

# VAWA Policy

## INTRODUCTION

This guide explains Lees-McRae College resources and options available to individuals impacted by sex-based harassment including sexual assault, domestic violence, dating violence, and stalking. Below, you will find valuable information and resources to familiarize yourself with options if you or another individual experiences sex-based misconduct.

In compliance with federal law (Title IX), Lees-McRae College has appointed a Title IX Coordinator whose role is to ensure that members of the community receive Title IX protections as guaranteed by law and institutional policy. Contact information for Lees-McRae College's Title IX Coordinator and other key resources is listed in the next section.

This can be an overwhelming time for someone who has experienced sex-based misconduct. Lees-McRae College regrets that you may have had such an experience. We want you to know that we are here for you and want to ensure you are empowered to make the choices that are best for your needs, without pressure and with respect for your autonomy and privacy.

**Choose how to proceed.** You have options. You can: (1) do nothing until you are ready, (2) pursue a Lees-McRae College resolution, (3) initiate criminal proceedings, 4) initiate a civil process against the perpetrator, and/or 5) pursue healing options that do not require reporting to any official. You may pursue whichever combination of options is best for you. If you pursue a Lees-McRae College resolution, your options can include an investigation, hearing, informal resolution, and/or supportive measures. Those options are summarized below and explained in detail in Lees-McRae College's Title IX Policy and Procedures, found here: <https://www.lmc.edu/students/title-IX.htm>.

## IF YOU HAVE EXPERIENCED SEX-BASED MISCONDUCT

**If you are off campus and experiencing an emergency, you can call police by dialing 911 or Campus Police and Security by dialing 828.260.0505**

1. Go to a safe location as soon as you are able.
2. Contact any of the following for immediate assistance on campus or in the community:
  - a. Title IX Coordinator at 828.898.8703. Regular business hours, M-F,
  - b. Campus Police and Security at 828.898.8756. 24 hours/7 days a week,
  - c. Campus Health Services at 828.898.8862. Regular business hours, M-F,
  - d. The Counseling and Wellness Center at 828.898.3841. Regular business hours, M-F, including on-call,
  - e. Vice President for Student Affairs at 828.898.8797. Regular business hours, M-F, including on-call, and



- f. OASIS in Boone, NC at 828.504.0911. 24 hours/7 days a week.
3. **Medical Attention:** Seek immediate medical attention if you are injured or believe you may have been exposed to the risk of an STI/STD or pregnancy.
- Cannon Memorial Hospital in Linville, NC.
  - Watauga Medical Center in Boone, NC.
4. **Evidence Preservation:** Preserving evidence is critical to potential criminal prosecution and to obtaining restraining/protective orders, and it is particularly time sensitive. The following steps will help preserve evidence:

**For instances of Sexual Assault:**

- Seek forensic medical assistance at the nearest hospital, ideally within 120 hours of the incident (sooner is better).
- Avoid urinating, showering, bathing, washing hands or face, or douching, if possible, but evidence may still be collected even if you do.
- If oral sexual contact took place, refrain from smoking, eating, drinking, or brushing teeth.
- If clothes are changed, place soiled clothes in a paper bag (plastic destroys evidence) or a secure evidence container (if provided one by law enforcement).
  - If you are still wearing any clothes worn during the incident, wear them to the hospital, but bring a change of clothes, as the hospital will keep the clothes you are wearing as evidence.
- Seeking medical treatment, in general, can be essential, even if it is not for the purpose of collecting forensic evidence.
- Typically, police will be called to the hospital to take custody of the forensic kit, but it is up to you whether you wish to speak with them or file a criminal complaint.

**For instances of Stalking/Dating Violence/Domestic Violence/Sex-Based Harassment:**

- Evidence in the form of text and voice messages will be lost, in most cases, if the impacted individual changes their phone number.
  - Make a secondary recording of any voice messages and/or save the audio files to a cloud server.
  - Take screenshots and/or a video recording of any text messages or other electronic messages (e.g., Instagram, Snapchat, Facebook).
- Save copies of email and social media correspondence, including notifications related to account access alerts.
- Take time-stamped photographs of any physical evidence, including notes, gifts, etc., in place when possible.
- Save copies of any messages, including those showing any request for no further contact.



- Obtain copies of call logs showing the specific phone number being used rather than a saved contact name if possible.

5. **Contacting Law Enforcement:** Lees-McRae College will provide assistance contacting law enforcement, if the impacted individual wishes to do so. Contacting law enforcement is not required to receive support or to engage other options for resolution through Lees-McRae College. Local law enforcement can assist with evidence collection, evidence preservation, taking statements, pressing criminal charges, and obtaining protective or restraining orders. Local law enforcement agencies include:

- Banner Elk Police Department.

Lees-McRae College will also help facilitate contact with any other law enforcement agencies not listed above if those agencies would have jurisdiction over the alleged misconduct or could otherwise provide support for or information to the impacted individual.

If any impacted individual would prefer to have a support person accompany them to any meeting or interview with law enforcement, Lees-McRae College will help find an appropriate resource at the institution or in the local community.

If any impacted individual is interested in support with contacting law enforcement, they should contact Dr. Tim Koch, Lees-McRae College's Title IX Coordinator, at 828.898.8703 or [kocht@lmc.edu](mailto:kocht@lmc.edu).

6. **Resolution Options:** Impacted parties have a variety of procedural options for resolution of a complaint of sex-based misconduct at Lees-McRae College:

- **Initiate a Complaint and Investigation with the Title IX Coordinator:** An impacted party may initiate a Complaint with the Title IX Coordinator office and request they open an investigation into the allegations. The assigned investigator(s) will interview parties and relevant witnesses, collect evidence, and write an investigation report or provide a summary of evidence for the parties' review. After the investigation is complete, individual meetings or a live hearing with a Decision-maker will take place, and the Decision-maker will determine whether a violation of Lees-McRae College policy occurred. This is a Lees-McRae College administrative process, not a criminal or civil process.
- **Informal Resolution:** An impacted party may seek to resolve the allegations through an Informal Resolution, according to the parameters set out in Lees-McRae College's Title IX policy. All involved parties and the Title IX Coordinator must consent to Informal Resolution. Informal Resolution is a Lees-McRae College administrative process, not a criminal or civil process. Lees-McRae College offers four approaches to Informal Resolution:
  - [Supportive Resolution: Lees-McRae College can provide individualized support measures designed to maintain or restore the impacted individual's access to the College/University's education program and activities. See below for a list of



possible supportive measures. For more information on supportive measures, see Policy or contact the Title IX Coordinator at Phone or Email.

- Educational Conversation: The Title IX Coordinator can resolve the allegations informally by having a conversation with the person alleged to have committed the policy violation to discuss the allegations and institutional expectations. If the impacted individual wishes to have this conversation, the Title IX Coordinator may accompany them, if desired.
- Accepted Responsibility: The person alleged to have committed the policy violation is willing to accept responsibility for violating policy and accept sanctions, and the impacted individual and Lees-McRae College accepts the resolution terms.
- Alternative Resolution: Could include, but is not limited to mediation, shuttle negotiation, restorative practices, and facilitated dialogue as a means to reaching an agreed-upon resolution.]

If the impacted party chooses to initiate an investigation, Informal Resolution is available at any time during an investigation (see above) prior to a final determination. No investigation is required, though, to have access to Informal Resolution options.

- **No Action Taken:** Unless an imminent and serious threat to the health or safety of the impacted individual, or the wider Lees-McRae College community exists, if the impacted individual declines to pursue Lees-McRae College action to resolve the allegations of sex-based harassment, Lees-McRae College will provide support but not pursue resolution. The impacted individual may pursue any of the above resolutions at any time.

Impacted individuals may also seek criminal charges or civil remedies, outside the administrative resolution options Lees-McRae College offers, as outlined above. For more information on criminal charges or civil remedies please reach out to Campus Police and Security at 828.898.8756 or the Title IX Coordinator at 828.898.8703 or [kocht@lmc.edu](mailto:kocht@lmc.edu).

7. **Protection Orders.** The Title IX Coordinator, Campus Police and Security, or local law enforcement can provide information for obtaining a protection order, if desired. A protection order, imposed by a court, would prohibit proximity and/or contact between individuals.

## REPORTING

To make informed choices, all parties should be aware of confidentiality and privacy considerations, as well as institutional mandatory reporting requirements.

**Confidential Reporting:** A confidential resource is not required to share information about disclosures of sex-based harassment with Lees-McRae College. If an impacted individual would like the details of an incident to be kept confidential, they may speak with the following:

### Confidential Employees



- The Director of the Counseling and Wellness
- The on-campus Health Service Provider
- The on-campus Chaplain

In addition, impacted individuals may speak with professionals unaffiliated with Lees-McRae College without concern that Policy will require them to disclose information to the institution without permission:

- Licensed professional counselors and other medical providers
- Local rape crisis counselors
- Domestic violence resources
- Local or state assistance agencies
- Clergy/Chaplains
- Attorneys

**Mandated Reporting:** All employees not designated as confidential above are mandated reporters. This means they are required to disclosures about sex-based misconduct with the Title IX Coordinator. The Title IX Coordinator will reach out to offer support and the opportunity to initiate a complaint to the impacted party, but the impacted party can choose whether to respond or participate in any meeting or process. Reporting link: [https://cm.maxient.com/reportingform.php?LeesMcRae&layout\\_id=1](https://cm.maxient.com/reportingform.php?LeesMcRae&layout_id=1).

## **SUPPORTIVE MEASURES AND RIGHTS IN THE RESOLUTION PROCESS**

### **SUPPORTIVE MEASURES**

- Lees-McRae College will assist any impacted party with accessing counseling, advocacy services, health care, legal support, student financial aid, and visa and immigration assistance, both on campus and in the community.
- The Title IX Coordinator will discuss the availability of supportive measures after an alleged incident of discrimination, harassment, and/or retaliation. No complaint or investigation, either campus or criminal, needs to occur before this option is available. Such measures may include, but are not limited to:
  - [Referral to counseling, medical, and/or other healthcare services
  - Referral to the Employee Assistance Program
  - Referral to community-based service providers
  - Visa and immigration assistance
  - Student financial aid counseling
  - Education to the institutional community or community subgroup(s)
  - Altering campus housing assignment(s)
  - Altering work arrangements for employees or student-employees



- Safety planning
- Providing campus safety escorts
- Providing transportation assistance
- Implementing contact restrictions (no contact orders) between the Parties
- Academic support, extensions of deadlines, or other course/program-related adjustments
- Trespass, No Contact, or Be-On-the-Lookout (BOLO) orders
- Timely warnings
- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Title IX Coordinator]

### **RIGHTS OF PARTIES IN THE LEES-MCRAE COLLEGE TITLE IX RESOLUTION PROCESS**

Under the Title IX Policy and procedures, the parties have the right to:

- An equitable investigation and resolution of all credible allegations of prohibited discrimination, harassment, retaliation, and Other Prohibited Conduct, when reported in good faith to Recipient officials.
- A fundamentally fair resolution as defined in Lees-McRae College procedures.
- Timely written notice of all alleged violations, including the identity of the parties involved (if known), the specific misconduct being alleged, the date and location of the alleged misconduct (if known), the implicated Policies and procedures, and possible sanctions.
- Be able to select an Advisor of their choice to accompany and assist the party in all meetings and/or interviews associated with the Resolution Process.
- Have Lees-McRae College policy and procedures followed without material deviation.
- Be treated with respect by Lees-McRae College officials.
- Have Lees-McRae College law enforcement, security, and/or other Lees-McRae College officials respond promptly to alleged policy violations.
- Have Lees-McRae College maintain supportive measures for as long as necessary, ensuring they remain confidential, provided confidentiality does not impair the institution's ability to provide the supportive measures or comply with the law.
- Preservation of confidentiality/privacy, to the extent possible and permitted by law.

These rights are some of the most important, but not the only rights provided by Lees-McRae College policy. For a full list of rights, please see the Title IX policy at:

<https://www.lmc.edu/students/files/policy-prohibiting-discrimination-based-on-sex-under-title-IX.pdf>.



## **FREQUENTLY ASKED QUESTIONS (FAQ)**

### **Can an attorney be my Advisor?**

Yes. You have the right to an Advisor of your choice, which can include an attorney.

### **Will my parents/guardians find out about this incident?**

It depends. If you are a minor, members of the Title IX team may have certain mandatory reporting obligations, which may include notifying your parents/guardians of the incident.

If you are not a minor, any incident disclosed to a Mandatory Reporter is a part of Lees-McRae College's education record, which is protected under the Family Educational Rights and Privacy Act (FERPA). This means that your education record cannot be shared with anyone with whom you have not given Lees-McRae College permission to share, except in emergency situations.

### **Do I have to resolve this through a Resolution Process with the Lees-McRae College?**

No. You have options, as outlined above. The Title IX Coordinator can explain those options and answer your questions.

### **Is there a time limit for reporting?**

There are no time limits on initiating a complaint; however, the passage of time may impact your options.

### **Will I get in trouble if I was drinking underage during the incident?**

To encourage reporting and participation in the Resolution Process, Lees-McRae College offers a responsible reporting party amnesty from minor policy violations, such as underage alcohol consumption or the use of illicit drugs, related to the incident.

### **What happens if the Respondent fails to comply with the sanctions after a Resolution Process?**

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or for any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination.



**What happens if the Respondent transfers, leaves, or resigns prior to the conclusion of the Resolution Process?**

It depends on the circumstances. The Title IX Coordinator can provide more information.

**What if law enforcement is involved?**

Lees-McRae College's action(s) or processes do not change, generally, because there are civil or criminal charges involving the underlying incident(s). Lees-McRae College may undertake a short delay in its investigation if circumstances require.