

UNIVERSITY OF VIRGINIA

RESOURCE AND REPORTING GUIDE FOR EMPLOYEES

POLICY ON SEXUAL AND GENDER-BASED HARASSMENT
AND OTHER FORMS OF INTERPERSONAL VIOLENCE

The University of Virginia (the “University”) is committed to providing a safe and non-discriminatory environment for all members of the University community. The University prohibits Sexual Assault, Sexual Exploitation, Intimate Partner Violence, Stalking, Sexual and Gender-Based Harassment, Complicity and Retaliation (together, “[Prohibited Conduct](#)”). These forms of Prohibited Conduct are defined in the [University’s Policy on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence](#) (the “Policy”). This Resource and Reporting Guide, referred to as the “Employee Resource Guide” in the Policy, provides an overview of University and community resources, including confidential resources, and options for reporting Prohibited Conduct to law enforcement and/or to the University.¹

When used in this Employee Resource Guide, the term “Employee” refers to Complainants, Respondents, witnesses or any other University employee in need of information, assistance, or support. As outlined in the Policy, the University offers a wide range of resources for Employees to provide support and guidance throughout the initiation, investigation and resolution of a report of Prohibited Conduct. The University will offer reasonable and appropriate measures to protect a Complainant and facilitate the Complainant’s continued access to University employment or education programs and activities. These measures may be both remedial (designed to address a Complainant’s safety and well-being and continued access to educational opportunities) or protective (involving action against a Respondent). Remedial and protective measures, which may be temporary or permanent, may include no-contact directives, work schedule modifications, interim disciplinary suspension, suspension from employment, and pre-disciplinary leave (with or without pay). Remedial measures are available regardless of whether a Complainant pursues criminal or University disciplinary action.

¹ This Resource Guide should be read in conjunction with the Policy. Capitalized terms used and not otherwise defined in this Resource Guide are defined in the Policy.

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I. UNIVERSITY AND COMMUNITY RESOURCES

A. EMERGENCY MEDICAL, LAW ENFORCEMENT AND CRISIS RESPONSE RESOURCES

- Medical Assistance:** An individual who experiences sexual assault or any other form of interpersonal violence is strongly encouraged to seek immediate medical attention at the University’s Emergency Department.

U.Va. Medical Center Emergency Department	1215 Lee Street, Charlottesville (434) 924-2231
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The University’s Medical Center is the **only** hospital in Charlottesville where an individual can receive a forensic sexual assault examination by a Sexual Assault Nurse Examiner (also known as “SANE Nurse”). SANE Nurses can assess injuries related to physical and sexual trauma; evaluate for sexually-transmitted infections and possible pregnancy; provide medical care (including medications to

prevent infections and pregnancy); and can, *within the first 72 hours* after a sexual assault, administer a “forensic exam.”² During the forensic exam, the SANE Nurse documents and collects evidence of sexual contact and/or physical trauma (including injuries to the body and genitals), trace evidence, biological fluids, and identifiable DNA. Where there is reason to believe that an assault may have been facilitated by the use of drugs or alcohol, the forensic exam may also include the collection of urine and blood samples for toxicology testing. *Employees are not required to report an incident to law enforcement or the University in order to receive medical attention or a forensic exam.*³ Employees may have a support person of their choosing present throughout the forensic exam. In addition, the Emergency Department ensures that an advocate from the Sexual Assault Resource Agency (“SARA”) is available to all patients reporting sexual assault. Employees may accept or decline the confidential services of the SARA advocate.

Regardless of whether a forensic exam is obtained within the first 72 hours after a sexual assault, Employees are encouraged to seek follow-up care to address any ongoing medical concerns, including those related to sexually-transmitted infections and pregnancy. Employees may access follow-up care at the University Medical Center or through any appropriate health care provider outside of the University.

2. **Law Enforcement:** Employees are urged to report any Prohibited Conduct that may constitute a crime to local law enforcement (“Police”) immediately. Police have unique legal authority to seek and execute search warrants, to collect forensic evidence that may have been left at the scene or at other relevant locations and to make an arrest when supported by probable cause to believe a crime has been committed. Police are also able to assist Employees in seeking Emergency Protective Orders (see [below](#)).

Police can be reached by calling “911” (or one of the other numbers listed below). Employees seeking medical attention at the University Emergency Department can ask that Police be called on their behalf.

Police Emergency	911
Albemarle County Police	(434) 977-9041
City of Charlottesville Police	(434) 970-3280
University Police	(434) 924-7166

² Detailed information about obtaining a forensic exam at the University Medical Center can be accessed at <http://www.virginia.edu/sexualviolence/sexualassault/afteranassault>.

³ Forensic evidence will be stored for at least 120 days. If the Complainant does not wish to file an official police report, a law enforcement officer will make a brief, anonymous report (containing no personally identifiable information), and explain when, where and why the evidence will be held.

Incidents that occur on-Grounds fall within the jurisdiction of the University Police; incidents that occur off-Grounds within the City of Charlottesville or within Albemarle County fall within those Police jurisdictions, respectively. Employees will be directed to the appropriate Police Department when they call “911” or by contacting the University Police Department’s Victim/Witness Assistance Program at (434) 924-8845 or (434) 531-5600. The Victim/Witness Assistance Program is designed to ensure that victims and witnesses of criminal offenses receive fair and compassionate treatment throughout the criminal justice process. The Victim/Witness Assistance Officer can provide information and resources to assist an Employee in understanding a law enforcement investigation or criminal prosecution.

3. **Confidential Crisis Resources (Support and Counseling):** Employees are urged to seek immediate emotional support after any incident of Prohibited Conduct. There are a number of confidential sources and “hotlines” for crisis counseling, both at the University and in the local community. Confidential counselors can provide trauma-informed support and offer information about reporting options.

a) University Confidential Crisis Resources:

Faculty & Employee Assistance Program Counseling Services (FEAP)	(434) 243-2643 (daytime) (434) 924-0000 (evenings and weekends, ask for consultant on call)
U.Va. Women’s Center	(434) 982-2252 (daytime)

b) Community Confidential Crisis Resources:

Sexual Assault Resource Agency (SARA)	(434) 977-7273
Shelter for Help in Emergency (SHE)	(434) 293-8509
Family Violence and Sexual Assault Virginia Hotline	Call: (800) 838-8238 Text: (804) 793-9999

B. ONGOING CONFIDENTIAL COUNSELING AND SUPPORT

Confidential counseling and trauma-informed support are available on an ongoing basis at the University, in the local community, and through national “hotlines.”

1. University Confidential Resources:

Faculty & Employee Assistance Program Counseling Services (FEAP)	(434) 243-2643 (daytime) (434) 924-0000 (evenings and weekends, ask for consultant on call)
University Medical Associates	(434) 924-1931
U.Va. Health System General Gynecology	(434) 924-1955 or (800) 251-1841
The Women's Center: Counseling Staff	(434) 982-2252
U.Va. Teen and Young Adult Health Center (Provides health care for ages 12 to 26)	(434) 982-0090
Mary D. Ainsworth Psychological Clinic (Clinical training program that generally does not see patients in crisis)	(434) 982-4737 ainsworth@virginia.edu

2. Community Confidential Resources:

Sexual Assault Resource Agency (SARA)	Weekdays: (434) 295-7273 24-hour Hotline: (434) 977-7273
Shelter for Help in Emergency (SHE)	(434) 293-8509
Family Violence and Sexual Assault Virginia Hotline	Call: (800) 838-8238 Text: (804) 793-9999

3. National Confidential Resources:

Rape and Incest National Network (RAINN) Online Hotline	https://ohl.rainn.org/online/
National Sexual Assault Hotline	(800) 656-4673

C. LEGAL RESOURCES

There are several resources that may help Employees explore and understand their legal rights and options – both criminal and civil – following an incident of Prohibited Conduct.

Virginia Legal Aid	http://www.valegalaid.org/
Central Virginia Legal Aid Society	http://cvlas.org/our-services/ 1000 Preston Avenue, Suite B 434-327-1447 434-327-1445
Legal Aid Justice Center	https://www.justice4all.org/ 1000 Preston Avenue, Suite A Charlottesville, VA 22903 Phone: (434) 977-0553

D. UNIVERSITY SUPPORT; REMEDIAL AND PROTECTIVE MEASURES

The Office of Equal Opportunity Programs (“EOP”) can provide Employees with information, support, and assistance and can arrange for a broad range of remedial and protective measures. EOP employees have received training for this purpose and will assist Employees in determining whether certain forms of support, remedial and/or protective measures may be beneficial and appropriate. EOP employees are Responsible Employees and are therefore required to report the information disclosed to them about Prohibited Conduct to the University’s Title IX Coordinator. If a Complainant requests (a) that personally-identifying information not be shared with the Respondent, (b) that no investigation be pursued, and/or (c) that no disciplinary action be taken, the University will seek to honor this request unless there is a health or safety risk to the Complainant or to any member of the University community. The Procedures outlined in Appendix B provide additional guidance about how the University will evaluate such requests.

Office of Equal Opportunity Programs	Washington Hall; Hotel B, East Range UVAEOP@virginia.edu (434) 924-3200
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The availability of remedial and protective measures will be determined by the specific circumstances of each case. EOP, in consultation with the Title IX Coordinator and Human Resources and/or the Office of the Provost, will consider a number of factors in determining which measures to take, including the needs of the Employee seeking remedial and/or protective measures; the overall structure and work needs of the relevant unit or Department; the severity or pervasiveness of the alleged Prohibited Conduct; any continuing effects on the Complainant; whether the Complainant and the Respondent share the same employment assignment or parking location; and whether other judicial

measures have been taken to protect the Complainant (e.g., Protective Orders). When implementing such measures, the University will seek to minimize the burden on the Complainant. For example, if the Complainant and the Respondent share the same employment assignment, the University will not, as a matter of course, remove the Complainant from the assignment while allowing the Respondent to remain, without carefully considering all options and circumstances.

Protective and remedial measures may be temporary or permanent and may be modified by the University as circumstances change. Examples of such measures include:

- Imposition of a No-Contact Directive against an Employee or Student (i.e., an order directing one or both of the parties to refrain from contacting the other, directly or through proxies);
- Arranging a meeting with Police to discuss or report Prohibited Conduct;
- Arranging a meeting with Police to discuss safety planning;
- Providing contact information for available counseling services;
- Providing contact information for available medical services;
- Modifying an Employee's work schedule and/or work location;
- Re-assigning an Employee's parking location;
- Changing an Employee's phone number at work;
- Assistance in enforcement of Protective Orders in an Employee's work environment;
- Imposing an interim disciplinary suspension and/or pre-disciplinary leave, with or without pay, on the Respondent, pending resolution of the matter; and
- Any other measures that may be arranged by the University (to the extent reasonably available) to ensure the safety and well-being of an Employee who has been affected by Prohibited Conduct.

In some cases, an Employee may choose to seek leave to attend court proceedings or meet other legal obligations. The University will endeavor to approve reasonable leave for Employees who have experienced Prohibited Conduct to seek Protective Orders, attend court, make custody arrangements, or relocate to a safe living environment. Employees should direct any such requests for leave to their supervisor. Employees and/or supervisors should direct any questions or concerns related to such requests to EOP.

EOP will ensure Employees receive written notification of all their rights and options, regardless of whether an Employee chooses to report Prohibited Conduct to the University or to the Police.

II. REPORTING PROHIBITED CONDUCT

Employees may report Prohibited Conduct to the Police, to the University, to both or to neither. These reporting options are not exclusive. Complainants may simultaneously pursue criminal and University disciplinary action. The University will support Complainants in understanding and assessing their reporting options.

A. PRESERVATION OF EVIDENCE

The University recognizes that making the decision to report Prohibited Conduct often takes time. Nevertheless, pending the decision to report, Employees are strongly encouraged to take immediate steps to preserve all evidence that might support a future report of Prohibited Conduct, a Protective Order, or an investigation by the Police, by the University, or both. Such evidence may include:

- A forensic sexual assault examination (within 72 hours);
- Any clothing, sheets or other materials (items containing bodily fluids should be stored in cardboard boxes or paper bags);
- Electronic exchanges (e.g., text messages, emails and Facebook, Instagram, Snapchat or other social media posts, to the extent that they can be captured or preserved);
- Photographs (including photographs stored on smartphones and other devices); and
- Voice-mail messages and other physical, documentary and/or electronic data that might be helpful or relevant in an investigation.

Electronic and photographic evidence may be lost through the upgrade or replacement of equipment (including smartphones), software and/or accounts or may simply be lost to the passage of time.

B. REPORTING TO THE POLICE

Employees have the right to notify Police or decline to notify Police. Employees may contact the Police directly (see [Section I](#), above). Alternatively, Employees may seek assistance in notifying Police from EOP. EOP can assist in setting up an initial meeting with Police. Filing a Police report does not obligate an Employee to participate in any subsequent criminal proceedings. Although a Police report may be made at any time, Employees should be aware that a one-year statute of limitations may apply to certain misdemeanors in Virginia.

C. REPORTING TO THE UNIVERSITY

The University strongly encourages Employees who have experienced, have knowledge of, or have witnessed Prohibited Conduct to make a report to the University. Under Title IX, once an institution has notice of an act of Prohibited Conduct, it is required to (1) take immediate and appropriate steps to investigate or otherwise determine what occurred; and (2) take prompt and effective action to end any misconduct that occurred; remedy its effects; and prevent its recurrence. Although there is no time limit for reporting Prohibited Conduct to the University, 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 a Student or an Employee, the University will provide reasonably appropriate remedial measures,

assist the Complainant in identifying external reporting options, and take other reasonable steps to respond under Title IX. Making a report to the University does not require participation in any subsequent University proceedings, nor is a report required in order for an Employee to receive support or remedial measures.

Employees are encouraged to report Prohibited Conduct through *Just Report It*, the University’s website for online reporting (which also allows for anonymous reporting), or by contacting the Title IX Coordinator or the Office of Equal Opportunity Programs:

Just Report It (also for anonymous reports)	http://www.virginia.edu/justreportit/titleix-vawa
Kelley B. Hodge Title IX Coordinator	Madison Hall, First Floor Room 101 klb9g@virginia.edu (434) 297-7643 (office)
Office of Equal Opportunity Programs	Washington Hall/Hotel B, East Range UVAEOP@virginia.edu (434) 924-3200

Employees should be aware that every supervisor, manager, and human resources professional is required to report to the Title IX Coordinator all relevant details about an incident of Prohibited Conduct where both the Complainant and the Respondent are Employees.

Upon receipt of a report of Prohibited Conduct, the University will conduct an initial assessment, a *threat assessment*, and take any immediate action that may be necessary to protect the health and safety of the Employee and the University community, as described in Procedures attached as [Appendix A](#) and [Appendix B](#) to the Policy.

D. SEEKING A PROTECTIVE ORDER

Where Prohibited Conduct is reported to the Police, it may be possible to obtain a court-ordered Emergency or Preliminary Protective Order. These Protective Orders may be issued if the judge or magistrate believes that there is an immediate threat to health or safety. Later, after a full hearing, the court may agree to issue a “Permanent” Protective Order, in appropriate cases. A Permanent Protective Order may remain in place for up to two years under Virginia law and, in some cases, may be extended for an additional two years. “Protective Orders” are separate and distinct from “No-Contact Directives” (described above). Protective Orders may be obtained only from a court of law and are enforceable anywhere in the United States; their violation may result in criminal charges. In contrast, No-Contact Directives are arranged by EOP and are enforceable through the University. Employees may speak with the University Police Department’s Victim/Witness Assistance Coordinator, who can explain the process for seeking a

Protective Order and can escort an Employee to the appropriate office in order to initiate a petition seeking a Protective Order.