a preliminary investigation 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. All parties will be permitted to request witnesses to be interviewed by the Title IX Coordinator and other evidence to be considered in the preliminary investigation. Typically, a preliminary investigation will be completed within 30 calendar days of receipt of notice. If an extension of the preliminary investigation beyond 30 calendar days is necessary, all parties will be notified of the expected resolution time frame. If at any point during this informal investigation and resolution procedure, the complainant, the respondent, or the Title IX Coordinator wish to suspend the informal procedure and proceed through the formal grievance procedure, such request will be granted.

Any resolution of a complaint through the informal procedure must adequately address the concerns of the complainant, as well as the rights of the respondent and the responsibility of Radford University to prevent, address, and remedy alleged violations of the Discrimination Policy. Informal resolution remedies might include providing training, providing informal counseling to an individual whose conduct, if not ceased, could rise to the level of discrimination or harassment, confidential briefing of the respondent's work supervisor, use of processes and sanctions set forth in the Standards of Student Conduct, or other methods. All parties will be provided written notification of the resolution of the complaint through the informal procedures, including whether the preliminary

investigation substantiated discrimination or harassment by a preponderance of the evidence and a description of Radford University's response. There shall be no right of appeal afforded to the complainant or the respondent following informal investigation and resolution.

2. Formal investigation and resolution:

- a. A formal complaint may be submitted either in written format or through a verbal interview of the complainant by the Title IX Coordinator or designee regarding the events and circumstances underlying the complaint. The complainant is not required to submit a written complaint to the Title IX Coordinator to commence an investigation. In the case of a third party notification, the Title IX Coordinator will contact the alleged victim promptly, and in no case later than three calendar days from the date of the complaint. The complaint may be supplemented by additional supporting documents, evidence, or recommendations of witnesses to be interviewed during the course of the investigation. The complainant must also disclose if a formal complaint has been filed with another Radford University office, state, or federal entity for the same offense.
- b. The Title IX Coordinator or designee will discuss the complaint with the complainant, and the respondent as appropriate, including providing information about the formal investigation procedure and other resources. The Title IX Coordinator or designee will explain to the parties that each has the opportunity to provide evidence and to suggest witnesses to be interviewed during the course of the investigation.
- c. The Title IX Coordinator will consider whether interim measures and involvement of other Radford University leadership is appropriate. The Title IX Coordinator also will confirm that the matter involves an alleged violation of the Discrimination Policy, thereby conferring jurisdiction to the Title IX Coordinator's office. If the Title IX Coordinator determines that the Title IX Coordinator's office does not have jurisdiction, the Title IX Coordinator or designee will offer to assist the complainant and, as appropriate, the respondent, in finding appropriate on-campus and off-campus resources to address the issue(s).
- d. All investigations of complaints alleging violations of the Discrimination Policy shall be overseen by the Title IX Coordinator. The Title IX Coordinator or designee will conduct a prompt, adequate, reliable, and impartial investigation of the complaint. Typically an investigation, not including the time necessary for potential appeals, will be completed within 60 calendar days of receipt of notice. If extension of the investigation beyond 60 calendar days is necessary, all parties will be notified of the expected time frame. Only the Title IX Coordinator, a trained investigator designated by the Title IX Coordinator's office shall conduct the investigation.
- e. Both complainant and respondent will have the same opportunity to review and respond to evidence obtained during an investigation and will be afforded the same opportunity to review and provide comment to the investigator about the written investigation report before it is finalized. Both the complainant and the respondent may designate an advisor to accompany him or her at any meeting or proceeding during the formal investigation. The role of such advisors shall be limited to advise and consult. Neither the advisor for the complainant nor the advisor for the

respondent shall be permitted to question witnesses, raise objections, or make statements or arguments at any meetings or proceedings during an investigation or an appeals hearing.

- f. The Title IX Coordinator or designee will determine whether there is a preponderance of the evidence to substantiate the complaint of an alleged violation of the Discrimination Policy. A respondent will not be found in violation of the Discrimination Policy absent a finding of preponderance of evidence that the violation occurred. The "preponderance of the evidence" standard requires that the weight of the evidence, in totality, supports a finding that it is more likely than not that the alleged violation occurred.
- g. In determining whether alleged harassment has created a hostile environment, the Title IX Coordinator or designee shall consider whether the conduct was unwelcome to the complainant, but also whether the conduct was severe or pervasive and whether a reasonable person similarly situated to the complainant would have perceived the conduct to be objectively offensive.
- h. The Title IX Coordinator or designee shall prepare a written investigation report, which shall be provided to both the complainant and the respondent concurrently. In most cases the written investigation report shall be provided to both parties for comments within 60 calendar days of notice of the allegation. If extension of the time frame for the Title IX Coordinator to provide the investigation report beyond 60 calendar days is necessary, all parties will be notified of the revised time frame for completion of the report of investigation.
- i. If the Title IX Coordinator or designee finds by a preponderance of the evidence that a violation of the Discrimination Policy did not occur, the matter will be documented as closed. The complainant may appeal the finding to the Discrimination Appeals Committee under the procedure described below.
- j. If the Title IX Coordinator or designee finds by a preponderance of the evidence that violation of the Discrimination Policy did occur, the Title IX Coordinator's or designee's written report will contain recommendations for steps that should be taken to prevent recurrence of any such violation and, as appropriate, remedies for the complainant and the community. The written report also will contain the Title IX Coordinator's or designee's recommendation on sanctions. If interim measures as described above have been taken, the Title IX Coordinator shall include a recommendation regarding continuation, suspension or modification of any such interim measures. The Title IX Coordinator or designee shall provide the written report to both the complainant and respondent, in accordance with subsection h., above, including the steps the Title IX Coordinator or designee has recommended to eliminate a hostile environment, if one was found to exist, and to prevent its recurrence. Notwithstanding any other provision of these procedures, the respondent shall not be provided information about the individual remedies offered or provided to the complainant, but such information shall be provided to the complainant. The respondent and the complainant will be advised of their right to appeal any finding or recommended sanction to the Discrimination Appeals Committee. The appeal procedure outlined below will also be explained. If the respondent does not contest the finding or recommended sanction, the respondent shall sign a statement acknowledging no contest to the finding and the recommended

sanction. The sanctioning process will move forward whether or not the respondent signs the statement acknowledging no contest. The completed investigation will be provided to the appropriate individual to determine and impose appropriate sanctions, as described below.

L. Sanctions

1. Sanctions for students will be determined by the Director of the Office of Student Standards and Conduct in accordance with the Standards of Conduct and, where necessary or appropriate, in consultation with the Dean of Students. Sanctions may include, but are not limited to, warning, suspension or dismissal. Not every violation of the Discrimination Policy will result in an identical sanction. The University reserves the right to impose different sanctions depending on the severity of the incident as well as any previous proven violations by the respondent.
2. Sanctions for teaching and research faculty will be determined by the Provost, in consultation with the Deans and/or the President and in accordance with the Teaching and Research Faculty Handbook and any other applicable Radford University policy and regulations. Possible sanctions include, but are not limited to counseling, training, reassignment, or the initiation of termination proceedings.
3. Sanctions for Administrative and Professional faculty will be determined by the employee's supervisor and Division Head, in consultation with the Assistant Vice President for Human Resources and in accordance with the Administrative and Professional Faculty Handbook and any other applicable Radford University policy and regulations. Possible sanctions include, but are not limited to counseling, training, reassignment, or the initiation of termination proceedings according to procedures in the appropriate governing regulation or policy.
4. Sanctions for Classified or Wage employees will be determined by the employee's supervisor in consultation with the Assistant Vice President for Human Resources in accordance with the Commonwealth's Standards of Conduct Policy. Sanctions that may be imposed by Radford University include, but are not limited to verbal counseling, additional training, issuance of a Written Notice, suspension, or termination of employment.
5. Contractors shall assign for duty only employees acceptable to Radford University. Radford University reserves the right to require the Contractor to remove from campus any employee who violates the Discrimination Policy.
6. Visitors (including, but not limited to, students participating in camps or other programs at Radford University), who violate the Discrimination Policy will be directed to immediately leave campus and may be subject to a permanent ban from campus.
7. A determination regarding the imposition of sanctions shall be made within 14 calendar days of the date of the Title IX Coordinator's, or designee's final report of investigation, if neither the complainant nor the respondent requests appeal to the Discrimination Appeals Committee. If an appeal is requested, sanctions, if any, shall be imposed within 14 calendar days of the final decision of the President after consideration of the written decision of the Discrimination Appeals Committee. If extension of the time frame for sanctions to be imposed beyond 14 calendar days is necessary, all parties will be notified by the Office of Student Standards and Conduct or the Department of Human Resources,

of the expected time for imposing the sanctions. The respondent shall be informed in writing of any sanctions imposed for violation of the Discrimination Policy by the individual imposing the sanctions within five (5) calendar days of the determination. The Title IX Coordinator shall be provided a copy of such written notification. The Title IX Coordinator or designee will disclose to the complainant, as simultaneously as possible to the notification provided to the respondent, information about the sanctions that directly relate to the complainant as is permitted by state and federal law including the Federal Educational Rights and Privacy Act (FERPA) and the Virginia Freedom of Information Act.

M. Discrimination Appeals Committee

1. Composition of the Committee:

The Discrimination Appeals Committee ("Committee") shall be comprised of three trained individuals: one faculty member to be nominated by the Provost, one non-faculty member of the administration to be nominated by the Vice President for Finance and Administration, and one classified employee to be nominated by the Assistant Vice President for Human Resources. The President shall appoint members of the Committee and the Committee Chair. Committee members shall serve indefinitely at the pleasure of the President. The President may appoint one or more persons to serve on the Committee temporarily to fill a vacancy due to recusal or otherwise to ensure a full three-member Committee. The President has sole discretion to permanently remove members of the Committee for cause.

2. Appeal Procedure:

- a. A complainant or respondent desiring to appeal the investigative findings of the Title IX Coordinator shall file a written request for appeal with the Title IX Coordinator within three (3) business days of receipt of the written investigation report along with information to support one or more of the following grounds for appeal:
 - i. the Title IX Coordinator or designated investigator exhibited unfair bias which influenced the results of the investigation;
 - ii. new evidence, unavailable at the time of the investigation, that could substantially impact the Title IX Coordinator's finding;
 - iii. error in the conduct of the investigation that is of such magnitude as to deny fundamental fairness;
 - iv. the sanctions recommended by the Title IX Coordinator are substantially outside the parameters or guidelines set by Radford University for this type of offense or the cumulative conduct record of the respondent.
- b. Within five (5) business days of receipt of the written request for appeal, the Title IX Coordinator will notify the parties of the time and place of hearing before the Committee. Such hearing typically will be scheduled within fifteen (15) calendar days of receipt of the request for appeal. If extension beyond fifteen (15) calendar days is necessary, both parties will be notified by the Discrimination Appeals Committee of the revised time frame. The parties must raise within five (5) calendar days of such notification, objections to members of the Committee on the basis of conflict of interest or bias for or against the appellant or appellee. The objection shall be made

to the Title IX Coordinator, who will present the objection to the President. The President shall rule on any such objections no later than three (3) business days prior to the hearing.

- c. Within five (5) calendar days of filing the request for appeal, the party appealing the Title IX Coordinator's findings (appellant) must submit a written statement that (i) identifies the names and addresses of witnesses that are requested to be called at the hearing; (ii) identifies and includes copies of any documents that will be used as evidence at the hearing; (iii) describes with specificity the portion of the Discrimination Policy allegedly violated and the grounds for appeal; and (iv) requests a specific remedy. The non-appealing party (appellee) also may submit such information for the Committee's consideration. If the appellee chooses not to participate in the Committee hearing, the Title IX Coordinator will provide to the Committee within five (5) calendar days of notification that the appellee will not participate in the hearing: (i) the written investigative report; (ii) the names and addresses of witnesses the Title IX Coordinator will call at the hearing; and (iii) identification and copies of any documents that will be submitted as evidence at the hearing. If the appellee provides notification less than five (5) calendar days prior to the scheduled hearing that he or she will not participate, the hearing shall be postponed to give the Title IX Coordinator a full five (5) business days to provide the Committee the above information.

The Title IX Coordinator shall provide the written investigation report and all witness information and documents identified pursuant to this subsection to the Committee and to all parties at least three (3) business days prior to the hearing.

- d. Both the appellant and the appellee may retain legal counsel at their own expense or designate a non-attorney advisor to accompany him or her at any meeting or proceeding in the appeal process. If either party has retained legal counsel or a non-attorney advisor, the party must immediately notify the Committee Chair of such representation. The role of counsel or the non-attorney advisor for the parties shall be limited to advice and consultation with the attorney's client and the client's witnesses. Neither counsel/advisor for the appellant nor counsel/advisor for the appellee shall be permitted to question witnesses, raise objections, or make statements or arguments to the Committee at the hearing. If either party is represented by legal counsel, Radford University may be represented at the hearing by assigned legal counsel from the Office of the Attorney General, who will ensure that the rights of Radford University and the parties are respected.
- e. The Chair of the Committee shall preside over the hearing. The hearing will be a non-adversarial proceeding and rules of evidence shall not be strictly applied. However, the Chair of the Committee may limit evidence or testimony that is not relevant to a determination of whether a violation of the Discrimination Policy occurred and whether the grounds for appeal are met by a preponderance of evidence. The hearing will be conducted in a fair and impartial manner. Both appellant and appellee, or the Title IX Coordinator or designee if the appellee does not participate, will address the Chair of the Committee and not each other. The Chair will be the final decision-maker on all matters of procedure during the hearing. All hearings will be closed to the public.

- f. The past sexual history or sexual character of a party to the complaint, complainant or respondent, with anyone other than each other, will not be admissible. Notwithstanding the above, demonstration of pattern, repeated, and/or predatory behavior by the respondent, in the form of previous findings in any Radford University or judicial proceeding will be admissible. The parties will be notified in advance of the hearing if any information addressed by this paragraph is deemed admissible.
- g. Within ten (10) calendar days of the hearing, the Committee will submit a written decision to the parties, the Title IX Coordinator, and the President. The decision shall include: (i) a description of the appellant's grounds for appeal; (ii) whether such grounds are accepted or rejected and the rationale for such determination; (iii) the Committee's decision to uphold or reject the findings of the Title IX Coordinator and/or the recommended sanction and the rationale for such determination; (iv) if the Title IX Coordinator's findings and/or recommended sanction are rejected, the findings of the Committee and recommendations for resolution.
- h. Within three (3) business days of the Committee's decision, the President shall notify the Committee, the Title IX Coordinator, and the parties, in writing, of his decision relative to the findings and recommendations of the Committee. The decision of the President is final with no further right to appeal.

N. Documentation and record-keeping

The Title IX Coordinator shall maintain, in a confidential manner, for at least ten (10) years paper or electronic files of all complaints, witness statements, documentary evidence, written investigation reports, resolutions, and appeal hearings and associated documents. The Title IX Coordinator will prepare a monthly summary of pending complaints that will be presented to the President and also will be retained for at least ten (10) years. Such summary will contain sufficient information to permit the Title IX Coordinator and the President to assess Radford University compliance with the requirements of Title IX.

O. Training

Individuals who conduct these Discrimination Grievance Procedures (see Section 5), from the initial investigation to the final resolution, will at a minimum receive annual training on issues related to dating violence, domestic violence, sexual assault, sexual exploitation, and stalking, and how to conduct an investigation and appeal process that protects the safety of victims and promotes accountability.

6. EXCLUSIONS

None

7. APPENDICES

None

8. REFERENCES

[Title VII of the Civil Rights Act of 1964](#)

[Title IX of the Educational Amendment Acts of 1972](#)

[U.S. Equal Opportunity Commission - Laws, Regulations, Guidance & MOUs](#)

[Campus Sexual Violence Elimination Act of 2013](#)

[Violence Against Women Reauthorization Act of 2013](#)

[Dear Colleague Letter from the Office of Civil Rights, U.S. Department of Education dated April 4, 2011](#)

[U.S. Department of Education - Family Educational Rights and Privacy Act \(FERPA\)](#)

[Code of Virginia § 2.2-3700 et seq. \(Chapter 37\)](#), "Virginia Freedom of Information Act"

[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 § 32.1-127.1:03](#), "Health records privacy."

9. INTERPRETATION

The authority to interpret this policy rests with the President of the University and is generally delegated to the Title IX Coordinator.

10. APPROVAL AND REVISIONS

The President of the University and the President's Cabinet have approval authority over this policy and all subsequent revisions.

The *Discrimination, Harassment, Sexual Misconduct, and Retaliation Policy* was adopted by the Radford University Board of Visitors on November 21, 2014.

The *Discrimination, Harassment, Sexual Misconduct, and Retaliation Policy* was amended by the Radford University Board of Visitors on September 18, 2015.

DATE: _____

Brian O. Hemphill, Ph.D., President (*signature*)

For general information concerning University policies, contact the [Office of Policy Compliance](#) – (540) 831-5794. For questions or guidance on a specific policy, contact the Oversight Department referenced in the policy.

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End of Materials