HRM-041

Addressing Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence and Reporting Disclosures (Sexual Misconduct Policy)

Effective Date Monday, March 30, 2015

Status Final

Last Revised Monday, August 24, 2026

Policy Type University

Contact Office Equal Opportunity and Civil Rights (Office for)

Oversight Executive
Vice President for Community Engagement and Equal Opportunity

Applies To Academic Division (including all off-site locations) and the Medical Center.

Table of Contents

- Policy Statement
  - I. To Whom this Policy Applies
  - II. Jurisdiction
    - A. Title IX
    - B. Other Forms of Sexual Misconduct
    - C. Online Harassment and Misconduct
  - III. Title IX Coordinator
  - IV. Interim Measures
    - A. Supportive Measures
    - B. Emergency Removal
  - V. Privacy and Confidentiality
    - A. Privacy
    - B. Confidentiality
    - C. Confidential Resources
  - VI. Reporting Options
    - A. Direct Reporting
    - B. Anonymous Reporting
    - C. Reporting to Law Enforcement
    - D. Clery Act Reporting
    - E. Employee Reporting
      1. Employee Responsibilities by Designation - Confidential Employee
      2. Employee Responsibilities by Designation - Responsible Employee
         a. General Responsibilities
         b. Reporting Obligations
            i. Reporting of Sexual Violence on Certain University Property
            ii. Reporting Conduct Involving Students
            iii. Reporting Conduct Involving Employees
    - F. Amnesty

VII. Prohibited Conduct under this Policy
A. Title IX Prohibited Conduct
1. Quid Pro Quo Harassment (Employee-Student)
2. Sexual Harassment
3. Sexual Assault
a. Rape
b. Sexual Contact
c. Incest
d. Statutory Rape
4. Dating Violence
5. Domestic Violence
6. Stalking
B. Sexual or Gender-based Prohibited Conduct
1. Quid Pro Quo Harassment
2. Sexual and/or Gender-based Hostile Environment Harassment
3. Sexual Assault
4. Sexual Exploitation
5. Intimate Partner Violence
6. Stalking
7. Complicity
C. Retaliation
D. Violation of No Contact Directives or Directives of University Officials
VIII. Violations of Law
IX. Prevention and Awareness Programs and Training
X. Obligation to Provide Truthful Information
XI. Annual Review
XII. Compliance with Policy
Procedures
A. Where the Respondent is an Employee
B. Where the Respondent is a Student
C. Where the Respondent is a Third Party

Reason for Policy

The University of Virginia (University) is an institution built upon honor, integrity, trust, and respect. Consistent with these values, the University is committed to providing a safe and non-discriminatory learning, living, and working environment for all members of the University community. The University does not discriminate on the basis of sex in any of its programs and activities. To that end, this policy prohibits specific forms of behavior that violate Title IX of the Education Amendments of 1972 (Title IX); Title VII of the Civil Rights Act of 1964 (Title VII); and/or the Virginia Human Rights Act. Such behavior also requires the University to fulfill certain obligations under the Violence Against Women Reauthorization Act of 2013 (VAWA) and the Jeanne Clery Campus Safety Act (Clery Act).

Definition of Terms

Complainant

Description

Any person who is reported to be the subject of conduct that could constitute a violation of this policy.

Education Program or Activity

Description

All locations, events, or circumstances over which the University exercised substantial control over both the respondent and the context in which the Title IX Prohibited Conduct occurred and any building owned or controlled by a student organization that is officially recognized by the University.

Reporter

Description

Any person, including faculty, staff, students, and third parties, who discloses an incident of alleged prohibited conduct to the Title IX coordinator, deputy Title IX coordinator, or a responsible employee. Reporters may or may not be a complainant.

Respondent (1)

Description

Any person who has been reported to be the perpetrator of conduct that could constitute Prohibited Conduct or PADHR Conduct.

Third Party (1)

Description

A contractor, vendor, visitor, guest, participant in a University program or activity, or other individuals, such as an applicant for admission or employment at the University.

University Property

Description

Land or buildings that the University owns or leases and that is under the control of the Board of Visitors. University property also includes premises the University uses for activities of its offices, departments, personnel, or students.

Employee (7)

Description

Includes a full- and part-time faculty member, a University staff member, a UVA Medical Center staff member, a classified staff member, a professional research staff member, a wage employee, a temporary employee, or a student staff member when they are performing the duties of that role.

Student (1)

Description An individual registered or enrolled for credit- or non-credit-bearing coursework at the University.

Policy Statement

The University prohibits sexual harassment as defined by Title IX, which includes *quid pro quo* harassment, sexual harassment, sexual assault, dating violence, domestic violence, and stalking on the basis of sex in an education program or activity (Title IX Prohibited Conduct) and other forms of sexual and gender-based misconduct, including non-consensual sexual contact, non-consensual sexual intercourse, sexual exploitation, intimate partner violence, stalking, *quid pro quo* harassment, hostile environment harassment, complicity in the commission of any act prohibited by this policy, and retaliation against a person for the good faith reporting of any of these forms of conduct or participation in any investigation or proceeding under this policy (Sexual or Gender-based Prohibited Conduct) (collectively, Prohibited Conduct). These forms of Prohibited Conduct undermine the values and purpose of the University, and such conduct will not be tolerated.

The University adopts this policy with a commitment to: (1) eliminating, preventing, and addressing the effects of Prohibited Conduct; (2) fostering trust within the University community, in which Prohibited Conduct is not tolerated; (3) cultivating a climate where all individuals are well-informed and supported in reporting Prohibited Conduct; (4) providing a prompt and fair process for all parties; and (5) identifying the standards by reports of potential violations of this policy will be evaluated, addressed, and resolved, including the grievance process by which disciplinary action may be imposed. Employees, or students who violate this policy may face disciplinary action up to and including termination of employment or expulsion, respectively. The University will take prompt and equitable action to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects. The University conducts ongoing prevention, awareness, and training programs for employees and students to facilitate the goals of this policy.

It is the responsibility of every member of the University community to foster an environment free from Prohibited Conduct. All members of the University community are encouraged to take reasonable and appropriate actions to prevent, report, or stop an act of Prohibited Conduct. The University will support and assist community members who take such actions.

This policy applies to all reports of Prohibited Conduct occurring on or after the effective date of this policy. Where the date of the Prohibited Conduct precedes the effective date of this policy, the definitions in existence at the time of the alleged incident(s) will be used. The procedures that implement this policy, however, will be used to evaluate, investigate, and resolve all reports made on or after the effective date of this policy, regardless of when the incident(s) occurred.

I. **To Whom this Policy Applies:**
   This policy applies to University employees, students, and third parties.[1] In general, the University retains the jurisdiction to investigate and resolve a matter even if a respondent is no longer a member of the University community due to changes in employment, enrollment (including graduation), or other affiliation with the University once the Grievance Procedure has been initiated following the issuance of a Notice of Investigation[2] or Notice of Alternative Resolution[3] letter. Resolution or corrective action may be limited or unavailable in instances where the status of the respondent's affiliation with the University as an employee or a student changes or would change in close proximity to commencement of resolution, excluding changes as a result of emergency removal, as described in Section IV.B.

   The University's Office for Equal Opportunity and Civil Rights (EOCR) administers a separate policy that addresses other forms of discrimination, including discrimination on the basis of sex, and harassment, HRM-009: Addressing Discrimination, Harassment, and Retaliation (DHR Policy). Where Prohibited Conduct violates this policy and violates the DHR Policy, the University's response will be governed by

the procedures referenced in this policy. Direct questions about whether this policy applies in a specific instance to the University's Title IX coordinator at (434) 297-7988 or titleixoffice@virginia.edu.

---

[1]The University of Virginia College at Wise ("UVA Wise") maintains a separate policy that governs conduct that occurs at UVA Wise.
[2]See Formal Grievance Procedure for Investigating and Resolving Reports of Title IX and/or Sexual and Gender-based Prohibited Conduct ("Grievance Procedure".
[3]See Alternative Resolution Procedures for Resolving Reports of Title IX and/or Sexual and Gender-based Prohibited Conduct ("Alternative Resolution").

II. **Jurisdiction:**

A. **Title IX:**
Title IX of the Education Amendments of 1972 and its implementing regulations prohibit specific forms of sexual harassment. Title IX applies to sexual harassment that occurs in the following circumstances:

- Any on-campus premises.
- Locations, events, or circumstances, on- or off- campus over which the University exercises substantial control over both the respondent and the context in which the conduct occurs.
- Any building owned or controlled by a student organization that is officially recognized by the University.
- Against a person who is located in the U.S.

B. **Other Forms of Sexual Misconduct:**
This policy may also apply to the effects of off-campus behavior that limits or denies a person's access to the University's education programs or activities when such conduct does not meet the definition of Title IX Prohibited Conduct when the Sexual or Gender-Based Prohibited Conduct occurs:

- On University property.
- In the context of a University employment or education program or activity, including but not limited to University-sponsored study abroad, research, on-line, or internship programs.
- At the permanent or temporary local residence of a faculty member, employee, University student, visitor, or in the City of Charlottesville, Albemarle County, or the city or county of any University campus.
- Off Grounds or outside of a University employment or education program or activity but has continuing effects on or creates a hostile environment for employees, students, or third parties while on University property or in any University employment or education program or activity.

C. **Online Harassment and Misconduct:**
This policy is written and interpreted broadly to include online and cyber manifestations of any of the Prohibited Conduct described above, when the Prohibited Conduct occurs in, or has an effect on, the University's education programs and activities or uses the University's networks, technology, or equipment. While the University may not control websites, social media, and other venues in which harassing communications are made, when such communications are reported to the University, it will engage in a variety of means to address and mitigate the effects.

Any online postings or other electronic communication by students occurring completely outside of the University's control (e.g., not on University networks, websites, or between University email accounts) will only be subject to this policy when such online conduct can be shown to cause a

substantial disruption to University programs and activities. Speech by employees that occurs off University property, whether online or in person, may be regulated by the University only when such speech is made in an employee's official or work-related capacity.

III. **Title IX Coordinator:**

Under Title IX:

> No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.

At the University of Virginia, the Title IX coordinator is the individual charged with the ultimate responsibility for ensuring the University's compliance with this Policy. The Title IX coordinator (and/or their designees) is charged with monitoring the University's Title IX compliance; ensuring appropriate education and training; coordinating the University's investigation, response, and resolution of all reports under this policy; and ensuring appropriate actions to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects. The Title IX coordinator and/or their designees also are charged with responding to other forms of sexual and gender-based misconduct that fall outside the definition of sexual harassment under the Title IX regulations.

The Title IX coordinator (and/or their designee) is available to meet with any employee, student, or third party to discuss this policy and its accompanying procedures. The University has also designated a deputy Title IX coordinator(s) who may assist the Title IX coordinator in the discharge of these responsibilities. The Title IX coordinator and deputy Title IX coordinator(s) receive appropriate training to discharge their responsibilities.

Concerns about the University's application of Title IX, VAWA, Title VII, the Clery Act, or the Virginia Human Rights Act may be addressed to the Title IX coordinator; the United States Department of Education, Clery Act Compliance Division; the United States Department of Education, Office for Civil Rights (phone: (800) 421-3481); and/or the Equal Employment Opportunity Commission (phone: (800) 669-4000).

Any person may report conduct that they believe may violate this policy to the Title IX coordinator or deputy Title IX coordinator(s) at any time (including during non-business hours) by telephone, mail, and email, or in person (during regular office hours) as follows:

Molly Zlock, Assistant Vice President and Title IX Coordinator
O'Neil Hall, Terrace Level, Suite C023
P.O. Box 400219
445 Rugby Rd.
Charlottesville, VA 22904
titleixoffice@virginia.edu
(434) 297-7988

IV. **Interim Measures:**

The University offers a wide range of resources for all employees and students to provide support and guidance in response to any incident of Prohibited Conduct. For more information on accessing University and community resources, including emergency and ongoing assistance; health, mental health, and survivor-advocacy services; options for reporting Prohibited Conduct to the University and/or law enforcement; and available support with academics, housing, and employment, see the Resource and

Information Guide (Appendix C).

A. **Supportive Measures:**
Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to complainants before or after filing of a Formal Complaint[4] or where no Formal Complaint has been filed and to respondents after a Formal Complaint has been filed. These measures may be designed to address an individual's safety and well-being and to preserve or restore equal access to educational opportunities without unreasonably burdening the other party.

Supportive measures, which may be temporary or permanent, may include no-contact directives, residence modifications, academic modifications and support, and work schedule modifications. The University will maintain the privacy of any supportive measures provided under this policy to the extent practicable and will promptly address any violation of the supportive measures. The Title IX coordinator has the discretion to impose and/or modify any supportive measure based on all available information and is available to meet with a complainant or respondent to address any concerns about the provision of supportive measures.

The University will provide reasonable supportive measures to third parties who are either complainants or respondents, as appropriate and available, taking into account the role of the third party and the nature of any contractual relationship with the University.

[4]As defined in the Grievance Procedure.

B. **Emergency Removal:**
Pursuant to this policy, the Title IX coordinator (and/or their designee) may impose an emergency removal, such as an interim suspension or suspension from employment, and may accompany this action with a restriction barring access to University Grounds, subject to certain restrictions. Prior to the imposition of an emergency removal, the Title IX coordinator (and/or their designee) will undertake an individualized safety and risk analysis to determine whether an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Prohibited Conduct justifies removal. The decision to impose an emergency removal will be based on a review of all known information and is driven by a totality of the circumstances, which may include assessing whether there is evidence of patterns of behavior, predation, threats, violence, weapons, the involvement of minors, the abuse of power, or serious violations of federal, state, or local law.

Pursuant to the Procedures for Interim Suspensions and Appeals, any student subject to emergency removal will be provided notice and opportunity to challenge the removal decision within 48 hours following the removal decision.

In accordance with applicable policies for employees, this provision does not prohibit the University from imposing pre-disciplinary administrative, as appropriate.

V. **Privacy and Confidentiality:**
The University is committed to protecting the privacy of all individuals involved in the reporting, investigation, and resolution of a report under this policy. The University also is committed to providing assistance to help employees, students, and third parties make informed choices. With respect to any report

under this policy, the University will make reasonable efforts to protect the privacy of participants, in accordance with applicable state and federal law, while balancing the need to gather information to assess the report and to take steps to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects.

The University does not impose any restrictions on the parties regarding re-disclosure of an incident or their participation in proceedings under this policy.

Privacy and confidentiality have distinct meanings under this policy.

A. **Privacy:**
Privacy means that information related to a report of Prohibited Conduct will be shared with a limited circle of University employees who "need to know" in order to assist in the assessment, investigation, and resolution of the report. All employees who are involved in the University's response to reports of Prohibited Conduct and implementation of any aspect of this policy receive specific training and guidance about sharing and safeguarding private information in accordance with state and federal law.

The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act (FERPA), as outlined in the University's FERPA Policy. The privacy of an individual's medical and related records generally is protected by the Health Insurance Portability and Accountability Act (HIPAA), excepting health records protected by FERPA and by Virginia's Health Records Privacy Act, Va. Code § 32.1-127.1:03. Access to an employee's personnel records may be restricted in accordance with the Virginia Freedom of Information Act, and, where applicable, Department of Human Resources Management (DHRM) Policy 6.05 Personnel Records Disclosure and DHRM Policy 6.10 Personnel Records Management.

B. **Confidentiality:**
Confidentiality exists in the context of laws that protect certain relationships, including with medical and clinical care providers (and those who provide administrative services related to the provision of medical and clinical care), mental health providers, counselors, and ordained clergy, all of whom may engage in confidential communications under Virginia law. The University has designated individuals who are permitted to have privileged communications as "confidential employees." When information is shared by an individual with a confidential employee or a community professional with the same legal protections, the confidential employee (and/or such community professional) cannot reveal the information to any third party except when an applicable law or a court order requires or permits disclosure of such information. For example, information may be disclosed when: (i) the individual gives written consent for its disclosure; (ii) there is a concern that the individual will likely cause serious physical harm to self or others; or (iii) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18.

C. **Confidential Resources:**
Consistent with the definition of confidential employees and licensed community professionals, there are a number of resources within the University and Charlottesville communities where employees and students can obtain confidential, trauma-informed counseling and support. These resources include the Sexual Assault Resource Agency (phone: (434) 977-7273), pursuant to a separate Memorandum of Understanding with the University; the Shelter for Help in Emergency (phone: (434) 293-8509); and the Family Violence and Sexual Assault Virginia Hotline (phone: (800) 838-8238, or text at (804) 793-9999).

Students can also obtain such counseling at Counseling and Psychological Services; Violence Prevention & Advocacy; and the Women's Center . Employees can also obtain such counseling through the Faculty and Employee Assistance Program and the Women's Center.

For a complete list of University and community-based confidential resources, see the Resource and Information Guide (Appendix C).

VI. Reporting Options:

A report is notification to the University Title IX Office made by any person who believes that Prohibited Conduct may have occurred. Submission of a report to the Title IX Office is not a Formal Complaint as defined by the Grievance Procedure and does not by itself initiate a particular process or response.

A. Direct Reporting:

Any person who believes that Prohibited Conduct may have occurred may directly report this information to the Title IX Office. The University strongly encourages anyone who becomes aware of an incident of Prohibited Conduct to report the incident to the University through the following reporting options:

- Through Just Report It, the University's website for online reporting.
- By contacting the University's Title IX Office at any time (including during non-business hours) by telephone, mail, and email, or in person during regular office hours at their respective locations, email addresses, and/or phone numbers listed in Section III, above.

There is no time limit for reporting Prohibited Conduct to the University under this policy; however, the University's ability to respond may diminish over time, as evidence may erode, memories may fade, and respondents may no longer be affiliated with the University. If the respondent is no longer an employee or a student at the University, the University will provide reasonably appropriate supportive measures, assist the complainant in identifying external reporting options, and take reasonable steps to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects.

B. Anonymous Reporting:

Although the University encourages students to report Prohibited Conduct, a complainant may file an anonymous report by:

- Mailing a letter to the Title IX Office (without including identifying information).
- Calling the Title IX Office using a blocked number.
- Emailing the Title IX Office from an email address that does not contain the reporter's name or other identifying information.
- Having another University student file a report on the unnamed complainant's behalf via Just Report It (which is behind Netbadge, requiring an individual to use their UVA ID and password).

An anonymous report will be evaluated in the same manner as a report with an identified complainant. The University may be limited in its ability to respond to anonymous reports.

Once an anonymous report is submitted, it will be directed to the University's Title IX coordinator, who will review the information provided and determine whether further action is necessary to protect the health and safety of affected individuals and the University community. The University will respond to any report, including anonymous reports, with an initial assessment and threat assessment to determine available steps based on the nature and circumstances of any known information. Responsible employees may not report anonymously unless they are reporting

Prohibited Conduct that they personally experienced.

C. **Reporting to Law Enforcement:**
Police have unique legal authority, including the power to seek and execute search warrants, collect forensic evidence, make arrests, and assist in seeking Emergency Protective Orders. Although a police report may be made at any time, complainants should be aware that a one-year statute of limitations may apply to certain misdemeanors in Virginia.

While complainants have the right to notify or decline to notify law enforcement, to preserve options, the University encourages complainants to report Prohibited Conduct immediately to local law enforcement by contacting:

- 911 (for emergencies)
- University Police (at (434) 924-7166 for non-emergencies)
- Albemarle County Police (at (434) 977-9041 for non-emergencies)
- City of Charlottesville Police (at (434) 970-3280 for non-emergencies)

The University will assist complainants in notifying law enforcement if they choose to do so. In accordance with Va. Code §23.1-806 (the Virginia Reporting Statute), the University may be obligated to report to law enforcement under certain circumstances.

D. **Clery Act Reporting:**
Pursuant to the Clery Act, the University includes statistics about certain offenses in its annual security report and provides those statistics to the United States Department of Education in a manner that does not include any personally identifying information about individuals involved in an incident. The Clery Act also requires the University to issue Safety Advisories to the University community about certain crimes that have been reported and may continue to pose a serious or continuing threat to employees and students. Consistent with the Clery Act, the University withholds the names and other personally identifying information of complainants when issuing Safety Advisories to the University community.

E. **Employee Reporting:**
University employees bear different responsibilities with respect to information that may be disclosed to them about alleged Prohibited Conduct that falls under this policy or the DHR Policy[5].

University employees are designated as either “confidential employees” or “responsible employees” as explained below. Responsible employees are required to report Prohibited Conduct. Confidential employees are exempt from these reporting obligations. Employees designated as confidential may have reporting obligations when they receive information outside their scope of their confidential role. In such circumstances, the employee’s reporting responsibilities will be determined by the capacity in which the information was received, rather than their designation as a confidential employee.

Employees who are uncertain as to whether they are required to report information disclosed to them about an incident of alleged Prohibited Conduct should consult with the Title IX coordinator.

Complainants who are uncertain as to whether a particular University employee is a confidential employee should ask before disclosing information they wish to keep confidential.

---

[5]For information regarding Employee Reporting Requirements for DHR Conduct, please see policy

HRM-009.

1. **Employee Responsibilities by Designation - Confidential Employee:**
   A "confidential employee" is (1) Any University employee who is a licensed medical, clinical, mental health, or other healthcare professional [e.g., physicians, nurses, physicians' assistants, psychologists, psychiatrists, professional counselors and social workers, and those performing services under their supervision (collectively, health care providers), when performing the duties of that professional role; (2) any University employee when performing administrative, operational and/or related support for such health care providers; (3) any University employee who is an athletic trainer working under the supervision of a licensed medical or healthcare professional when performing the duties of that professional role; (4) any University employee in the Office of Well-Being Services, within Student Health and Wellness, who actively provide advocacy support, as well as staff who supervise trained advocates, when they are performing the responsibilities associated with that professional role; and (5) employees serving in an ombuds role within the University Ombuds Office, and staff acting under their supervision, when performing the official duties of that Office. A confidential employee will not disclose information about Prohibited Conduct to the University's Title IX coordinator without the reporter's permission (subject to the exceptions set forth in Section V.B Confidentiality).

   For a complete list of confidential resources available, see the Resource and Information Guide (Appendix C).

   Confidential employees are required to maintain the confidentiality of information shared with them about alleged Prohibited Conduct and will not disclose such information to the University's Title IX Office or to anyone else, except with the written permission of the complainant or when such disclosures are permitted or required by applicable law or court order. For example, confidential employees may be required to disclose such information where there is a concern that the individual will likely cause serious physical harm to self or others or when the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18. Questions about how to interpret the validity of any permission given or the applicability or scope of any law or court order requiring disclosure should be directed to the Office of the University Counsel.

   IMPORTANT: Complainants who disclose information to confidential employees should understand that, except in the limited circumstances described above, the information they have disclosed will not be shared with the Title IX Office or anyone else and, therefore, the University will not be able to use such information to provide supportive measures, facilitate a mutually acceptable Alternative Resolution, investigate the alleged Prohibited Conduct, or to pursue disciplinary action against the respondent.

   Confidential employees may provide information to faculty, staff, and students where appropriate about how to obtain necessary health, including mental health, services and survivor advocacy services at the University and in the local community. Confidential employees should direct faculty, staff, and students who wish to request supportive measures to the Title IX Office.

2. **Employee Responsibilities by Designation - Responsible Employee:**
   A "responsible employee" is an employee of the University who is not a confidential employee. Responsible employees include teaching assistants (TAs), resident advisors (RAs), and all other student employees when disclosures are made to any of them when performing the duties of their employment/professional role.

   a. **General Responsibilities:**
      A responsible employee is required to report to the University's Title IX coordinator all relevant details disclosed by a complainant about an incident of alleged Prohibited Conduct, including the names and all other information that personally identifies the complainant, the parties, any witnesses, and any other relevant information (e.g., the date, time, and specific location of the alleged incident).

      If possible, before a complainant discloses any information to a responsible employee, the responsible employee should explain the reporting obligations under this policy. If the complainant has not disclosed any information and indicates a desire to maintain confidentiality, the responsible employee should instead direct the complainant to a confidential employee.

      Responsible employees are required to promptly report all relevant details about an incident of alleged Prohibited Conduct (including the names and all other information that personally identifies the reporter, the complainant, the respondent, any witness, and/or any other third party with knowledge of the reported incident) and any other relevant information (including the date, time and specific location of the reported incident) to the University's Title IX Office.

   b. **Reporting Obligations:**
      There are different reporting requirements for responsible employees based on the circumstances of the reported Prohibited Conduct. The relevant circumstances that impact reporting obligations are:

      i. **Reporting of Sexual Violence on Certain University Property:**
         Consistent with the requirements of Va. Code § 23.1-806 (the Virginia Reporting Statute), responsible employees are required to report to the Title IX coordinator all information obtained, from any source in the course of their employment, about any alleged act of sexual violence, which is defined as physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent, committed against a student attending the University or that occurs anywhere on University Grounds (including residence halls); on any contiguous (off-Grounds) property owned or controlled by the University; on any property controlled by a student organization (including fraternity houses) or frequently used by students, wherever located; and public property (including streets, sidewalks and parking facilities) that is within or immediately adjacent to, and accessible from, Grounds.
      ii. **Reporting Prohibited Conduct Involving Students:**
         In addition to the requirement to report sexual violence that reportedly occurred on-Grounds, responsible employees are required to report all information obtained from any source in the course of their employment, about any

disclosures of Prohibited Conduct that involve students.

iii. **Reporting Prohibited Conduct Involving Employees:**
In addition to the requirement to report sexual violence that reportedly occurred on University property, responsible employees are required to report disclosures of Prohibited Conduct that involve employees if the disclosures are made to supervisors (including department chairs, deans, and other unit administrators), management, and human resource professionals by University faculty and staff.

Disclosures made to responsible employees in the following circumstances are exempt:

- **Public Awareness Events:** Disclosures made at awareness events (e.g., "Take Back the Night," candlelight vigils, protests, "survivor speak-outs," or other public forums in which students may disclose incidents of Prohibited Conduct).
- **IRB Research:** Disclosures made during an individual's involvement as a participant in an Institutional Review Board-approved human participants research protocol.
- **Academic Work:** Disclosures made during academic coursework, including classroom discussion, papers, or other assignments, unless the disclosure was made to obtain help related to the issue, academic accommodations, extensions, etc.

F. **Amnesty:**
The University community encourages the reporting of Prohibited Conduct. Parties or witnesses may be hesitant to report Prohibited Conduct or participate in an investigation because they fear that they themselves may be in violation of certain policies, such as underage drinking or illicit drug use at the time of the incident. To encourage reporting under this policy and participation in the investigation process, the University will not pursue disciplinary action against complainants, respondents, or witnesses for disclosure of minor policy violations (e.g., illegal personal consumption of drugs or alcohol) where such disclosures are made in connection with a good faith report or investigation of Prohibited Conduct. This provision does not apply to violations determined to be more serious (e.g., physical abuse of another or illicit drug or alcohol distribution that contributed to the commission of a policy violation).

VII. Prohibited Conduct under this Policy:

Conduct under this policy is prohibited regardless of the sex, sexual orientation, and/or gender identity or expression of the complainant or respondent.

A. **Title IX Prohibited Conduct:**
Title IX Prohibited Conduct includes the following specifically defined forms of alleged conduct - *quid pro quo* harassment (employee-student), sexual harassment, sexual assault, dating violence, domestic violence, and sex-based stalking - where the conduct occurred in the United States and in the University's education program or activity.

1. ***Quid Pro Quo* Harassment (Employee-Student)**

a. Is conduct where an employee of the University conditions the provision of an aid, benefit, or service on a student's participating in unwelcome sexual conduct.
b. Applies whether the condition proposed by the employee is communicated expressly or implied. Examples of quid pro quo harassment (employee-student) include but are not limited to:
    - A professor offers a student a higher grade in a class in exchange for having sex with or going on a date with the professor.

- An employee offers a student an employment opportunity in exchange for having sex with or going on a date with the employee.
- A student is offered a research opportunity by an employee in exchange for a sexual relationship.

2. **Sexual Harassment:**
   Sexual Harassment is unwelcome conduct on the basis of sex that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education programs or activities. Such conduct includes unwelcome conduct of a sexual nature and may include unwelcome conduct based on sex or sex stereotyping.

   In evaluating whether the unwelcome conduct is so severe, pervasive, and objectively offensive that it effectively denies a person equal access, the University uses a reasonable person standard that considers the totality of known circumstances in a particular situation, including but not limited to:
   - The frequency, nature, and severity of the conduct.
   - The age, disability status, and other characteristics of the parties.
   - Whether the conduct was physically threatening.
   - The effect of the conduct on the complainant's mental or emotional state.
   - Whether the conduct was directed at more than one person.
   - Whether the conduct arose in the context of other discriminatory conduct.
   - Whether the conduct unreasonably interfered with the complainant's educational or work performance and/or University programs or activities.

   The term "effectively denies" does not require a complainant to be entirely, physically excluded from educational opportunities and may also be established when the conduct so undermines and detracts from the student's educational experience that access is effectively denied. It is recognized that individuals react to sexual harassment in a variety of ways and specific manifestations of trauma or "constructive exclusion" is not required.

   When the alleged conduct is verbal or contains elements of speech or expression, the above standards are implemented consistent with the First Amendment.

3. **Sexual Assault:**
   For all forms of sexual assault set forth below under this policy, consent refers to "Affirmative Consent." Affirmative Consent is informed (knowing), voluntary (freely given), and active (not passive). This means that, through the demonstration of clear words or actions, a person has indicated permission to engage in mutually agreed-upon sexual activity.

   Affirmative Consent cannot be obtained by force. Force includes (a) the use of physical violence, (b) threats, (c) intimidation, and/or (d) coercion.

   (a) Physical violence means that a person is exerting control over another person using physical force. Examples of physical violence include hitting, punching, slapping, kicking, restraining, strangling, and brandishing or using any weapon.
   (b) Threats are words or actions that would compel a reasonable person to engage in unwanted sexual activity. Examples include threats to harm a person physically, to reveal private information to harm a person's reputation, or to cause a person academic

or economic harm.

(c) Intimidation is an implied threat that menaces or causes reasonable fear in another person. A person's size, alone, does not constitute intimidation; however, a person's size may be used in a way that constitutes intimidation (e.g., blocking access to an exit).

(d) Coercion is the use of an unreasonable amount of pressure to gain sexual access. Coercion is more than an effort to persuade, entice, or attract another person to have sex. When a person makes clear a decision not to participate in a particular form of sexual contact or sexual intercourse, a decision to stop, or a decision not to go beyond a certain sexual interaction, continued pressure can be coercive. In evaluating whether coercion was used, the University will consider: (i) the frequency of the application of the pressure, (ii) the intensity of the pressure, (iii) the degree of isolation of the person being pressured, and (iv) the duration of the pressure.

Affirmative Consent cannot be gained by taking advantage of the incapacitation of another, where the person initiating sexual activity knew or reasonably should have known that the other was incapacitated. Incapacitation means that a person lacks the ability to make informed, rational judgments about whether to engage in sexual activity.

A person who is incapacitated is unable, temporarily or permanently, to give Affirmative Consent because of mental or physical helplessness, sleep, unconsciousness, or lack of awareness that sexual activity is taking place. A person may be incapacitated as a result of the consumption of alcohol or other drugs, or due to a temporary or permanent physical or mental health condition. A person may also lack capacity to give Affirmative Consent if they are under the statutory age of consent in the Commonwealth of Virginia, which is 17.

The University offers the following standards on Affirmative Consent and assessing incapacitation:

A person who wants to engage in a specific sexual activity is responsible for obtaining Affirmative Consent for that activity. Lack of protest does not constitute Affirmative Consent. Lack of resistance does not constitute Affirmative Consent. Silence and/or passivity also do not constitute Affirmative Consent. Relying solely on non-verbal communication before or during sexual activity can lead to misunderstanding and may result in a violation of this policy. It is important not to make assumptions about whether a potential partner is consenting. To avoid confusion or ambiguity, participants are encouraged to talk with one another before engaging in sexual activity. If confusion or ambiguity arises during sexual activity, participants are encouraged to stop and clarify a mutual willingness to continue that activity.

Affirmative Consent to one form of sexual activity does not, by itself, constitute Affirmative Consent to another form of sexual activity. For example, one should not presume that Affirmative Consent to oral-genital contact constitutes Affirmative Consent to vaginal or anal penetration.

Affirmative Consent to sexual activity on a prior occasion does not, by itself, constitute Affirmative Consent to future sexual activity. In cases of prior relationships, the manner and nature of prior communications between the parties and the context of the relationship may have a bearing on the presence of Affirmative Consent.

Affirmative Consent may be withdrawn at any time. An individual who seeks to withdraw Affirmative Consent must communicate, through clear words or actions, a decision to cease the sexual activity. Once Affirmative Consent is withdrawn, the sexual activity must cease immediately. Affirmative Consent will be considered within the context of the relationship at issue. For example, consensual BDSM[6] or other power-exchange activities do not, by themselves constitute prohibited conduct. However, all participants remain subject to the Affirmative Consent standards prior to engaging in such activities and must also comply with established boundaries, safe words, or other mechanisms that revoke Affirmative Consent.

In evaluating Affirmative Consent in cases of alleged incapacitation, the University asks two questions: (1) Did the person initiating sexual activity know that the other party was incapacitated? and if not, (2) Should a sober, reasonable person in the same situation have known that the other party was incapacitated? If the answer to either of these questions is "YES," Affirmative Consent was absent and the conduct is likely a violation of this policy.

Incapacitation is a state beyond drunkenness or intoxication. A person is not necessarily incapacitated merely as a result of drinking or using drugs. The impact of alcohol and other drugs varies from person to person. One is not expected to be a medical expert in assessing incapacitation. One must look for the common and obvious warning signs that show that a person may be incapacitated or approaching incapacitation. Although every individual may manifest signs of incapacitation differently, typical signs include slurred or incomprehensible speech, unsteady gait, combativeness, emotional volatility, vomiting, or incontinence. A person who is incapacitated may not be able to understand some or all of the following questions: "Do you know where you are?" "Do you know how you got here?" "Do you know what is happening?" "Do you know whom you are with?"

One should be cautious before engaging in sexual contact or sexual intercourse when either party has been drinking alcohol or using other drugs. The introduction of alcohol or other drugs may create ambiguity for either party as to whether Affirmative Consent has been sought or given. If one has doubt about either party's level of intoxication, the safe thing to do is to forego all sexual activity.

Being impaired by alcohol or other drugs is no defense to any violation of this policy.

Sexual assault is defined as the following forcible and non-forcible sex offenses[7]:

---

[6]BDSM refers to bondage, discipline/dominance, submission/sadism, and masochism.
[7]The Title IX regulation at 34 C.F.R. § 106.30(a) defines Sexual Assault as the forcible and non-forcible sex offenses in the Clery Act at 20 U.S.C. 1092(f)(6)(A)(v).

---

a. **Rape:**
   Rape is defined as penetration, however slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person or by a sex-related object.

   This definition also includes instances in which the complainant is incapable of giving consent because of temporary or permanent mental or physical incapacity (including due to the influence of drugs or alcohol) or because of age. Physical resistance is not

required on the part of the complainant to demonstrate lack of consent.

b. **Sexual Contact:**
Sexual contact is the intentional touching of the clothed or unclothed body parts without consent of the complainant for the purpose of sexual degradation, sexual gratification, or sexual humiliation. The forced touching by the complainant of the actor's clothed or unclothed body parts, without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation.

This definition includes instances where the complainant is incapable of giving consent because of age or incapacity due to temporary or permanent mental or physical impairment or intoxication for the purpose of sexual degradation, sexual gratification, or sexual humiliation.

c. **Incest:**
Incest is non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Virginia law (see Va. Code Ann. § 18.2-366).

d. **Statutory Rape:**
Statutory rape is non-forcible sexual intercourse with a person who is under the statutory age of consent in the Commonwealth of Virginia, which is 17.

4. **Dating Violence:**
Dating violence[8] is conduct defined as violence on the basis of sex committed by a person (A) who is or has been in a social relationship of a romantic or intimate nature with the complainant; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors (1) length of relationship, (2) type of relationship, and (3) frequency of interaction between the persons involved in the relationship.

[8]The Title IX regulation at 34 C.F.R. § 106.30(a) defines Dating and Domestic Violence as defined in 34 U.S.C. 12291(a)(11) and 34 U.S.C. 12291(a)(12).

5. **Domestic Violence:**
Domestic violence is defined as violence on the basis of sex committed by a current or former spouse or intimate partner of the complainant, by a person with whom the complainant shares a child in common, by a person who is cohabitating with or who has cohabitated with the complainant as a spouse or intimate partner, or by a person similarly situated to a spouse of the complainant under the domestic or family violence laws of Virginia, or by any other person against an adult or youth complainant who is protected from that person's acts under the domestic or family violence laws of Virginia.

6. **Stalking:**
Stalking[9] is conduct on the basis of sex defined as engaging in a course of conduct directed at a specific person (e.g., the complainant) that would cause a reasonable person to (A) fear for their safety or the safety of others or (B) suffer substantial emotional distress.

"Course of conduct" means two or more acts, including but not limited to acts in which a person directly, indirectly, or through third parties, by any actions, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about another person, or interferes with another person's property.

"Substantial emotional distress" means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

Stalking includes "cyber stalking," a particular form of stalking in which a person uses electronic media, such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact.

---

[9]The Title IX regulation at 34 C.F.R. § 106.30(a) defines Stalking as defined in 34 U.S.C. 12291(a)(36).

B. **Sexual or Gender-based Prohibited Conduct:**
Sexual or Gender-based Prohibited Conduct includes the following specifically defined forms of conduct - quid pro quo harassment, sexual or gender-based hostile environment harassment, non-consensual sexual contact, non-consensual sexual intercourse, sexual exploitation, intimate partner violence, stalking (not on the basis of sex), retaliation, and complicity - when such conduct does not meet the definition of Title IX Prohibited Conduct and when:

- The sexual or gender-based Prohibited Conduct occurs on University property.
- The sexual or gender-based Prohibited Conduct occurs in the context of a University employment or education program or activity, including but not limited to University-sponsored study abroad, research, on-line, or internship programs.
- The sexual or gender-based Prohibited Conduct occurs at the permanent or temporary local residence of a faculty member, employee, University student, visitor, or in the City of Charlottesville, Albemarle County, or the city or county of any University campus.
- The sexual or gender-based Prohibited Conduct occurs off Grounds or outside of a University employment or education program or activity but has continuing effects on or creates a hostile environment for employees, students, or third parties while on University property or in any University employment or education program or activity.

1. ***Quid Pro Quo* Harassment:**
    a. aIs conduct where an individual affiliated with the University conditions the provision of an aid, benefit, or service on an individual's participating in unwelcome sexual conduct.
    b. Applies whether the condition proposed by the individual is communicated expressly or implied. Examples of this type of quid pro quo harassment include but are not limited to:
        - An employee offers another employee an employment opportunity in exchange for having sex with or going on a date with them.
        - A student is offered a research opportunity by a fellow student in exchange for a sexual relationship.
        - A student offers a fellow student a leadership opportunity in an organization in exchange for a sexual relationship.

2. **Sexual and/or Gender-based Hostile Environment Harassment:**
   Sexual or gender-based hostile environment harassment that is not covered under the definition of Title IX Sexual Harassment exists when unwelcome conduct on the basis of sex, sexual orientation, gender identity or expression, or pregnancy is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefiting from the University's programs and/or activities. Conduct must be deemed severe, persistent, or pervasive from both a subjective and objective perspective. In evaluating whether a hostile environment exists, the University will consider the totality of known circumstances, including, but not limited to:
   - The frequency, nature, and severity of the conduct.
   - Whether the conduct was physically threatening.
   - The effect of the conduct on the complainant's mental or emotional state.
   - Whether the conduct was directed at more than one person.
   - Whether the conduct arose in the context of other discriminatory conduct.
   - Whether the conduct unreasonably interfered with the complainant's educational or work performance and/or University programs or activities.
   - Whether the conduct implicates concerns related to academic freedom or protected speech.

   A hostile environment can be created by persistent or pervasive conduct or by a single or isolated incident, if sufficiently severe. The more severe the conduct is, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the conduct is physical. A single incident of non-consensual sexual contact or non-consensual sexual intercourse, for example, may be sufficiently severe to constitute a hostile environment. In contrast, the perceived offensiveness of a single verbal or written expression, standing alone, is typically not sufficient to constitute a hostile environment.

3. **Sexual Assault[10]:**

   a. **Non-Consensual Sexual Contact:**
      Non-consensual sexual contact is any intentional (not incidental or accidental), sexual touching, however slight, with any object or body part (as described below), performed by a person upon another such person, without Affirmative Consent.

      Non-consensual sexual contact includes (a) intentional touching of the breasts, buttocks, groin, or genitals, whether clothed or unclothed, or intentionally touching another with any of these body parts; and (b) making another touch you or themselves with or on any of these body parts.

   b. **Non-Consensual Sexual Intercourse:**
      Non-consensual sexual intercourse is any penetration, however slight, with any object or body part (as described below), performed by a person upon another person, without Affirmative Consent.

      Non-consensual sexual intercourse includes (a) vaginal penetration by a penis, object, tongue, or finger; (b) anal penetration by a penis, object, tongue, or finger; and (c) any

contact, no matter how slight, between the mouth of one person and the genitalia of another person.

---

[10]The Affirmative Consent definition and concepts contained in Section VII (A) (3) apply to this section and are incorporated by reference as though fully set forth herein.

4. **Sexual Exploitation:**
   Sexual exploitation is taking non-consensual or abusive sexual advantage of another for one's own benefit or for the benefit of anyone other than the person being exploited, when that conduct does not otherwise constitute Prohibited Conduct under this policy. Examples of sexual exploitation include, but are not limited to:
   - Causing the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give Affirmative Consent to sexual activity.
   - Allowing third parties to observe private sexual activity from a hidden location (e.g., closet) or through electronic means (e.g., zoom or live-streaming of images) without consent.
   - Engaging in voyeurism (e.g., watching private sexual activity without the consent of the participants or viewing another person's intimate parts (including genitalia, groin, breasts or buttocks) in a place where that person would have a reasonable expectation of privacy).
   - Recording or photographing private sexual activity and/or a person's intimate parts (including genitalia, groin, breasts, or buttocks) without consent.
   - Disseminating or posting images of private sexual activity and/or a person's intimate parts (including genitalia, groin, breasts, or buttocks) without consent.
   - Prostituting another person.
   - Exposing another person to a sexually transmitted infection without the other's knowledge.

5. **Intimate Partner Violence:**
   Intimate partner violence includes any act of violence or threatened act of violence that occurs between individuals who are involved or have been involved in a sexual, dating, spousal, domestic, or other intimate relationship. Intimate partner violence includes dating violence and domestic violence, as defined by VAWA. Consistent with VAWA, the University will evaluate the existence of an intimate relationship based upon the complainant's statement and taking into consideration the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

   Physical violence means that a person is exerting control over another person using physical force. Examples of physical violence include hitting, punching, slapping, kicking, restraining, strangling, and brandishing or using any weapon. Physical assault is defined as threatening or causing physical harm or engaging in other conduct that threatens or endangers the health or safety of any person. Physical assault will be addressed under this policy if it involves sexual or gender-based harassment, intimate partner violence, or is part of a course of conduct under the stalking definition.

As noted above, when parties consent to BDSM or other forms of kink, non-consent may be shown by using a safe word. Resistance, force, violence, or even saying "no" may be part of the kink and thus consensual, so the evaluation of communication in kink situations should be guided by reasonableness, rather than strict adherence to policy that assumes non-kink relationships as a default.

6. **Stalking[11]:**
   Stalking occurs when a person engages in a course of conduct directed at a specific person, on the basis of sex that is not covered under the primary definition of Title IX Stalking but occurs under circumstances that would cause a reasonable person to fear bodily injury or to experience substantial emotional distress.

   Course of conduct means two or more acts, including but not limited to acts in which a person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, communicates to or about another person, or interferes with another person's property. Substantial emotional distress means significant mental suffering or anguish.

   Stalking includes "cyber-stalking," a particular form of stalking in which a person uses electronic media, such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact.

   _____
   [11]This definition is consistent with VAWA.

7. **Complicity:**
   Complicity is any act taken with the purpose of aiding, facilitating, promoting or encouraging the commission of an act of Prohibited Conduct by another person.

C. **Retaliation:**
The University prohibits retaliation against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because an individual has made a report, or participated or refused to participate in a resolution process under this policy.

Retaliation occurs when an individual engages in protected activity; adverse action is taken against that individual by the University or a member(s) of the community; and there is a causal connection between the protected activity and the adverse action.

Adverse action means any action, conduct, or decision that would deter a reasonable person from engaging in protected activity and may include acts of intimidation, threat, or coercion. Retaliation may be present even where there is a finding of "no responsibility" on the allegations of Prohibited Conduct or when the underlying complaint is not substantiated.

Retaliation does not include good faith actions lawfully pursued in response to a report of Prohibited Conduct or the exercise of rights protected under the First Amendment.

D. **Violation of No Contact Directives or Directives of University Officials:**
For the purposes of this policy, "directives of University officials" includes: 1) complying with no contact directives issued by the Title IX Office; and 2) directives from University officials regarding Prohibited Conduct.

A student's failure to comply with the directives of University officials may result in a charge under the University Judiciary Committee's Standards of Conduct, specifically Standard 12.[12] If the Title IX Office is investigating other allegations of behavior from this policy, the Standard 12 charge will be investigated along with the other allegations of Prohibited Conduct.

An employee's failure to comply with the directives of University officials pertaining to these matters may be a violation of the applicable standards of conduct[13] and may result in disciplinary action up to and including termination.

---

[12]"Failure to comply with directions of University officials acting under provisions 1-11 the Standards of Conduct. This shall include failure to give identity in situations concerning alleged violations of sections 1-11."

[13]See HRM-014: Standards of Conduct for University Staff Employees and Faculty Handbook Policy 3.2 and 4.1.

VIII. **Violations of Law:**
Behavior that violates this policy may also constitute a crime under the laws of the jurisdiction in which the incident occurred. For example, the Commonwealth of Virginia criminalizes and punishes some forms of sexual assault, intimate partner violence, sexual exploitation, stalking, and physical assault. The criminal statutes that may apply in cases of physical assault and intimate partner violence are found in various sections of Chapter 4, Articles 1 (Homicide) and 4 (Assaults and Bodily Woundings), of Title 18.2 of the Code of Virginia. The criminal statutes relating to sexual assault are found in Sections 18.2-61 to 18.2-67.10 of the Code of Virginia. Section 18.2-60.3 of the Code of Virginia defines and identifies the penalty for criminal stalking. Finally, Sections 18.2-386.1 and 18.2-386.2 of the Code of Virginia provide for criminal penalties in some cases of sexual exploitation. This compilation of criminal statutes is not exhaustive but is offered to notify the University community that some forms of Prohibited Conduct may also constitute crimes under Virginia law, which may subject a person to criminal prosecution and punishment in addition to any sanctions under this policy.

IX. **Prevention and Awareness Programs and Training:**
The University provides training to employees and students to ensure they understand this policy and the topics and issues related to maintaining an education and employment environment free from harassment and discrimination. All students and employees are required to complete online training modules concerning the policy every two years.

The University is committed to the prevention of Prohibited Conduct through regular and ongoing education and awareness programs. The University offers additional primary prevention and awareness programming to students and employees.

X. **Obligation to Provide Truthful Information:**
All University community members are expected to provide truthful information in any report or proceeding under this policy. Submitting or providing materially false information in bad faith or with a view to personal gain or intentional harm to another in connection with an incident of Prohibited Conduct is prohibited and subject to disciplinary sanctions under the University's Honor Code and disciplinary

action under the appropriate employee disciplinary policy. This provision does not apply to reports made or information provided in good faith, even if the facts alleged in the report are not later substantiated.

XI. **Annual Review:**
This policy is maintained by the University's Office for Equal Opportunity and Civil Rights, an administrative unit within the University's Division for Community Engagement & Equal Opportunity. By October 31 of each year, the Title IX coordinator, in accordance with Virginia law, must certify to the State Council of Higher Education for Virginia that this policy has been reviewed and updated, as appropriate. The University will evaluate, among other factors, any changes in legal requirements, existing University resources, information regarding the resolution of cases from the preceding year (including, but not limited to, timeframes for completion and sanctions and remedies imposed), and feedback from community members. In addition, the Title IX coordinator has the discretion to periodically update this policy when changes in law or policy mandate more immediate action.

XII. **Compliance with Policy:**
Failure to comply with the requirements of this policy may result in disciplinary action up to and including termination or expulsion in accordance with relevant University policies and may constitute a crime under the laws of the jurisdiction in which the incident occurred as noted in Section VIII above.

Direct questions about this policy to the Office for Equal Opportunity and Civil Rights.

Procedures

APPLICABLE PROCEDURES UNDER THIS POLICY:
An employee or student determined by the University to have committed an act of Prohibited Conduct is subject to disciplinary action, up to and including separation from the University through termination of employment or expulsion, respectively. Third Parties who commit Prohibited Conduct may have their relationships with the University terminated and/or their privileges of being on University premises withdrawn.

The Grievance Procedure (Appendix A) and the Alternative Resolution Process (Appendix B) provide for a prompt and equitable response to reports of Prohibited Conduct. The Grievance Process designates specific timeframes for major stages of the process and provides for thorough and impartial investigations that afford all parties notice and an opportunity to present witnesses and evidence and to view the information that will be used in determining whether a policy violation has occurred. The University applies the preponderance of the evidence standard when determining whether this policy has been violated. Preponderance of the evidence means that it is more likely than not that a policy violation occurred.

A. **WHERE THE RESPONDENT IS AN EMPLOYEE:**
The procedures for responding to reports of Prohibited Conduct committed by employees are detailed in Appendix A: Grievance Procedure and Appendix B: Alternative Resolution Process. Note: Alternative Resolution is not available where an employee is alleged to have engaged in Title IX Prohibited Conduct directed at a student.

B. **WHERE THE RESPONDENT IS A STUDENT:**
The procedures for responding to reports of Prohibited Conduct committed by students are detailed in Appendix A: Grievance Procedure and Appendix B: Alternative Resolution Process.

C. **WHERE THE RESPONDENT IS A THIRD PARTY:**
The University's ability to take appropriate corrective action against a third party will be determined by the nature of the relationship of the third party to the University. The Title IX coordinator will determine the appropriate manner of resolution consistent with the University's commitment to a prompt and equitable process consistent with federal law, federal guidance, and this policy.

Related Information

A. **Students:**
Standards of Conduct
STU-002: Rights of Students at the University of Virginia Pursuant to the Family Educational Rights and Privacy Act (FERPA)
B. **Employees and Third Parties:**
HRM-009: Addressing Discrimination, Harassment, and Retaliation
PROV-035: Misconduct and Discipline of Academic Faculty
HRM-014: Standards of Conduct for University Staff Employees

Major Category Human Resource Management

Next Scheduled Review Friday, August 24, 2029

Revision History

Combined HRM-040 and HRM-041 8/24/26; Updated P.O. Box 2/11/26; Updated Section III.C Confidential Employee 10/3/25; Updated Section IV.A.3 9/8/25; Confirmed 9/2/25; Updated Section III.C Confidential Employee 4/8/25; Updated title of Clery Act 2/7/25; Student and Employee Resource Guides combined into one, updated citation in IV.A.4, updated procedures 10/25/24; Community Alert changed to Safety Advisory 8/12/24; Updated contact info in Section I & II 1/17/24; Added Section IV.C and minor clarifications 10/26/22; Updated contact info in Section II 12/15/21; Added Compliance section 7/21/21; Updated AVP in Section II 5/19/21, 1/12/21; Revised 8/14/20; Updated code reference 8/30/17, Updated 7/17/17, 5/10/17, 5/1/17, updated links 11/21/16, 5/10/16, revised 6/30/15.

Category Cross Reference
Students and Student Programs

Supercedes Policy Text
HRM-040: Reporting by University Employees of Disclosures Relating to the Policy on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence and the Preventing and Addressing Discrimination and Harassment, and Preventing and Addressing Retaliation Policies & HRM-041: Policy on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence

Approved By President of the University

Approved Date Monday, March 30, 2015