

**2022 ANNUAL SECURITY REPORT  
FOR**

**BRIGHTPOINT COMMUNITY COLLEGE**



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## A Message from the President



800 Charter Colony Parkway  
Midlothian, VA 23114

September 29, 2023

Dear members of our College community:

At Brightpoint Community College, we want every student to be successful and to achieve all of their goals. To do that, we offer high-quality educational opportunities and a variety of support services designed to help students get on the road to a baccalaureate degree, prepare for entry into the workforce, gain new career skills, or explore their interests.

In addition to fostering a creative and thriving academic community, we work hard to provide a safe environment in which to learn and work. The security and safety of our students, faculty and staff are always top priorities at Brightpoint. Our dedicated employees continually review security procedures, safety plans and policies, and they routinely undergo training. But, they are not the only ones involved in making Brightpoint Community College a safe place. Our students also share in that responsibility, and it is vital that we continue working together in this endeavor.

I ask that you take a few minutes to read our Annual Security Report. In it, you will find helpful information, guidance, and resources.

Thank you,

Van C. Wilson, Ed.D.  
Interim President

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**brightpoint.edu**

## A Message from the Director of Facilities & Safety



September 29, 2023

Dear Brightpoint Community College students, faculty and staff,

The mission of Brightpoint Community College Security Services is to afford our students, staff, and faculty an opportunity to learn, teach and succeed in a safe and secure environment.

Our institution has an excellent record of safety and security. However, crime can occur anywhere at any time, so it is important that all members of our campus community stay informed, understand the resources available to them at Brightpoint, and be proactive.

With this in mind, we have put together the following Annual Security Report, which provides valuable information about safety and security at Brightpoint. Please take a few minutes to read through it, and familiarize yourself with the college's resources and procedures. Campus safety is a shared responsibility. Together, we can continue to make Brightpoint a safe and vibrant learning community.

Sincerely,

A handwritten signature in black ink that reads "Chip Kramer".

Chip Kramer  
Director of Facilities and Safety  
Brightpoint Community College

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**brightpoint.edu**

## **About Brightpoint**

Brightpoint Community College is a two-year, public institution of higher education and is the fifth largest of the 23 community colleges in the Virginia Community College System. With campuses in Chester and Midlothian and off-campus classrooms throughout the area, Brightpoint offers quality and economic opportunities for students who want to earn a degree or certificate, transfer to a four-year college or university, train for the workforce, or switch careers.

Since 1967, Brightpoint Community College has been serving the community as a public two-year institution of higher education. The College offers a variety of programs and services, with a focus on primarily serving the residents of the cities of Colonial Heights, Hopewell and Petersburg, as well as the counties of Amelia, Charles City, Chesterfield, Dinwiddie, Prince George, Surry and Sussex.

## **Mission and Vision**

The people of Brightpoint Community College are driven daily to serve the needs of our students and our community. We have a clear mission and vision for ourselves, and together, we accomplish great things.

### **Mission Statement**

Brightpoint Community College provides quality educational opportunities that inspire student success and community vitality.

### **Vision Statement**

A success story for every student.

## **College Goals**

1. To enhance and promote excellence in teaching and learning.
2. To provide access to educational opportunities for persons from all segments of society.
3. To provide a comprehensive program of student development services.
4. To develop and foster mutually beneficial relationships with external constituencies to meet the educational and economic needs of the region.
5. To provide excellent administrative services, fostering accountability and efficiency.
6. To administer integrated and transformative institutional assessment and planning processes.
7. To maximize external funding to support the mission of the College.
8. To strengthen a positive image of the College and effectively promote services and programs to the community.
9. To encourage a positive organization; which attracts and retains a diverse and highly competent workforce.

## **College Governance**

### *Virginia Community College System (VCCS)*

The Virginia Community College System is the agency responsible for the administration and supervision of the system of community colleges in the Commonwealth of Virginia under the authority of the State Board for Community Colleges.

The Chancellor is the chief executive officer of the Virginia Community College System and serves as the secretary of the State Board for Community Colleges. The chancellor is appointed by the State Board for Community Colleges.

The Chancellor is responsible for formulating such rules and regulations and providing such assistance in the office of the chancellor as necessary to support the performance of the chancellor's duties. The state board prescribes these duties, in addition to those duties otherwise prescribed by law. At its discretion, the State Board also approves the appointment by the chancellor of such agents and employees as may be needed by the chancellor and the VCCS to implement all assigned functions, duties, and powers.

*Brightpoint Organizational Chart*

(<http://www.brightpoint.edu/downloads/about/brightpointOrgChart-v2.pdf>)

VCCS Web Site ([www.vccs.edu](http://www.vccs.edu))

### **Brightpoint Community College Board**

The College Board serves as an advisory group to the College's administration. The Board is made up individuals representing the College's service area, which includes the cities of Colonial Heights, Hopewell and Petersburg, as well as the counties of Amelia, Charles City, Chesterfield, Dinwiddie, Prince George, Surry and Sussex. Each jurisdiction has one member, with the exception of Petersburg, which has two members; Hopewell, which has three representatives; and Chesterfield, which also has three members. Board members are appointed by boards of supervisors and city councils from the College's service area.

Board members serve as advocates for the College in their individual jurisdictions and facilitate communication between the College and its constituencies in those jurisdictions. Board members also advocate for the College during the General Assembly of Virginia legislative session. Board members may serve two consecutive four-year terms. The chair and vice-chair of the Board are elected for two-year terms of office. The Board meets six times annually and rotates meeting locations between the College's two campuses.

### **Administrative Council**

Administrative Council meets monthly to discuss issues of broad concern to the College's administration. Administrative Council is comprised of:

- President
- Vice President of Learning and Student Success
- Vice President of Community College Workforce Alliance (CCWA)
- Vice President of Administration
- Associate Vice President of Financial Services
- Associate Vice President of Student Success
- Classified Staff Representative
- Public Relations Manager
- Director of Institutional Effectiveness
- Assistant to President
- Faculty Association President
- Director of Facilities & Safety
- Director of Governmental and Administrative Services
- Director of Compliance and Policy

### **Foundation**

The Brightpoint Community College Foundation relies on the generosity of the community to continue its work in securing the future of the College and contributing to the success of its students, its faculty and its staff. Since most of the College's graduates live and work in the area, gifts made to the Foundation are an investment in the future of the community. Through these



gifts, the Foundation is able to provide scholarships for students; fund academic programs and capital projects; renovate and modernize classrooms and labs; and encourage the professional development of Brightpoint Community College's faculty and staff. This work ensures that the College continues its pledge of providing academic excellence while expanding the services it offers to fulfill escalating workforce requirements. The Foundation Board is comprised of leaders from a variety of businesses and organizations in the greater Richmond area.

### **College Committees**

The standing committees of Brightpoint Community College meet over the course of each academic year (at least once each semester) to discuss matters falling under the specific charge of each committee and to prepare recommendations to the College's Administrative Council for actions regarding those matters.

#### **Standing Committee Membership and Charges**

(<https://intranet.brightpoint.edu/resources/meeting-minutes/ad-hoc-and-standing-committees>)

### **Safety and Security Committee**

The Committee is charged with reviewing safety policies and procedures at the College, both academic and non-academic, and making recommendations for modifications and improvements. Such policies are to include general campus safety and security, laboratory safety, and any other specialized activity where the safety of participants may become an issue. The Committee may be asked to offer opinions regarding the safety and security of on-campus individuals in life-threatening or injury-causing situations not directly related to the academic process. Additional assignments may be developed as a result of directives from the executive branch of state government and from agencies of the federal government. The Committee may utilize a sub-committee structure, if desired, in the accomplishment of its tasks. Safety and Security Committee members include:

Vice President of Administration

Director of Facilities & Safety

Facilities Supervisor

Campus Resource Officers (Midlothian & Chester)

Public Relations Manager

Shared Services -College Technology Officer

Telecommunications Coordinator

Information Security Officer

Dean of Business, Engineering and Technology

Dean of Mathematics, Science, Health and Human Services

Dean of Students

Associate Dean of Students

EMS Instructor

Nursing Instructor

Arts Instructor

Natural Sciences Lab Technician

Business, Engineering and Technology Instructor

Arts Assistant

CCWA Contract Administrative Specialist

Security Manager, *ex officio*

Convener and Chair: Assistant Director of College Safety & Security

## **Workplace Violence and Threat Assessment Team**

This policy adheres to Virginia Code 23-9.2:10 and covers the college Threat Assessment Team (TAT). TAT is comprised of representatives of student services, law enforcement, security services, human resources, and faculty

### **Responsibilities**

This policy applies to all faculty, staff, students, visitors, contractors, individuals and other third parties. Human Resources, the Assistant Director of College Safety and Security, Dean of Students, law enforcement, and representatives from student services and faculty are responsible for this policy.

### **Definitions**

Direct Threat: A situation where there is a high probability of substantial harm to an individual or individuals.

TAT: Threat Assessment Team

Respondent: A person whose behavior warrants an investigation by the college pursuant to this policy.

Workplace: Any location, either permanent or temporary, where an employee performs any work-related duty. This includes, but is not limited to, the buildings and the surrounding perimeters, including the parking lots, field locations, alternate work locations (other than an individual's home when telecommuting), and travel to and from work assignments.

Workplace Violence: Any physical assault or threatening behavior occurring in the workplace by employees, students, or third parties. It includes, but is not limited to, beating, stabbing, suicide, shooting, rape, attempted suicide, psychological trauma such as threats, obscene phone calls, intentionally damaging property, an intimidating presence which makes a reasonable person apprehensive of imminent harm, and harassment of any nature such as stalking, shouting so as to cause a disruption, swearing or committing injurious acts motivated by, or related to, domestic violence or sexual harassment.

Third Parties: Individuals who are not state employees, such as relatives, acquaintances, strangers, contractors, or visitors.

Individual(s): Anyone who comes to the attention of the TAT.

Student: A person who has applied to, been accepted, and registered/enrolled at the college.

### **Policy**

A. The college is concerned about the safety, health and well-being of all of its students, faculty and staff. In adherence to Virginia Code 23-9.2:10, the college has established a Threat Assessment Team (TAT) comprised of representatives of student services, law enforcement, security services, human resources, and faculty. The team meets on a regular basis under the leadership of the Dean of Students and the Assistant Director of College Safety and Security.

B. The TAT is charged with addressing all reported behavioral issues which occur on the college campus, at an off-site location, online or on an electronic site, including e-mail, blogs, social media, and Canvas postings. Off-campus and electronic, social media or online behavior of students, staff, faculty, individuals or third parties may be considered and investigated by the TAT in instances where a threat is thought to exist to the college community.

C. The mission of the college TAT is to facilitate a safe college community through a coordinated, systemic, collaborative, objective, unbiased, thoughtful, and proactive approach, with strong emphasis on prevention through identification of the potential threats, assessments of said threats, interventions, management and follow up of any and all situations that pose or are thought to pose potential threats to the safety and well-being of individuals on campus as well as to the college community.

D. The college prohibits threats and acts of violence on college property, the college facilities, and at any college sponsored event; while engaged in business, educational, or athletic activities; and while traveling in state vehicles. Prohibited conduct includes but is not limited to:

1. injuring another person physically;
2. engaging in behavior that creates a reasonable fear of injury to self or another person;
3. engaging in behavior that would subject a reasonable person to, and does subject another individual to, extreme emotional distress;
4. possessing, brandishing, or using a weapon while on state premises by students, except where possession is a result of participation in an organized and scheduled instructional exercise for a course, or where the student is a law enforcement professional;
5. possessing, brandishing, or using a firearm, weapon, or other device by faculty or staff that is not required by the individual's position while on college/system office property or engaged in college/system office business; or in violation of law or other college/system office policy, except where the employee is a law enforcement professional;
6. brandishing or using a weapon by third parties with a permit to carry a concealed weapon while on campus in academic or administrative buildings, or while attending a sporting, entertainment or educational event, when specifically asked by the college to agree not to possess a weapon as a condition of attendance. This provision does not apply to law enforcement personnel;
7. intentionally damaging property;
8. threatening to injure an individual (including oneself) or to damage property;
9. committing injurious acts motivated by, or related to, domestic violence or sexual harassment; and
10. retaliating against any employee or student who, in good faith, reports a violation of this policy.
11. See Student Conduct in the College Catalog/Student Handbook for additional information specific to student conduct.

B. Students are covered under additional provisions in the college Student Handbook to include:

1. 19.19.10 Student Rights and Responsibilities
2. 19.19.11 Student Code of Conduct

3. 19.19.12 Student Disciplinary Policies and Procedures
4. 19.19.13 Policy on Sexual Harassment
5. 6.6.21 Admissions of Individuals on the Sex Offender and Crimes Against Minors Registry

### **Threat Assessment Team**

A. The membership of the committee must comply with the requirements of Virginia Code § 23-9.2:10. The committee should consult VCCS legal counsel when necessary, through established protocols. At least six (6) members of the TAT shall be present during the team meetings in which decisions are being made regarding recommendations on cases.

B. The TAT has published for the college community, a clear statement of its mission and membership, as well as the committee's leadership role in the area of violence prevention.

C. The TAT has published periodic guidance to faculty, staff and students regarding the following:

1. how to recognize and report aberrant or potentially harmful behavior that may represent a threat to the community;
2. policies and procedures for the assessment of individuals whose behavior may present a threat;
3. appropriate means of intervention with such individuals;
4. college/system action to resolve potential threats; and
5. to whom on the college's threat assessment team, or through what method, potentially threatening behavior should be reported.

### **Consequences of Policy Violations**

A. Employees violating this policy will be subject to disciplinary action up to and including termination and criminal prosecution using existing policies and procedures including Section 3 of the VCCS Policy Manual or DHRM Policy 1.60 Standards of Conduct.

Additionally, employees who are identified as engaging in the use of threatening language or behavior may be required, as a condition of continued employment, to participate in a mental health evaluation as part of a threat assessment process, and receive approval from the mental health evaluator that they are not a risk to themselves or others.

B. Students violating this policy will be subject to disciplinary action as outlined in the college Student Handbook, and other college policies as appropriate. Additionally, students who are identified as engaging in the use of threatening language or behavior may be required, as a condition of continued enrollment, to participate in a mental health evaluation or assessment of dangerousness as part of a threat assessment process, and receive approval from the mental health evaluator that they are not a risk to themselves or others.

C. In order to mitigate risk, students may be suspended on an interim basis if it is believed that a direct threat to other students, faculty, staff or to the public exists, or if the student's behavior creates a serious disruption to normal College operations. Before a student may be suspended he or she will be informed of the reasons for the interim suspension and will be provided an opportunity to respond within five (5) business days, except in exigent circumstances, in which case the student will be given said opportunity as soon as possible as determined by the Dean of Students, designee or vice president. The student may respond to the interim suspension in writing to the Dean of Students; however, the burden is on the student to prove that their presence on campus is not a threat to the college community. The TAT will review the information related to the response and will make a recommendation to

the Dean of Students regarding the response. If the student is enrolled in classes at the time of the interim suspension and it is deemed through the TAT process that the student shall be allowed to return to campus, the TAT shall assist the student in gaining access to the college and the student's faculty shall forgive the absences that occurred during the interim suspension and assist the student in making up any missed work. Academic and/or financial decisions as a result of the interim suspension are the responsibility of the student.

In the event that a student fails to comply with the recommendation of the TAT, the student may be referred to the Judicial Affairs process.

D. Visitors and third parties violating this policy will be subject to applicable, state, and federal laws, and associated regulations, and may be barred from the college at the college's discretion for violating this policy.

### **Reporting or responding to threats or incidents of workplace violence:**

A. Employee and student responsibilities should include:

1. Reporting incidents or threats of violence to their immediate supervisor, Human Resource Office, Campus Community Resource Officers/Security, Threat Assessment Team members, or Dean of Students office staff.
2. Providing Threat Assessment Team members, Community Resource Officers, Security or Dean of Students with a copy of any Protective Orders from a court so that appropriate enforcement activities occur.
3. No person who, in good faith, reports threatening or otherwise troubling behavior in accordance with this policy will be subject to retaliation.

B. Management Responsibilities include:

1. Members of the Threat Assessment Team coordinate Workforce Violence Prevention.
2. The TAT serves as the Violence Prevention Committee (VPC) and complies with § 23-9.2:10 of the Code of Virginia. The Threat Assessment Team remains able to quickly receive information about, assess, and respond to potential threats that are reported in accordance with its policies, and to determine corrective actions and prepare necessary reports on given situations. TAT/VPC publishes education and prevention information and recommend ways to, (1) respond to incidents, (2) investigate all reported incidents of workplace violence, and (3) determine the appropriate response and the actions necessary to address a particular situation.

C. Threat Assessment Team Responsibilities include:

1. Establishing or utilizing existing relationships with local and state law-enforcement agencies as well as mental health agencies to ensure compliance with § 23-9.2:10 of the Code of Virginia, and expedite assessment and intervention with individuals whose behavior may present a threat to campus safety.
2. Upon a preliminary determination that an individual poses a threat of violence to self or others, or exhibits significantly disruptive behavior or need for assistance, a threat assessment team may obtain criminal history record information, as provided in Virginia Code §§ 19.2-389 and 19.2-389.1, and health records, as provided in § 32.1-127.1:03. In these cases the student, staff member, faculty member, individual or respondent may be asked to participate in a mental health evaluation or assessment of dangerousness as part of a threat assessment process, and receive approval from the mental health evaluator that

they are not a risk to themselves or others. The mental health evaluator may be responsible for obtaining and reviewing any mental health records.

3. No member of a threat assessment team shall disclose any criminal history record information or health information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose for which such disclosure was made to the threat assessment team. Va. Code § 23-9.2:10(E).

### **Communication and Training**

- A. The Workplace Violence Prevention Policy will be posted on the college/ web site.
- B. Information on the Workforce Violence Prevention Policy, will be included as part of the employee orientation.
- C. Training on recognizing and responding to potentially violent or violent situations in the workplace will be provided to employees periodically by the Violence Prevention Committee (same as Threat Assessment Team).
- D. A reference to this policy will be shared at student orientation and/or communicated to students via College e-mail and published on the college's web site.

### **Student Permanent Records**

- A. There will be a record of any disciplinary actions, as described below. Also described are amending records.

#### **1. Disciplinary Transcript Notations:**

- a. To alert other institutions of higher education of a student who was dismissed for exhibiting threatening or dangerous behavior, or otherwise has committed an act of misconduct, the college may place a statement on the transcript, which shall state "Misconduct Dismissal."
- b. Prior to making any disciplinary notation on a transcript, the college shall notify the student in writing of such action and give the student the right to appeal as outlined in this policy.

#### **2. Student Information System (SIS) Records Indicators:**

- a. In addition to the above, the college may place on a student's SIS record an XTA service indicator when a student is dismissed for misconduct, exhibits threatening behavior, or is determined to be a potential threat. Colleges shall use the XTA indicator only after a threat assessment team has made a determination that the student poses a threat to the campus community as outlined in this policy.

#### **3. Amending Student Records:**

- a. Under the provisions of the Family Educational Rights and Privacy Act (FERPA), students must have an opportunity to challenge the accuracy of the information that led to the application of the indicator to their record at the college placing the indicator. The challenge may only address the accuracy of the information, any misleading information, or a violation of the student's privacy rights.
- b. The college shall decide whether to amend the record as requested within a reasonable time after the college receives the request. If the college decides not to

amend the record as requested, it shall inform the student of its decision and of their right to a hearing.

c. If the student prevails at the hearing, the record shall be corrected and the indicator should be removed, unless other facts support the continued use of the indicator.

d. If the college prevails, the student has the right to place a statement in their record challenging the college's actions.

e. The college must maintain the statement with the contested part of the record for as long as the record is maintained and disclose the statement whenever it discloses the portion of the record to which the statement relates.

f. Students wishing to challenge the accuracy of information may do so by contacting the Dean of Students.

#### **4. Use of Service Indicators in Admission Decisions:**

a. If a student with an XTA on their student record at one Virginia community college applies to another community college ("the new college") within the VCCS, the new college shall conduct an independent threat assessment to determine whether the applicant continues to pose a threat to the campus community.

### **Procedures**

A. Any faculty, staff, or student who believes a student, staff member, faculty member or individual's behavior on campus is of concern or threatening or who learns information regarding a student, staff, faculty member or individual that may present a threat to the community should contact the Dean of Students office, Security, Community Resource Officers or Human Resources and/or complete the college threat assessment referral form located at [https://cm.maxient.com/reportingform.php?BrightpointCC&layout\\_id=2](https://cm.maxient.com/reportingform.php?BrightpointCC&layout_id=2) .

B. In the event that the behavior is an immediate threat to the safety of the college community, security should be notified immediately. 911 may be called in addition to notifying security.

C. The Dean of Students or designee or in cases involving staff or faculty, the Vice President of Administration or designee and other needed members of the TAT will review the complaints/concerns/issues and determine the appropriate process to be initiated.

1. If the behavior is a violation of the student code of conduct the student disciplinary policies and procedures will be initiated.
2. If the behavior is gender based to include sexual violence, dating violence, domestic violence and stalking the college Title IX policy will be initiated. Violations regarding this policy may be reviewed by both the Title IX Review Team and the TAT
3. If the student or individual desiring admission to the college is on the sex offender and crimes against minors registry the policy on the admissions of individuals on the sex offender and crimes against minors registry will be initiated.

D. The Dean of Students or designee will lead the team discussion. At least six (6) members of the TAT shall be present during the team meetings in which decisions are being made regarding recommendations on cases.

E. The team members may determine that, owing to the alleged behavior, a meeting may be scheduled for the student, staff, faculty, respondent or individual to meet with a team member or other individual as determined by the team. During this meeting a signature on a release of information may be requested in order for the TAT to gather additional information from sources outside of the college community.

F. Team members will interview, if needed to gather additional information for team consideration, the individual(s) who reported the behavior and others who may have information or input regarding the behavior.

G. In some cases, the student, staff member, faculty member, individual or respondent may be required to participate in a mental health evaluation or assessment of dangerousness as part of a threat assessment process, and receive approval from the mental health evaluator that they are not a risk to themselves or others. The mental health evaluator may be responsible for obtaining and reviewing any mental health records.

H. After gathering all requested/needed information the team will review the information and make a recommendation regarding the status of the student, staff member, faculty member, respondent or individual with the college. The nature, severity and frequency of the behavior and the risk level associated with the behavior will be considered as well as options available to assist the student, staff member, faculty member, respondent or individual with the behavior.

I. Any recommendations regarding dismissal from the college and a ban from the college of a student, respondent or individual will be forwarded to the Vice President of Learning and Student Success or designee for a final decision. After obtaining the decision, the TAT will notify the student, respondent or individual in writing of the decision, of the transcript notation (see student permanent records section of this policy) and will offer the opportunity to appeal as outlined in this policy.

J. Any recommendation regarding the status of a staff member or faculty member will be forwarded to the Vice President of Administration or designee for further action.

## **Appeals**

A. The student, respondent or individual may appeal the decision of the Vice President of Learning and Student Success or, in cases of employee dismissals, may appeal the decision of the Vice President of Administration in writing to the Dean of Students within ten (10) business days of the notification of the dismissal. An appeal may be filed based on one (1) or more of the following:

1. New information is available that might affect the outcome of the decision
2. Excessive recommendations by the TAT
3. Violation of due process or procedures outlined in this policy



All appeals should include documentation to support the claim made by the student, respondent, individual, staff member or faculty member.

B. The Dean of Students will present the appeal in addition to all information gathered by the TAT to the appropriate Vice President. The appropriate Vice President will review the information and communicate the decision in writing within ten (10) business days of the date the appeal was submitted by the student/respondent/individual/staff member/faculty member. This decision is final and cannot be appealed.

Members of Brightpoint's Threat Assessment Team include:

Sandra Kirkland  
Michelle Spencer  
Barry Allen  
Altrice Smith  
Susan Grinnan  
Ben Rogers  
John Rocklein  
Dave Kendall  
Michael Rutz  
Jerry Meadows

The alternates are: Michelle Tindall.

### **Title IX Review Committee**

Each public institution of higher education or private nonprofit institution of higher education shall establish a review committee for the purposes of reviewing information related to acts of sexual violence. Such review committee shall consist of three or more persons and shall include the Title IX coordinator or his/her designee, a representative of law enforcement, and a student affairs representative.

Members of the Title IX Review Committee include:

Sandra Kirkland  
Michelle Spencer  
John Rocklein  
Dave Kendall  
Michael Rutz  
Ben Rogers

### **Clery Act Information**

Brightpoint is committed to providing the campus community and visitors with the safest and most secure environment possible. Brightpoint encourages campus community members to remain aware of personal safety and work cooperatively with the campus to ensure the security of all.

The Brightpoint Security Services Department follows all applicable state and federal reporting laws to ensure a safe campus required by the Crime Awareness and Campus Act better known as

the “Clery Act” which is contained in section 485 of the higher education act, codified at 20 U.S.C. § 1092. The department collects selected crime statistics, prepares an annual safety report, and makes this report available prominently on the Brightpoint website no later than October 1 annually. Data are collected from daily College crime logs, Chesterfield County Police Department, and Incident Reports/Threat Assessment Team information as applicable.

Reportable offenses for Clery Act purposes are:

- Criminal homicide, including murder and both negligent and non-negligent manslaughter
- Sexual offenses, including both forcible (rape, fondling) and non-forcible (incest, statutory rape) sexual assault
- Robbery
- Aggravated assault
- Burglary
- Motor vehicle theft
- Arson
- VAWA Offenses (domestic violence, dating violence and stalking)
- Hate crimes and any associated larceny, simple assault, intimidation, or vandalism/destruction of property
- Arrests and/or disciplinary referrals for liquor law violations, drug law violations, or illegal weapons possession
- Unfounded crimes

As required by law, this report, which is available in printed or electronic format, provides information about security on campus including: campus community crime statistics, institutional policies on campus security, alcohol and drug use policies, the reporting of crimes, sexual assault, sexual harassment, and crime prevention. This report also provides phone numbers of helpful community resources. A map or directions of each Brightpoint campus or center can be found at <http://www.brightpoint.edu/locations>.

All current students and employees are notified of the report’s availability through the all-student e-mail distribution list, all-user faculty and staff e-mail distribution list, and the electronic bulletin boards. In, addition, with the Annual Security Report being made available on-line, prospective students and College employees can review it at any time.

### **Brightpoint Clery Crime Statistics**

This report’s statistics were reported from January 1, 2022 until December 31, 2022. These statistics were collected from College crime logs, Chesterfield County Police Department, and Incident Reports/Threat Assessment Team information as applicable. They represent occurrences/incidents which occurred on campus and college grounds, public sidewalks and roadways adjacent to the campus property, and non-campus locations under Brightpoint’s control during 2022.

- The Department of Education requires that Brightpoint publish an Annual Security Report. In the ASR the Department of Education requires that the following be used to classify and record Clery reportable crimes.
- The Federal Bureau of Investigation (FBI), Uniform Crime Reporting (UCR) Handbook is used for all definitions of offenses except for sex offenses.

- For sex offenses only, the National Incident-Based Reporting System (NIBRS) Edition of the UCR Handbook is used for classification.
- Clery Act reporting DOES NOT require disclosure of all other sexual related offenses. ex. sexual harassment, voyeurism and incident exposure
- Offenses are counted on the basis of calls for service, complaints and investigations.
- Findings of courts, coroners, jury, prosecutorial decisions and student judicial boards are NOT a basis for counting Clery Act crimes.

The reported crimes are cataloged utilizing the Hierarchy Rule which is when the offender/perpetrator commits multiple offences in the same incident. When this occurs, the hierarchy rule is used when counting multiple offenses. The hierarchy rule requires that the most serious offense be counted when more than one offense was committed during a single incident. A single incident means that the offenses must be committed at the same time and place; and that the time interval and distance between the offenses were insignificant. Not all crimes committed in the same incident are counted with the statistics only the most serious per the hierarchy rule.

More information and specific definitions can be found at <http://www.brightpoint.edu/about/safety-security/>.

## **Crime Prevention**

### **Freedom and Responsibility**

Brightpoint Community College affords you considerable freedom to develop or redefine your lifestyle. You are encouraged to get your own schedule, develop new friendships, and manage the complexities of home, classroom, and work. Faculty, staff and other students provide a support network, but ultimately you must make your own decisions. With this freedom comes increased responsibility for your coursework, your co-curricular involvements, and the security of you and your fellow students.

Security at Brightpoint Community College is the shared responsibility of students, faculty, and staff. Our institution has an excellent record of safety and security, but the campus will remain safe only if we take our responsibilities to ourselves and others seriously.

### **Being Safe around Campus**

You can help maintain safety for everyone at Brightpoint by following some simple common sense tips:

1. Walk with a friend when you leave evening classes. If a companion is unavailable, stay in lighted areas and be aware of who is in your general vicinity and what is going on around you. If you feel uncomfortable or notice something that is unusual, ask one of the security officers to escort you to your car.
2. Know the people who offer you rides or invite you to visit them off campus.
3. Be aware and concerned about the use and abuse of alcohol or other drugs. Violent acts occur more often when people are under the influence of alcohol or other drugs. The College complies with the Drug-Free Schools and Communities Act in specifically discouraging violations of alcohol and drug laws. Please refer to the College policies on Substance Abuse, Sexual Assault, and Sexual Harassment defined in the Catalog and Student Handbook (<https://catalog.Brightpoint.edu/content.php?catoid=5&navoid=366>) for additional information on these matters.

4. Do not let yourself be a threat to safety. Remember that violence is an unacceptable means to conflict resolution. Student Affairs personnel are always ready to help you and other students find effective, non-violent ways to resolve disagreements.
5. Take advantage of information programs offered by Campus Security and the Division of Student Affairs. Discussions on security awareness and crime prevention, substance abuse, sexual harassment, and victims' rights are addressed in special programs and in student orientation classes. This type of information could make a difference for you or a friend in a crisis.
6. Pay attention to campus-wide memos and classroom announcements that concern a potential threat to your security. Such proclamations fortunately are rare, but they may contain information crucial to your safety.
7. Remember that the campus is accessible by foot from any direction at any time. While the nearby off-campus areas may appear relatively secure and safe, threats can arise from people and circumstances at any time and any place.

### **Staying Informed About Safety**

Campus crime statistics are reported on-line and available to the public at <http://www.brightpoint.edu/about/safety-security>.

Brightpoint Community College offers various safety and security training and information offered through various media and in-person by the Security Services Office and the Division of Learning and Student Success including:

- New Student Orientation
- Surviving an Active Shooter Event video
- Title IX and Sexual Harassment web site (<https://www.brightpoint.edu/about/safety-security/title-ix-and-sexual-harassment/>) for students, faculty, and staff to include sexual violence, domestic violence, and dating violence prevention and educational materials.
- Title IX faculty and staff Responsible Reporting Party training provided via the College's security awareness and training system (MOAT) for all employees. In-person trainings for faculty, staff, student employees, Security Services, and to all College supervisors.
- Title IX training for students through Vector Solutions Safe Colleges prevention module and online Campus Well by Student Health 101 wellness magazine.
- Vector Solutions Safe Colleges on-line module for community college student education in sexual assault prevention, dating and domestic violence prevention and bystander training as part of SDV100. Also, the Vector Solutions Safe Colleges prevention module is provided to all students via email.
- Substance abuse prevention information dissemination through Campus Well by Student Health 101 and the Vector Solutions Safe Colleges prevention module and brochures.
- Title IX Employee Education Video Presentation sent to all employees.

### **In Case of Emergency Quick Reference Sheet**

The College has created a quick reference guide that you may download and print. The In Case of [Emergency Quick Reference Sheet](https://www.brightpoint.edu/downloads/current/EmergencyQuickReferenceSheet.pdf) (<https://www.brightpoint.edu/downloads/current/EmergencyQuickReferenceSheet.pdf>) includes important phone numbers and basic emergency information.

Additional On-line Information may be found on line at <http://www.brightpoint.edu/about/safety-security/> including the following topics:

Brightpoint Alert  
Inclement Weather/Closing Policy  
College Security Services  
Reporting an Emergency  
Weapons Policy  
Threat Assessment Team  
Active Shooter/Gunman on Campus  
Evacuations  
Lockdown  
Fire  
Bomb Threat/Suspicious Device Found  
Hazardous Spill  
First Aid  
Campus Crime Statistics  
Severe Weather/Tornado Warnings  
Earthquakes  
Identity Theft  
Additional Resources  
Campus Sex Crime Prevention Act  
Student Title IX Policy on Sexual Harassment  
Student Substance Abuse Policy

### **Reporting a Crime**

During an emergency, call 911, or call the appropriate security number below.

804-796-4025 (Chester)  
804-897-6678 (Midlothian)

To report a crime on campus, call Security Services. If you are off campus, please call 911 for assistance.

### **Security Call Boxes (Interior Call Boxes and Code Blue Units)**

You may also contact Security Services by using one of the indoor security call boxes located in each building on the Chester and Midlothian campuses or by using one of the security call boxes located within the parking deck at the Midlothian campus. Press the button to connect directly to Security Services. These are for emergency purposes only and should not be used to request door openings or other non-emergency purposes.

### **Panic Buttons**

IP Telephones in selected offices are equipped with panic buttons that connect directly to Security Services to notify them that immediate assistance is needed.

### **College Security**

Brightpoint Community College has security on campus 24 hours a day. In addition to periodically staffing the security stations, security officers monitor activity on campus by making routine rounds by foot and vehicle, helping to ensure a safe and secure environment at the College.

Security Officers can help with general information about the campus, basic first aid, parking questions, lost and found items, locked vehicles, dead car batteries, and escort assistance, as well as general security issues.

College Security Services officers receive training and are certified by the Department of Criminal Justice Services. College Resource Officers (one each at the Chester and Midlothian campuses) are members of the Chesterfield County Police Department.

College Security Services and Resource Officers participate in the annual testing of the College Emergency Operations Plan and fire drills. The Safety and Health Manager, Security Manager and Resource Officers are members of the College Threat Assessment Team.

### **Brightpoint Clery Geography**

The Department of Education requires statistical data to be included within the Annual Security report from two distinct Clery geographical locations. Brightpoint has to comply with two reportable statistical locations since the institution does not currently have on-campus dorms or on-campus student housing.

An interactive map of all Brightpoint locations may be found at:

<https://www.google.com/maps/d/edit?mid=12HMSWE0QQmwzRlt0Z6RGZ2f9cTPj5gcR&usp=sharing>

**On-Campus:** The Department of Education provided two separate three prong tests to determine if locations should be considered on-campus.

Locations are considered to be on-campus if:

- the institution owns or controls them
- they are reasonably contiguous to one another
- they directly support or relate to the institution's educational purposes

Locations are also considered to be on-campus if:

- the institution owns, but does not control them
- they are frequently used by students
- they are used to support the institution's educational purposes

Examples of on-campus property include Brightpoint's campuses like the Chester and Midlothian.

**Public Property:** Under Clery, public property encompasses the following: All public property, including thoroughfares, streets, sidewalks, and parking facilities, that are within the campus or immediately adjacent to and accessible from the campus.

For example, the sidewalk adjacent to campus property, the street, and the median are included within public property statistics.

**Non-Campus:** The first part of the Clery non-campus definition is any building or property owned or controlled by a student organization that is officially recognized by the institution. Also, any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students and is

not within the same reasonably close geographic area of the institution.

The Clery non-campus definition also includes a second definition which must be complied with under a four-prong test.

Non-Campus Property:

- is owned or controlled by the institution
- supports or is used for the institution's educational purposes
- is frequently used by students
- is not considered part of the core campus

## Chester Campus Crime Statistics

Incident Reported	2022	2022	2022	2022
	On-Campus	Public Property	Hate Crimes – On Campus	Hate Crimes – Public Property
Murder/Non-negligent Manslaughter	0	0	0	0
Negligent Manslaughter	0	0	0	0
Sex Offenses – Forcible	0	0	0	0
Rape	0	0	0	0
Fondling	0	0	0	0
Sex Offenses – Non-forcible	0	0	0	0
Incest	0	0	0	0
Statutory Rape	0	0	0	0
Robbery	0	0	0	0
Aggravated Assault	0	0	0	0
Simple Assault	0	0	1	0
Burglary	0	0	0	0
Motor Vehicle Theft	0	0	0	0
Arson	0	0	0	0
Incident Reported	2022	2022		
	VAWA Offenses – Campus	VAWA Offenses Public Property		
Domestic Violence	0	0		
Dating Violence	0	0		
Stalking	0	0		
Incident Reported	2022	2022	2022	2022
	Arrests – On Campus	Arrests – Public Property	Disciplinary Actions – On Campus	Disciplinary Actions – Public Property
Weapons, Carrying, Possessing, Etc	0	0	0	0
Drug Abuse Violations	0	0	0	0
Liquor Law Violations	0	0	0	0
Incident Reported	2020			
Unfounded Crimes	0			

Incident Reported	2021	2021	2021	2020	2020	2020	2019	2019	2019
	On-Campus	Non-Campus	Public Property	On-Campus	Non-Campus	Public Property	On-Campus	Non-Campus	Public Property
Murder	0	0	0	0	0	0	0	0	0
Forcible Sex Offense	0	0	0	0	0	0	0	0	0
Non-Forcible	0	0	0	0	0	0	0	0	0

Sex Offense									
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Hate Crimes or Incidents	0	0	0	0	0	0	0	0	0
Totals	0	0	0	0	0	0	0	0	0
Incident Reported	2021	2021	2021	2020	2020	2020	2019	2019	2019
	Liquor	Drugs	Weapon	Liquor	Drugs	Weapon	Liquor	Drugs	Weapon
Arrest									
On-Campus	0	0	0	0	0	0	0	0	0
Non-Campus	0	0	0	0	0	0	0	0	0
Public Property	0	0	0	0	0	0	0	0	0
Referrals									
On-Campus	0	0	0	0	0	0	0	0	0
Non-Campus	0	0	0	0	0	0	0	0	0
Public Property	0	0	0	0	0	0	0	0	0
Totals	0	0	0	0	0	0	0	0	0

## Midlothian Campus Crime Statistics

Incident Reported	2022	2022	2022	2022
	On-Campus	Public Property	Hate Crimes – On Campus	Hate Crimes – Public Property
Murder/Non-negligent Manslaughter	0	0	0	0
Negligent Manslaughter	0	0	0	0
Sex Offenses – Forcible	0	0	0	0
Rape	0	0	0	0
Fondling	0	0	0	0
Sex Offenses – Non-forcible	0	0	0	0
Incest	0	0	0	0
Statutory Rape	0	0	0	0
Robbery	0	0	0	0
Aggravated Assault	0	0	0	0
Burglary	0	0	0	0
Motor Vehicle Theft	0	0	0	0
Arson	0	0	0	0
Incident Reported	2022	2022		
	VAWA Offenses – Campus	VAWA Offenses – Public Property		
Domestic Violence	0	0		
Dating Violence	0	0		
Stalking	0	0		
Incident Reported	2022	2022	2022	2022
	Arrests – On Campus	Arrests – Public Property	Disciplinary Actions – On Campus	Disciplinary Actions – Public Property
Weapons, Carrying, Possessing, Etc.	0	0	0	0
Drug Abuse Violations	0	0	0	0
Liquor Law Violations	0	0	0	0
Incident Reported	2022			



Unfounded Crimes	0			
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Incident Reported	2021	2021	2021	2020	2020	2020	2019	2019	2019
	On-Campus	Non-Campus	Public Property	On-Campus	Non-Campus	Public Property	On-Campus	Non-Campus	Public Property
Murder	0	0	0	0	0	0	0	0	0
Forcible Sex Offense	0	0	0	0	0	0	0	0	0
Non-Forcible Sex Offense	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	1	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Hate Crimes or Incidents	0	0	0	0	0	0	0	0	0
Totals	0	0	0	0	0	0	1	0	0
Incident Reported	2021	2021	2021	2020	2020	2020	2019	2019	2019
	Liquor	Drugs	Weapon	Liquor	Drugs	Weapon	Liquor	Drugs	Weapon
Arrest									
On-Campus	0	0	0	0	0	0	0	0	0
Non-Campus	0	0	0	0	0	0	0	0	0
Public Property	0	0	0	0	0	0	0	0	2
Referrals									
On-Campus	0	0	0	0	0	0	0	0	0
Non-Campus	0	0	0	0	0	0	0	0	0
Public Property	0	0	0	0	0	0	0	0	1
Totals	0	0	0	0	0	0	0	0	3

## **Policies and Regulations**

### **Emergency Notifications**

Brightpoint is committed to the safety and well-being of its faculty, staff, students, and guests. In compliance with the Higher Education Act of 1965 (<https://www.govinfo.gov/content/pkg/COMPS-765/pdf/COMPS-765.pdf>) as amended, and Section 23-9.2:11 of the Code of Virginia (<https://law.justia.com/codes/virginia/2011/title23/chapter1/23-9-2:11/>) the College has implemented a comprehensive, prompt and reliable warning notification and emergency communications system for students, faculty, and staff both on and off-campus. This system employs various methods to communicate with the College community. Appropriate individuals have been designated, authorized, and trained in the use of each system.

### **Brightpoint Alert**

Brightpoint Alert is one of the many notification tools that the College will use to alert students, faculty and staff of an emergency situation and of closings and delays due to inclement weather. Brightpoint Alert allows the College to send urgent text messages and e-mails to those who are registered in the system.

### **Indoor Bulletin Boards**

Emergency messages can be displayed on the indoor bulletin boards located in various areas of the College.

### **Public Address (PA) System**

Emergency notifications can be broadcast to any IP telephone and emergency calls may be made from any phones that have been installed college-wide.

### **Brightpoint Web Site**

Emergency messages can be placed on the Brightpoint web site from any location. An alert will appear at the top of the web page. When monitoring the web site during an on-going emergency it is recommended that users periodically refresh the web page for the most current information.

### **Social Media**

Emergency messages can be sent via Twitter and Facebook.

### **College E-Mail**

The BCC\_dlist\_all\_users e-mail list can be used to send emergency alerts to all faculty and staff. Campus-specific e-mail lists may also be used as applicable. The all-student distribution e-mail list can be used to send emergency alerts to current Brightpoint students.

### **Local News and Radio Media**

The Public Relations department will contact the local news and radio media during an emergency event.

### **Timely Warning Notices**

Timely warnings are provided in the event of a reported crime, either on campus or off, that in the judgment of the Brightpoint Security Services or administration constitutes an ongoing or continuing serious threat to the College community. Brightpoint Alert may be used depending on the nature of the incident. Brightpoint Alert or other media is utilized dependent on the nature of the threat.

Timely warnings are usually distributed for the following Uniformed Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) crime classifications: arson, criminal homicide, and robbery. Cases of aggravated assault and sex crimes are normally considered on a case by case basis, depending on the facts of the case, the information known by Brightpoint Security Services, and whether, in the opinion of appropriate personnel (Security Services, the TAT or administration); the crime constitutes an on-going threat. If, for instance, a reportable crime occurs but the suspect is arrested, there may no longer be an ongoing threat to the College community and a warning may not be disseminated. Timely warnings may also be posted for other crime classifications, as deemed necessary.

### **Periodic Testing of Emergency Devices**

Prudence dictates that periodic testing of emergency devices is conducted to maintain proper working order and facilitate repairs as needed. The following emergency devices or systems will be checked periodically:

- Security Services personnel will test the security call boxes in each building monthly to ensure that they are operational.
- Facilities Department inspects all campus fire extinguishers monthly and replaces those requiring service. Fire extinguishers are inspected annually by an outside vendor. Security Services shall assist in the selection and placement of new extinguishers.
- Facilities Department will test safety showers at least every six months.
- Each science lab is responsible for inspecting and testing their emergency eye wash equipment monthly. The testing must be documented on the tag provided by Facilities Department. The Facilities Department must be notified immediately of equipment that requires service.
- The Facilities Department in conjunction with Security Services should test at least annually the emergency lighting and emergency power system(s) in each of the Brightpoint buildings to ensure that they are operational.
- A member of the Safety and Security Committee will test Brightpoint Alert monthly.

### **Evacuation and Severe Weather Shelter Drills**

A pre-announced evacuation drill and a pre-announced protective shelter drill for each Brightpoint building must be held at least once each year. Evacuations and drills will be coordinated by Security Services. It is suggested that the evacuation drill be conducted during the month of October and the protective shelter drills conducted during March or April.

Each department is required to participate in the drill. Security Services personnel will monitor and assist in the coordination of the drill activities. An emphasis shall be placed on evacuating individuals with disabilities. Following the drill, departments are encouraged to perform a self-assessment of their ability to quickly evacuate. Security Services will be available upon request to assist in departments' self-assessments.

### **Exercises and Training**

§ 23-9.2:9 (<https://law.justia.com/codes/virginia/2010/title-23/chapter-1/23-9-2-9>) of the Code of Virginia, requires each public institution of higher education to annually conduct a functional exercise in accordance with the protocols established by the institution's crisis and emergency management plan. The College conducts annual functional, tabletop and discussion-based exercises and will continue planning on an annual basis.

## **NIMS Training**

The College will follow the U.S. Department of Education's (ED) Office of Safe and Healthy Students (OSHS) NIMS training guide for all institutions of higher education. This document includes information regarding training for Executive Leaders, General Personnel, Command Staff, and Incident Managers.

## **Security Services Training**

Security Services personnel will be trained in how to recognize a hazardous material spill and emergency containment techniques. They will also be trained every two years in CPR and how to properly use fire extinguishers. Designated persons will be trained in evacuation roles and responsibilities. Written guidelines and assignments will be given to them at that time.

## **Facilities Department Training**

The Facilities Department Supervisor will be trained in hazardous materials spills and clean up to a level that they can train Security Services and Facilities Department personnel in recognizing a hazardous material spill, distinguishing between an "incidental spill" and an "emergency release" and containing the spill/spill area until off-site hazardous material first responders arrive and take charge of the spill incident.

## **New Employee Orientation/Training**

All Brightpoint employees will be familiar with the Emergency Operations Plan. Supervisors are responsible for ensuring that their employees understand what to do in the event of an emergency. Supervisors are responsible for reviewing the following items with each of their employees:

- The contents of the plan
- Primary and secondary evacuation routes
- Location of assembly areas and shelter areas
- Location of fire alarms, extinguishers, safety showers and eye wash units and any other safety equipment
- Procedures for reporting and responding to emergencies
- Familiarizing the employees with the hazards likely to be associated with the work area and protective measures that must be followed
- Registering to receive Brightpoint Alerts

In order to ensure the success of the Emergency Operations Plan, supervisors should provide training to their employees at the following times:

- New employee orientation
- Annual plan review
- As the plan or operations change

## **Contractors**

Contractors must become familiar with the Emergency Response Plan to the extent that they may be affected. Specifically, contractors are required to familiarize their employees and sub-contractors with the evacuation routes and shelter areas prior to working in a particular area. Departments hiring the contractors and the project managers overseeing the project are responsible for communicating to contractors these expectations, as well as others. A copy of this manual will be available in Facilities with the contractor sign in log.

## **Crisis Communication Plan**

The Crisis Communication Plan identifies the strategies (authority, roles and responsibilities, and physical aspects for example) to ensure that timely, useful and accurate communication is provided to faculty, staff, students, the media and the general public during a crisis or other event. The Crisis Communication Plan works in conjunction with the Emergency Response Plan if the Emergency Response Plan is implemented or in any situation where there is a need for centralized communications.

## **Communication Methods**

The Joint Information Center (JIC) staff and other college personnel will use various forms of communication to reach faculty, staff, students, the media, general public and other JIC staff. This may include:

The College Web Site
The College's Social Media Sites (Facebook and Twitter)
Email – Faculty and Staff
The College Intranet
Email – External Users
Email – Students
IP Telephones
Analog Telephones
Fax Machine
Main Menu Recording
Information Center Recording
Voice Mail – Faculty and Staff
Voice Mail – Incoming
Voice Mail – JIC
Text Messaging & Email – Brightpoint Alert Groups
Two-Way Radios
Cellular
Smart Phone (iPhone )
iPads
Written Statements and Releases
Written letters
Phone Calls
Electronic Bulletin Board – Outdoors
Electronic Bulletin Board – Indoors
myBrightpoint Portal
Canvas

### **Access to Campus Buildings**

Brightpoint's main campuses are open Monday-Friday from 7:00 a.m. until 10:00 p.m and reduced hours on Saturday and Sunday. All campus buildings are locked at times when the College is closed for official business (campus holidays, inclement weather or other situations). At all other times, employees must sign in at the Security Services desks (upon arrival and departure). If events are scheduled outside of normal hours, Security Services must be notified so that the appropriate doors may be opened for the event. Restricted areas such as labs, testing sites and faculty offices are secured and monitored by college police and security personnel. Information on scheduled hours for these areas is available through the various academic divisions.

### **Locks on Classroom Doors**

Brightpoint has installed locks that allow all classrooms to be locked from the inside to prevent unwanted intrusion while still allowing doors to be quickly opened from the inside to permit easy exit.

### **Security Swipe Cards and Door Keys**

All Information Technology Services Center (ITSC) offices, work areas, and communication equipment closets are to remain locked at all times in accordance with State audit regulations. Other doors, labs for example, may also have a security swipe card. Employees must log into EAMS and request access to all security swipe doors. Security Services manages all non-ITSC doors and ITSC manages all ITSC doors.

The Facilities Department manages all doors that open with regular key locks (Reference Policy 10.12 Issuance of Keys).

### **Employee Identification Badges**

All employees must wear the employee identification badges visibly. While difficult in a college environment, employees are encouraged to report suspicious unescorted strangers or anyone without a visible identification. All visitors with a requirement for access to college offices must show proper identification prior to gaining physical access to secure areas where sensitive data is housed.

### **Alcohol and Other Drugs**

This policy covers the use of alcohol and other drugs by employees in the workplace and the use of alcohol and other drugs by students while on campus, attending college-sponsored off campus events or while serving as a representative of the college at off campus meetings, events, field placements, internships or clinical placements.

### **Responsibilities**

This policy applies to students, employees, the Office of the Dean of Students, and Human Resources.

### **Definitions**

**Alcohol:** any product as defined in the Code of Virginia, Title 4.1, Chapter 1-100, The Alcohol Control Act, as amended.

**Controlled drug:** any substance defined as such in the Code of Virginia, Title 54.1, Chapter 34, The Drug Control Act, as amended, and whose manufacture, distribution, dispensation, use, or possession is controlled by law.

**Conviction:** a finding of guilt (including a plea of guilty or nolo contendere) or imposition of sentence or both, by any judicial body charged with the responsibility of determining violations of the federal or state criminal drug laws, alcohol beverage control laws, or laws that govern driving while intoxicated.

**Criminal drug law:** any criminal law governing the manufacture, distribution, dispensation, use or possession of any controlled drug.

**Student:** a person who has applied to, been accepted, and registered/enrolled at the college

**Employee:** administrative faculty, professional faculty, teaching faculty, classified and non-classified, full-time and part-time, salaried and hourly persons, and any and all other individuals, except independent contractors, employed by the college.

**Third Parties:** Individuals who are not state employees, such as relatives, acquaintances, strangers, contractors, or visitors.

**Employee Assistance Program (EAP):** a confidential assessment, referral, and short-term problem-solving service available to eligible employees and family members. Enrollment in the EAP is automatic as part of the Commonwealth's health care coverage. The EAP helps participants deal with problems affecting personal and work life, such as conflicts within the family and workplace, personal and emotional concerns, alcohol and substance abuse, financial and legal problems, elder and childcare, and career concerns and other challenges.

**Other Drug:** any substance other than alcohol that may be taken into the body and may impair mental faculties and/or physical performance.

**Workplace/Campus:** any location, on or off campus, either permanent or temporary, where an employee performs any work-related duty. This includes, but is not limited to, the buildings and the surrounding perimeters, including the parking lots, field locations, alternate work locations (other than an individual's home when telecommuting), and travel to and from work assignments. On or off campus includes, but is not limited to attending a college-sponsored off-campus event, or while serving as a representative of the college at off-campus meetings, events, field placements, internships or clinical placements

## **Policy**

A. The college is dedicated to providing a safe, healthy environment for students, employees and visitors. This includes ensuring the college is a drug-and-alcohol-free zone.

B. The college believes that it has a responsibility to create, enforce, and constantly monitor an institutional policy on substance abuse prevention and that all students, faculty, and staff are expected to know and adhere to this policy.

C. The college supports the Federal Drug-Free Workplace Act of 1988 (Public Law 100-690, Sec. 5151 et. seq.) and the Drug-Free Schools and Communities Act amendments of 1989 (Public Law 101-226).

D. The unlawful and unauthorized use of alcohol or other drugs on college property is prohibited. Any student or college employee shall not unlawfully possess, sell, use, manufacture, give away, or otherwise distribute controlled substances, or other drugs, or where prohibited, alcohol while on campus, attending a college-sponsored off-campus event, or while serving as a representative of the college at off-campus meetings, events, field placements, internships or clinical placements. Students or employees who violate this policy shall have committed a criminal offense, and the college shall notify the appropriate agency of the Commonwealth of Virginia or city or county government for investigation and, if warranted, prosecution.

E. It is the responsibility of every member of the college community to know the risks associated with substance use or abuse. This responsibility requires students and employees to be aware of the relevant college policies and federal, state and local laws and to conduct themselves in accordance with these laws and policies. In support of this requirement, the college publishes information regarding college policies and sanctions, laws and penalties concerning substance use and abuse, health and behavioral risks of drug abuse and resources for substance issues.

F. This policy applies to all campuses, all college-owned or leased facilities, all college-sponsored off-campus events, meetings, field placements, internships or clinical placements.

## **Violations**

A. Each of the following constitutes a violation of this policy:

### **For employees:**

1. The unlawful or unauthorized manufacture, distribution, dispensation, possession, or use of alcohol or other drugs in the workplace;
2. Impairment in the workplace from the use of alcohol or other drugs, except from the use of drugs for legitimate medical purposes;
3. A criminal conviction for a:
  - a. Violation of a criminal drug law, based upon conduct occurring either on or off the workplace; or
  - b. Violation of any alcohol beverage control law or law that governs driving while intoxicated, based upon conduct occurring in the workplace.
4. An employee's failure to report to their supervisor the employee's conviction of any offense, as required in this policy under employee responsibilities.

### **For students:**

1. The unlawful or unauthorized manufacture, distribution, selling, giving away, purchase, possession, or consumption or use of alcohol or other drugs while on campus, attending a college-sponsored off campus event or while serving as a representative of the college at off campus meetings, events, field placements, internships or clinical placements.



2. Impairment from the use of alcohol or other drugs, except from the use of drugs for legitimate medical purposes while on campus, attending a college-sponsored off campus event or while serving as a representative of the college at off campus meetings, events, field placements, internships or clinical placements.

### **Disciplinary Action**

A. Students who violate the Alcohol and Drug Policy will be subject to disciplinary action as outlined in the 19 19.11 Student Conduct Code Policy, 19 19.12 Student Disciplinary Policies and Procedures Policy and 3 3.19 Workplace Violence and Threat Assessment Team Policy. Students found responsible for violations shall have committed a criminal offense, and the college shall notify the appropriate agency of the Commonwealth of Virginia or city or county government for investigation and, if warranted, prosecution. Students found responsible may also be suspended or dismissed from the college.

B. College employees who violate the Alcohol and Drug Policy are subject to disciplinary action as outlined in the DHRM Policy and Procedures Manual, Policy 1.05 and 3 3.19 Workplace Violence and Threat Assessment Team Policy. Employees found responsible for violations shall have committed a criminal offense, and the college shall notify the appropriate agency of the Commonwealth of Virginia or city or county government for investigation and, if warranted, prosecution. Employees may also face suspension without pay or termination of employment. Employees may be subject to a referral to the Employee Assistance Program or treatment program at the discretion of management and Human Resources. See DHRM Policy 1.05 for additional requirements.

### **Procedures**

#### **A. College Responsibilities**

1. The college shall provide annual notification to students and employees of this policy, in addition to information on the health risks associated with alcohol and other drug use and a description of available treatment programs. Full-time employees shall also be made aware of the Employee Assistance Program (EAP).
2. The college shall conduct a biennial review of the effectiveness of its alcohol and other drugs programs and the consistency of sanction enforcement.
3. The college shall ensure that disciplinary action taken as a result of a violation of this policy are consistent, fairly applied and not unduly harsh or punitive based on the severity and nature of the violation.
4. The college shall inform the federal contracting or granting agency within ten (10) days after receiving notice from an employee of any criminal drug statute conviction for a violation occurring at the workplace or otherwise receiving actual notice of such conviction, as required by the Drug-Free Workplace Act of 1988.
5. The college shall, within thirty (30) days of receiving notice of an employee's conviction for a criminal drug statute offense occurring in the workplace (see workplace definition), take appropriate disciplinary action against such employee and/or require such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program as required by the Drug-Free Workplace Act of 1988.

## **B. Student Responsibilities**

1. Complete online annual alcohol and drug abuse prevention training provided by the college.
2. Abide by the college policies outlined in the Brightpoint college Catalog and Student Handbook.

## **C. Employee Responsibilities**

1. Abide by the [Department of Human Resource Management \(DHRM\) policy 1.05](#), Alcohol and other Drugs.
2. Abide by the terms of college policy.
3. Notify the immediate supervisor of any conviction of criminal drug law outside or inside the workplace or conviction of alcohol beverage control law or law that governs driving while intoxicated, based on conduct occurring in the workplace no later than five (5) days after such conviction is entered as required by federal law. An employee's appeal of a conviction does not affect the employee's obligation to report the conviction.
4. Complete online annual alcohol and drug abuse prevention training provided by the college.

## **Treatment/Rehabilitation Programs**

### **A. For employees:**

1. Employees experiencing a problem with drug or alcohol abuse or dependency are encouraged to seek counseling assistance. Supervisors are encouraged to assist employees seeking such assistance. Notwithstanding an employee's voluntary participation in a drug or alcohol treatment program, the employee is expected to perform their duties according to developed job standards and expectations.
2. The Commonwealth's Employee Assistance Program (EAP) is available to full-time state employees (who participate in the Commonwealth's healthcare program) for counseling and referral for drug and alcohol-related problems as well as other personal problems. Part-time college employees shall be referred to community resource programs.
3. With respect to any violation of this policy, the following provisions regarding treatment apply:
  - a. Supervisors should consult with the Vice President of Administration prior to referring a college employee to the Employee Assistance Program.
  - b. Management is encouraged to consult with the Vice President of Administration in determining whether a college employee referred to the Employee Assistance or other Program has satisfactorily participated in the program.
  - c. Other agencies such as the Virginia Department of Behavioral Health and Developmental Services and the Virginia Department of Health, may be contacted to provide assistance and referral information.

**B. For students:**

Students experiencing a problem with drug or alcohol abuse or dependency are encouraged to seek counseling and may contact the Dean of Students Office for a referral to community resources.

**Legal Penalties**

A. Use of illicit drugs is illegal under both [state](#) and [federal](#) statutes. Use of alcohol by persons under 21 years of age is illegal under state law. Students and employees who violate this policy shall have college charges processed against them in the normal manner of due process provided by college rules.

B. Further, students and employees who violate this policy shall have committed a criminal offense, and the college shall notify the appropriate agency of the Commonwealth of Virginia or city government for investigation and, if warranted, prosecution.

**Confidentiality and Maintenance of Records**

A. All records and information concerning human resource actions related to this policy shall remain confidential and shall be disclosed only with the employee's permission or when the office of human resources and the supervisor determines that disclosure is necessary for the efficient operation of the college or for reasons related to safety, to include the safety of the employee and/or the college community.

B. All student records and information concerning actions related to this policy are housed in the Office of the Dean of Students.

**Resources and Other Information:**

- Department of Human Resource Management (DHRM) Policy 1.05, Alcohol and Other Drugs, <https://www.dhrm.virginia.gov/docs/default-source/hrpolicy/1-05-alcohol-other-drugs-10-5-21.pdf>
- Virginia Community College System (VCCS) Policy 3.14.3, Illegal Substance Policy and Policy 3.14.4, Substance Abuse Policy  
<https://go.boarddocs.com/va/vccs/Board.nsf/goto?open&id=CB55HT105FCF>
- Commonwealth of Virginia Employee Assistance Programs (EAP)  
<http://www.dhrm.virginia.gov/employeeprograms/employeeassistance>
- Federal and State Drug Offense Sanctions and Penalties,  
<https://www.ecfr.gov/current/title-21/chapter-II>,  
<https://law.lis.virginia.gov/vacode/title4.1/chapter3/section4.1-305/>
- Treatment Locator, AOD (SAMHSA), <https://www.findtreatment.samhsa.gov/>
- Governor's Office for Substance Abuse Prevention,  
<https://www.abc.virginia.gov/education/programs/vosap>
- US Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, [www.samhsa.gov/](http://www.samhsa.gov/)
- University of Virginia Gordie Center for Substance Abuse Prevention,  
<https://gordiecenter.studenthealth.virginia.edu/>
- Virginia Department of Behavioral Health and Developmental Services, Office of Substance Abuse Services, <http://dbhds.virginia.gov/developmental-services/substance-abuse-services>
- Community Services Boards,  
<http://www.dbhds.virginia.gov/community-services-boards-csbs>

- The Foundation for Advancing Alcohol Responsibility, [www.responsibility.org](http://www.responsibility.org)
- BACCHUS Initiatives; [www.naspa.org/constituent-groups/groups/bacchus-initiatives](http://www.naspa.org/constituent-groups/groups/bacchus-initiatives)
- Step Up! [www.stepupprogram.org](http://www.stepupprogram.org)
- National Institute on Alcohol Abuse and Alcoholism (NIAAA), <https://www.niaaa.nih.gov/>
- Higher Education Alcohol and Drug Strategic United Prevention (HEADS UP), <https://www.abc.virginia.gov/education/programs/heads-up>
- College Drinking, Changing the Culture, <https://www.collegedrinkingprevention.gov/>
- Students Against Destructive Decisions (SADD), <https://www.sadd.org>
- American College Health Association, <https://www.acha.org/>
- National Institute on Drug Abuse (NIDA), <https://nida.nih.gov/>
- American Council for Drug Education, <https://www.acde.org/>

### **Tobacco specific information:**

- American Cancer Society, [www.cancer.org](http://www.cancer.org)
- American Heart Association, <http://www.heart.org>
- American Lung Association, <http://www.lung.org>
- Foundation for Smoke-Free America, <https://tobaccofree.org/>
- Smoke-Free, <https://www.smokefreeonline.com>

### **Weapons Policy**

This policy regulates the possession and use of weapons on college property, in the conduct of college business, or at college-sponsored events. These policy guidelines apply to all employees, students, visitors, contractors, and other third parties.

### **Responsibilities**

Security Services is responsible for enforcement of the policy, and for updates to this policy. It is the responsibility of all employees, students, visitors, contractors, and other third parties to not bring weapons to campus.

### **Policy**

The college prohibits the possession and use of weapons and threats and acts of violence on college property; within college facilities; at any college sponsored event; while engaged in college business, educational, or athletic activities; and while traveling in state vehicles.

The prohibition on the possession and use of weapons includes but is not limited to:

- a. Employees: As a condition of employment, college employees are prohibited from possessing, brandishing, or using a firearm, weapon, or other weapon or device that could be used as a weapon that is not required by the individual's position while on college property or engaged in college business; or is in violation of law or other college policy, except where the employee is a law enforcement professional. This prohibition applies even in the case where an employee has a permit to carry a concealed weapon. Employees violating this policy may be subject to disciplinary action up to and including termination and criminal prosecution using existing policies and procedures including Policy 3.16 Standards of Conduct.
- b. Students: All students, as a condition of enrollment in the college, are prohibited from possessing, brandishing, or using a weapon while on college premises except where possession is a result of participation in an organized and scheduled instructional

exercise for a course, or where the student is law enforcement professional. This prohibition applies even in the case where a student has a permit to carry a concealed weapon. Students violating this policy will be subject to disciplinary action as outlined in the College Student Handbook, and other college policies as appropriate.

**Visitors and Third Parties:** Individuals who are not college employees or college students, such as relatives, acquaintances, strangers, contractors, visitors, or other third parties are prohibited from brandishing, using, or possessing a weapon (except those with a permit to carry a concealed weapon, who retain the right to possess a weapon) while on campus in academic or administrative buildings; or, any individual while attending a sporting, entertainment or educational event, when specifically asked by the college to agree not to possess a weapon as a condition of attendance. This provision does not apply to law enforcement personnel. Visitors and third parties violating this policy will be subject to applicable, state, and federal laws, and associated regulations, and may be barred from the college at the college's discretion for violating this policy.

### **On Campus Monitoring and Recording**

Campus buildings and equipment are maintained by college facilities personnel and are patrolled by Security Services and CCPD Resource Officers. Monitoring is assisted by an integrated network of cameras (approximately 75-100 per campus) monitored by Security Services and CCPD Resource Officers. The college campuses, including all buildings, grounds, parking areas, and roadways, are maintained with concern for safety and security. Campus buildings and equipment are inspected regularly, and needed repairs to replace faulty equipment and to mitigate potential hazards are promptly made.

### **Monitoring and Managing Threatening Behavior**

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 educational program or activity receiving federal financial assistance.

Title IX is a civil rights law passed in 1972, which prohibits gender discrimination in educational settings that receive federal funding. Sexual harassment, sexual assault, sexual misconduct and other gender-based conduct violations are all considered discrimination, regardless of the gender and sexual orientation of the reporting party and the accused. Gender discrimination impacts a student's or employee's ability to fully benefit from the programs and services offered at Brightpoint Community College.

Brightpoint is committed to maintaining an environment free from sexual harassment, sexual violence, domestic violence, and dating violence and stalking.

### **What is Sexual Misconduct?**

Some examples include but are not limited to:

- Unwelcome physical contact, such as touching
- Persistent, unwelcome requests for a relationship or sexual contact
- Requests for romantic or sexual contact from someone who grades, advises or supervises you
- Unwelcome sexual remarks about a person's clothing, body, sexuality or sexual orientation
- Sexual violence and sexual assault
- Using technology and/or social media to spread rumors, share compromising photos/videos, or make persistent unwelcome sexual advances

## [Title IX Policy](#)

### **Policy on Sexual Harassment**

#### **A. Notice of Nondiscrimination**

As a recipient of federal funds, Brightpoint Community College (BCC) is required to comply with Title IX of the Higher Education Amendments of 1972, 20 U.S.C. § 1681 et seq. (“Title IX”), which prohibits discrimination on the basis of sex in education programs or activities, admission, and employment. Under certain circumstances, sexual harassment constitutes sexual discrimination prohibited by Title IX. Inquiries concerning the application of Title IX may be referred to the College’s Title IX Coordinator or to the U.S. Department of Education’s Office for Civil Rights. The Title IX Coordinator is Sandra Kirkland, whose office is located at 800 Charter Colony Parkway, Midlothian, VA 23114, Room T205 and may be contacted by phone at (804) 594-1566 or at 13101 Route 1, Chester, VA 23831, Room M109 and may be contacted by phone at (804) 706-5208 or by email at [skirkland@brightpoint.edu](mailto:skirkland@brightpoint.edu).

#### **B. Policy**

1. BCC is committed to providing an environment that is free from harassment and discrimination based on any status protected by law. Accordingly, this Policy prohibits sex discrimination, which includes sexual harassment, sexual assault, sexual exploitation, domestic violence, dating violence, and stalking. This Policy also prohibits retaliation. This Policy supplements the following general policy statement set forth by the Virginia Community College System: This College promotes and maintains educational opportunities without regard to race, color, national origin, religion, disability, sex, sexual orientation, gender identity, ethnicity, marital status, pregnancy, childbirth or related medical conditions including lactation, age (except when age is a bona fide occupational qualification), veteran status, or other non-merit factors. This Policy also addresses the requirements under the Violence Against Women Reauthorization Act of 2013, (also known as the Campus SaVE Act), and Virginia law.

2. This Policy is not intended to substitute or supersede related criminal or civil law. Individuals are encouraged to report incidents of sexual and domestic violence, dating violence, and stalking to law enforcement authorities. Criminal and civil remedies are available in addition to the remedies that the College can provide.

#### **C. Purpose**

The purpose of this Policy is to establish that the College prohibits sexual harassment and retaliation, and to set forth procedures by which allegations of sexual harassment shall be reported, filed, investigated, and resolved.

#### **D. Applicability**

This Policy applies to prohibited conduct by or against students, faculty, staff, and third parties, e.g., contractors and visitors involving a program or activity of the College in the United States. Conduct outside the jurisdiction of this Policy may be subject to discipline under a separate code of conduct or policy.

## E. Definitions

1. Actual Knowledge. Actual knowledge means notice of sexual harassment or allegations of sexual harassment to the College's Title IX Coordinator, Deputy Title IX Coordinator and/or any Responsible Employee of the College who has authority to institute corrective measures on behalf of the College.

2. Advisor. An advisor is an individual who provides the complainant or respondent support, guidance, and advice. Advisors may be present at any meeting or live hearing but may not speak directly on behalf of the complainant or respondent, except to conduct cross-examination during a live hearing. Advisors may be but are not required to be licensed attorneys.

3. Appeal Officer. The Appeal Officer is the designated employee who reviews the complete record of the formal complaint and written statements of the parties during an appeal of a written determination. The Appeal Officer decides whether to grant the appeal and determines the result of the appeal.

4. Campus. Campus refers to (i) any building or property owned or controlled by the College within the same reasonably contiguous geographic area of the College and used in direct support of, or in a manner related to, the College's educational purposes, and (ii) any building or property that is within or reasonably contiguous to the area described in clause (i) that is owned by the College but controlled by another person, is frequently used by students, and supports institutional purposes, such as a food or other retail vendor.

5. Complainant. A complainant is an individual who is alleged to be the victim of conduct that could constitute sexual harassment. A complainant may file a formal complaint against faculty, staff, students, or third parties.

6. Consent. Consent is knowing, voluntary, and clear permission by word or action, to engage in mutually agreed upon sexual activity. Silence does not necessarily constitute consent. Past consent to sexual activities, or a current or previous dating relationship, does not imply ongoing or future consent. Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). An individual cannot consent who is under the age of legal consent. The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred. Any sexual activity or sex act committed against one's will, by the use of force, threat, intimidation, or ruse, or through one's mental incapacity or physical helplessness is without consent.

a. *Mental incapacity* means that condition of a person existing at the time which prevents the person from understanding the nature or consequences of the sexual act involved (the who, what, when, where, why, and how) and about which the accused knew or should have known. This includes incapacitation by using drugs or alcohol. Intoxication is not synonymous with incapacitation.

b. *Physical helplessness* means unconsciousness or any other condition existing at the time which otherwise rendered the person physically unable to communicate an unwillingness to act and about which the accused knew or should have known. Physical helplessness may be reached through the use of alcohol or drugs.

7. Cross-examination. Cross-examination is the opportunity for a party's advisor to ask questions of the other party and the other party's witness.
8. Cumulative Evidence. Cumulative evidence is additional evidence that has been introduced already on the same issue and is therefore unnecessary. The Hearing Officer has the discretion to exclude cumulative evidence.
9. Dating Violence. Dating violence is violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury committed by a person who is or has been in a close relationship of a romantic or intimate nature with the other person. The existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
10. Deliberate Indifference. Deliberate indifference refers to a response to sexual harassment that is clearly unreasonable in light of the known circumstances. The College's response may be found deliberately indifferent if the response restricts the rights to the Freedom of Speech and Due Process under the First, Fifth, and Fourteenth Amendments of the U.S. Constitution.
11. Direct Examination. Direct examination is the questioning of a witness by a party who has called the witness to provide such testimony.
12. Domestic Violence. Domestic violence is violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury and that is committed by a person against such person's family or household member, which includes a current or former spouse, a person with whom the victim shares a child in common, or who is cohabitating with or has cohabitated with the person as a spouse or intimate partner.
13. Due Process. Due process is a right guaranteed by the Fifth and Fourteenth Amendments of the U.S. Constitution. Basic procedural due process guarantees that an individual receives notice of the matter pending that relates to the possible deprivation of a property or liberty interest and the opportunity to be heard. For example, students and employees facing suspension or expulsion/termination for disciplinary reasons must be given notice of the allegations against them prior to any hearing or determination of responsibility. Any disciplinary process must be fair and impartial. Additionally, the opportunity to respond must be meaningful.
14. Education Program or Activity. An education program or activity encompasses all of the College's operations and includes locations, events, or circumstances over which the College exercises substantial control over both the respondent and the context in which the sexual harassment occurs. Examples of education programs or activities includes, but are not limited to, college-sponsored conferences, athletic events and sports teams, student organizations, and wi-fi network.
15. Exculpatory Evidence. Exculpatory evidence is evidence that shows, or tends to show, that a respondent is not responsible for some or all of the conduct alleged in the notice of allegations. The College must provide the respondent with all exculpatory evidence.



16. Final Decision. A final decision is the written document that describes any sanctions imposed and remedies provided to the respondent and complainant, respectively, at the conclusion of the formal resolution process.

17. Formal Complaint. A formal complaint is a document filed and signed by a complainant or signed by the Title IX Coordinator that alleges sexual harassment against a respondent and requests the College to investigate the allegation of sexual harassment. The complainant must be participating in or attempting to participate in an education program or activity of the College when the formal complaint is filed. A complainant cannot file a formal complaint anonymously. The Title IX Coordinator may sign on a complainant's behalf in matters where it is in the best interest of the complainant or the College to do so. The College may consolidate formal complaints against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

18. Freedom of Speech. The freedom of speech is a right guaranteed by the First Amendment of the U.S. Constitution to express one's thoughts and views without unlawful governmental restrictions. As governmental entities, Colleges must not infringe on this right. This Policy expressly prohibits censorship of constitutionally protected expression.

19. Hearing Officer. A Hearing Officer is the presiding official of a live hearing who must issue a written determination on responsibility. Colleges may choose to hold live hearings with a single Hearing Officer or by committee.

20. Inculpatory Evidence. Inculpatory evidence is evidence that shows, or tends to show, that a respondent is responsible for some or all of the conduct alleged in the notice of allegations.

21. Preponderance of the Evidence. A preponderance of the evidence is evidence that shows that the fact sought to be proved is more probable than not to be true. A preponderance of the evidence means evidence that is of greater weight or more convincing than the evidence that supports the contrary position.

22. Relevance. Relevance refers to evidence that tends to prove or disprove whether the respondent is responsible for the alleged conduct. In determining whether a question is relevant, the Hearing Officer must focus on evidence pertinent to proving whether facts important to the allegations in the formal complaint are more or less likely to be true.

23. Remedies. Remedies are actions taken or accommodations provided to the complainant after a determination of responsibility for sexual harassment has been made against the respondent. Remedies are designed to restore or preserve equal access to the College's education program or activity. Remedies may be disciplinary or non-disciplinary.

24. Report of Sexual Harassment. A report of sexual harassment occurs when anyone reports an allegation of sexual harassment to the Title IX Coordinator or Deputy Title IX Coordinator, or that reaches the Title IX Coordinator or Deputy Title IX Coordinator through a Responsible Employee. An individual need not be participating or attempting to participate in an education program or activity of the College to file a report. The respondent also does not need to be an employee, student, or otherwise affiliated with the College for a person to file a report against a respondent. A report of sexual harassment does not trigger an investigation or the formal or

informal resolution process, but it does require the Title IX Coordinator to meet with the complainant and carry out the procedures described in Section S and/or T of this Policy, as applicable.

25. Respondent. A respondent is an individual who has been reported to have engaged in conduct that could constitute sexual harassment as defined under this Policy. In most cases, a respondent is a person enrolled or employed by the College or who has another affiliation or connection with the College. The College may dismiss a formal complaint when the College has little to no control over the respondent, but will offer supportive measures to the complainant and set reasonable restrictions on an unaffiliated respondent when appropriate.

26. Responsible Employee. A Responsible Employee is an employee who has the authority to take action to redress sexual harassment; who has been given the duty to report sexual harassment to the Title IX Coordinator or Deputy Title IX Coordinator; or an employee a student could reasonably believe has such authority or duty. A Responsible Employee shall not be an employee who, in their position at the College, provides services to the campus community as a licensed health care professional, (or the administrative staff of a licensed health care professional), professional counselor, victim support personnel, clergy, or attorney. BCC has determined that all BCC employees are responsible employees. Any BCC employee who receives a complaint of sexual harassment is expected to immediately notify the Title IX Coordinator, Sandra Kirkland, Dean of Students, (804) 594-1566 or (804) 706-5208, [skirkland@Brightpoint.edu](mailto:skirkland@Brightpoint.edu) or the Deputy Title IX Coordinator, Michelle Spencer, Associate Dean of Students, (804) 594-1534, [mspencer@Brightpoint.edu](mailto:mspencer@Brightpoint.edu).

27. Review Committee. A review committee is the committee consisting of three or more persons, including the Title IX Coordinator or designee, a representative of campus police or campus security, and a student affairs representative, that is responsible for reviewing information related to acts of sexual violence.

28. Sex Discrimination. Sex discrimination is the unlawful treatment of another based on the individual's sex that excludes an individual from participation in separates or denies the individual the benefits of, or otherwise adversely affects a term or condition of an individual's employment, education, or participation in an education program or activity. The College's treatment of a complainant or a respondent in response to a formal complaint of sexual harassment constitutes sex discrimination under Title IX when such response is deliberately indifferent.

29. Sexual Assault. Sexual assault is any sexual act directed against another person without consent or where the person is incapable of giving consent. Sexual assault includes intentionally touching, either directly or through clothing, the victim's genitals, breasts, thighs, or buttocks without the person's consent, as well as forcing someone to touch or fondle another against their will. Sexual assault includes sexual violence.

30. Sexual Exploitation. Sexual exploitation occurs when a person takes non-consensual or abusive sexual advantage of another for their own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual harassment offenses. Examples of sexual exploitation include prostituting another person; non-consensual video or audio-taping of otherwise consensual sexual activity; going beyond the boundaries of consent (such as letting your friends hide in the

closet to watch you having consensual sex), and knowingly transmitting HIV or an STD to another.

31. Sexual Harassment. Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

- a. *Quid Pro Quo*: The submission to or rejection of such conduct is used as the basis for educational or employment decisions affecting the student or employee either explicitly or implicitly;
- b. *Hostile Environment*: Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to an education program or activity of the College, including a student's educational experience or an employee's work performance;
- c. *Clery Act/VAWA Offenses*: Sexual assault/sexual violence, dating violence, domestic violence, and stalking, as defined by this Policy.

32. Sexual Violence. Sexual violence means physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. Sexual violence includes rape and sexual assault.

33. Stalking. Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or suffer substantial emotional distress. Such conduct can occur in person or online, but the conduct must involve an education program or activity of the College.

34. Statement. A statement is a person's intent to make factual assertions, including evidence that contains a person's statement(s). Party or witness statements, police reports, Sexual Assault Nurse Examiner (SANE) reports, medical reports, and other records may be relied upon in making a final determination after the completion of a live hearing if they contain statements of a party or witness who has not submitted to cross-examination.

35. Supportive Measures. Supportive measures means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the College's education programs or activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the campus environment, or to deter sexual harassment.

36. Third Party. A third party is any person who is not a student or employee of the College.

37. Title IX. Title IX means Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in any education program or activity receiving Federal financial assistance.

38. Title IX Coordinator. The Title IX Coordinator is the employee or employees designated and authorized to coordinate the College's efforts to comply with its responsibilities under Title IX.

39. Workday. A workday is any day that the College is open for business. Workdays include days when classes are not held, but when employees are expected to be at work.

40. Written Determination. A written determination is the written decision by a Hearing Officer that a respondent is responsible or not responsible for a violation of this Policy by a preponderance of the evidence after a live hearing. A written determination also is the result of an appeal decided by an Appeal Officer.

## **F. Retaliation**

1. No person may intimidate, threaten, coerce, harass, discriminate, or take any other adverse action against any other person for the purpose of interfering with any right or privilege provided by this Policy, or because the person has made a report or filed a formal complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, live hearing, or any other process described in this Policy.

2. Action is generally deemed adverse if it would deter a reasonable person in the same circumstances from opposing practices prohibited by this Policy.

3. Allegations of retaliation that do not involve sex discrimination or sexual harassment but are related to a report or formal complaint of sexual harassment for the purpose of interfering with any right or privilege provided by this Policy constitutes retaliation.

4. Allegations of retaliation will be investigated and adjudicated as a separate code of conduct violation. Any person found responsible for retaliating against another person is subject to disciplinary or other action independent of the sanctions or interim measures imposed in response to the underlying allegations of violations of this Policy.

## **G. Reporting Incidents of Sexual Harassment**

1. Members of the campus community who believe they have been victims of crimes may report the incident to campus security or local police. All emergencies or any incident where someone is in imminent danger should be reported immediately to Campus Security at (804) 897-6678 or local police by dialing 911.

2. Whether or not a report is made to law enforcement, any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator or Deputy Title IX Coordinator, or by reporting such conduct to a Responsible Employee to ensure that the Title IX Coordinator or Deputy Title IX Coordinator receives the verbal or written report. The Title IX Coordinator is solely responsible for overseeing the prompt, fair, and impartial investigation and resolution of reports and formal complaints filed with the College.

## **Brightpoint Community College Title IX Campus Resources**

Title IX Coordinator: **Sandra Kirkland, M.Ed., LPC** 800 Charter Colony Pkwy., T205a  
Midlothian, VA 23114  
(804) 594-1566  
skirkland@brightpoint.edu

13101 Route 1., M109  
Chester, VA 23831  
(804) 706-5208

Deputy Title IX Coordinator: **Michelle Spencer, MSW, M.Ed., LCSW**  
800 Charter Colony Pkwy., T205b  
Midlothian, VA 23114  
(804) 594-1534  
mspencer@brightpoint.edu

During non-business hours, members of the campus community should report alleged violations of this Policy to Campus Security at (804) 897-6678 on the Midlothian Campus, at (804) 796-4025 on the Chester Campus.

3. There is no time limit for reporting incidents of sexual harassment with the Title IX Coordinator or Deputy Title IX Coordinator. However, complainants should report possible violations of this Policy as soon as possible to maximize the College's ability to respond effectively to the report. Failure to report promptly also could result in the loss of relevant evidence.

#### **H. Confidentiality and Anonymous Reports**

1. Individuals may be concerned about their privacy when they report a possible violation of this Policy. The College must keep confidential the identity of any individual who has made a report or formal complaint of sexual harassment; any complainant or any individual who has been reported to be the perpetrator of sexual harassment; and any witness related to a report or formal complaint of sexual harassment, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA), or as otherwise required by law, or to carry out the purposes of this Policy, including the conduct of any investigation, live hearing, or judicial proceeding arising from any report or formal complaint.

2. The College has a responsibility to respond to conduct that violates this Policy. For this reason, most College employees may not keep secret a report of sexual harassment. The College expects employees to treat information they learn concerning incidents of reported violations of this Policy with respect and as confidentially as possible. College employees must share such information only with those College and law enforcement officials who must be informed of the information pursuant to this Policy.

3. Responsible Employees must report all alleged violations of this Policy obtained in the course of their employment to the Title IX Coordinator or Deputy Title IX Coordinator as soon as practicable after addressing the immediate needs of the complainant. Other campus employees have a duty to report sexual assault, domestic violence, dating violence, and stalking for federal statistical reporting purposes (Campus Security Authority (CSA) under the Clery Act). CSAs

include student/conduct affairs personnel, campus law enforcement, student activities staff, human resources staff, and advisors to student organizations. All employees must report suspected child abuse or neglect to the Title IX Coordinator, Deputy Title IX Coordinator or Campus Security as soon as practicable, but no later than 24 hours after forming such suspicion, pursuant to VCCS Policy Number 3.14.6, Reporting Sexual Child Abuse or Neglect.

4. If a complainant wishes to keep the report of sexual harassment completely confidential, it is recommended that they report the alleged conduct to someone without a duty to report incidents of sexual harassment to the Title IX Coordinator or Deputy Title IX Coordinator. Full-time employees also may contact the Employee Assistance Program. If the complainant requests that the complainant's identity is not released to anyone else, the College's response may be limited to providing supportive measures, if appropriate and reasonably available. When supportive measures are provided, the College will protect the privacy of the complainant to the extent possible while still providing the supportive measures.

5. The College may pursue the formal resolution process even if the complainant requests the College to take no action. The Title IX Coordinator will notify the complainant in writing within five (5) workdays of the decision to pursue the formal resolution process when they are unable to maintain confidentiality or respect the complainant's request for no further action. The Title IX Coordinator will give the complainant's wishes due consideration.

6. The College will accept anonymous reports, but its response may be limited to providing supportive measures if appropriate and reasonably available. The Title IX Coordinator or Deputy Title IX Coordinator (or campus security) will conduct a preliminary investigation in an effort to determine the respondent's identity. If the preliminary investigation fails to reveal the identity of the respondent, the Title IX Coordinator shall close the report because the College must have sufficient information to conduct a meaningful and fair investigation. If the identity of the respondent is revealed, the Title IX Coordinator shall proceed as otherwise provided in this Policy. The Title IX Coordinator will notify the complainant in writing of the result of the preliminary investigation promptly after the preliminary investigation.

## **I. Immunity**

The College encourages the reporting of incidents that violate this Policy. The use of alcohol or drugs should not be a deterrent to reporting a possible incident of sexual harassment. When conducting the investigation, the College's primary focus will be on addressing the alleged sexual harassment and not on alcohol and drug violations that may be discovered or disclosed. The College does not condone underage drinking or the use of illicit drugs; however, the College will grant immunity from disciplinary action based on the personal consumption of alcohol or drugs to individuals who report incidents that violate this Policy, provided that such report is made in good faith. The College may provide referrals to counseling and may require educational options, rather than disciplinary sanctions, in such cases.

## **J. Timely Warnings**

The College is required by federal law to issue timely warnings for reported incidents that pose a substantial threat of bodily harm or danger to members of the campus community. The College will ensure, to the extent possible, that an alleged victim's name and other identifying information is not disclosed, while still providing enough information for members of the campus community to make decisions to address their own safety in light of the potential danger.

## **K. Interim Measures**

1. Immediate Suspension. Prior to the resolution of a formal complaint, the College may immediately suspend the respondent from an education program or activity when it determines that the respondent's continued presence poses an immediate threat to the physical health or safety of any person arising from the allegations of sexual harassment. Prior to such suspension, the College will conduct an individualized safety and risk analysis, focusing on the particular respondent and the specific facts and circumstances arising from the allegations of sexual harassment that justify the suspension. The College shall notify the respondent in writing of the specific facts and circumstances that make the immediate suspension necessary and reasonable and shall give the respondent the opportunity to challenge the decision immediately following the suspension.

2. Administrative Leave. The College may place a respondent employee on administrative leave prior to the resolution of a formal complaint. Reasons to place an employee on administrative leave include but are not limited to, the continued presence of the employee may be harmful to the employee or other employees; may hamper an investigation into the employee's alleged conduct; or may disrupt the work environment.

3. Mutual No Contact Order. The College may impose a "no contact" order on each party, requiring the parties to refrain from having contact with one another, directly or through proxies, whether in person or by electronic means. The College also will enforce orders of protection issued by courts on all College property to the extent possible.

## **L. Supportive Measures**

1. The College will offer supportive measures to individuals whether or not a formal complaint has been filed, or whether the alleged incident is under investigation by a law enforcement agency. All requests for supportive measures will be provided if appropriate and reasonably available.

2. Supportive measures may include, but are not limited to, course schedule adjustments, reassignment of duty, leaves of absence, alternative parking arrangements, rescheduling class work, assignments, and examinations; allowing alternative class or work arrangements, such as independent study or teleworking; escort services, increased security and monitoring of certain areas of the campus, and other similar measures. Provisions of supportive measures to either party will be kept confidential to the extent possible.

## **M. Procedures to Follow after an Incident**

Anyone who has experienced an incident of sexual harassment as defined by this Policy should take the following action:

1. Find a safe place away from harm.
2. Call 911 or if on campus, contact campus police/security.
3. Call a friend, a campus advocate, a family member, or someone else you trust and ask them to stay with you.
4. Go to the nearest medical facility/emergency room. It is important to seek appropriate medical attention to ensure your health and well-being, as well as to preserve any physical evidence.

5. If you suspect that you may have been given a drug, ask the hospital or clinic where you receive medical care to take a urine sample. The urine sample should be preserved as evidence. “Rape drugs,” such as Rohypnol and GHB, are more likely to be detected in urine than in blood.

6. For professional and confidential counseling support, call the Virginia Family Violence & Sexual Assault Hotline at 1-800-838-8238. Help is available 24 hours a day.

7. You should take the following steps to preserve any physical evidence because it will be necessary to prove criminal domestic violence, dating violence, sexual assault, or stalking, or to obtain a protective order:

- a. Do not wash your hands, bathe, or douche. Do not urinate, if possible.
- b. Do not eat, blow your nose, drink liquids, smoke, or brush your teeth if the incident involved oral contact.
- c. Keep the clothing worn when the incident occurred. If you change clothing, place the worn clothing in a paper bag.
- d. Do not destroy any physical evidence that may be found in the vicinity of the incident by cleaning or straightening the location of the crime. Do not clean or straighten the location of the crime until law enforcement officials have had an opportunity to collect evidence.
- e. Tell someone all the details you remember or write them down as soon as possible.
- f. Maintain text messages, pictures, online postings, video, and other documentary or electronic evidence that may corroborate a formal complaint.

## **N. Support Services**

1. All students and employees will receive information in writing of available counseling, health, mental health, victim advocacy, legal assistance, and other services available in the community and on campus.

**2. For information about available resources, go to** The BCC sexual misconduct website;  
<https://www.Brightpoint.edu/about/title-ix-and-sexual-misconduct/>

### **Local Community Resources**

Greater Richmond Regional Hotline

804-612-6126

Safe Harbor Hotline (Henrico County)

804-287-7877

The James House Hotline (Colonial Heights, City of Hopewell, City of Petersburg, Dinwiddie County, Prince George County, Southern Chesterfield County)

804-458-2840

Domestic and Sexual Violence Resource Center (Chesterfield County)

804-318-8265

### **National and State Resources**

National Domestic Violence Hotline

1-800-799-SAFE (7233)

1-800-787-3224 (TTY)

National Sexual Assault Hotline

1-800-656-HOPE (4673)

National Teen Dating Abuse Hotline

1-866-331-9474

1-800-331-8453 (TTY)



Virginia Family Violence and Sexual Assault 24-hour Hotline

1-800-838-8238

LGBTQ Partner Abuse and Sexual Assault Hotline

1-866-356-6998

RAINN – Rape, Abuse & Incest National Network

<https://ohl.rainn.org/online/>

<https://ohl.rainn.org/es/> (for service in Spanish)

#### **O. Education and Awareness Program**

1. The College conducts a program to educate students and employees about this Policy and its procedures. The education and awareness program is designed to promote awareness of sexual assault, domestic violence, dating violence, and stalking.

2. The program, at a minimum, shall include:

- a. A statement that the College prohibits sexual harassment, including sexual assault, domestic violence, dating violence, and stalking;
- b. The definition of sexual harassment, including sexual assault, domestic violence, dating violence, and stalking;
- c. The definition of consent;
- d. Safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of sexual assault, domestic violence, dating violence, or stalking against a person other than such individual;
- e. Information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks;
- f. Information on possible sanctions, procedures to follow after an incident of sexual assault, domestic violence, dating violence or stalking, disciplinary procedures, and the protection of confidentiality; and
- g. Written notification about available resources and services and supportive measures available if appropriate and reasonably available.

3. The College offers the prevention and awareness program to all new and existing students and employees.

#### **P. Academic Freedom and Freedom of Speech**

1. This Policy does not allow censorship of constitutionally protected expression. As a "marketplace of ideas," the College encourages intellectual inquiry and recognizes that such inquiry may result in intellectual disagreements. Verbal or written communications constitute sexual harassment only when such communications are sufficiently severe, pervasive, and objectively offensive that they undermine and detract from a student's educational experience or an employee's work performance. Verbal or written communications, without accompanying unwanted sexual physical contact, does not constitute sexual assault.

2. In addressing all complaints and reports of alleged violations of this Policy, the College will take actions to comply with this Policy that recognize and ensure the free speech rights of students and employees. This Policy does not apply to curricula, curricular materials, or abridge the use of any textbooks.

#### **Q. False Statements**

The College prohibits knowingly making false statements or knowingly submitting false information. Any individual who knowingly files a false report or formal complaint, who

knowingly provides false information to College officials, or who intentionally misleads College officials who are involved in the investigation or resolution of a report or formal complaint may be subject to disciplinary action, up to and including dismissal for students and termination of employment for faculty and staff. An allegation that cannot be proven by a preponderance of the evidence is insufficient evidence of a knowing false statement.

## **R. Consensual Relationships**

Pursuant to VCCS Policy 3.14.2, consenting romantic or sexual relationships between employees and students for whom the employee has a direct professional responsibility are prohibited. Consenting romantic or sexual relationships between employees where one employee has a direct professional responsibility to the other also are prohibited. Consenting romantic or sexual relationships between other employees (not in a supervisory position), or with students for whom the employee does not have a direct professional responsibility, although not expressly prohibited, are unwise and strongly discouraged. The relationship may be viewed in different ways by each of the parties, in retrospect. Additionally, circumstances may change and conduct that was previously welcome may become unwelcome.

## **S. Handling Reports of Sexual Violence**

1. The Title IX Coordinator or Deputy Title IX Coordinator will assist members of the campus community in reporting incidents of sexual violence to law enforcement authorities upon request. When allowable under Virginia law, the Title IX Coordinator or Deputy Title IX Coordinator will request the consent of the complainant (or alleged victim if different from the complainant) to report incidents of alleged sexual violence that occur on campus property to law enforcement.

2. Under Virginia law, the College may determine that the disclosure of information to local law enforcement regarding the alleged incident of sexual violence, including personally identifiable information, is necessary to protect the health or safety of the complainant or other individuals. The College also is required to notify the local Commonwealth's Attorney (or other prosecutor responsible for prosecuting the alleged act of sexual violence) when the alleged incident of sexual violence constitutes a felony.

3. Upon receiving a report of an alleged act of sexual violence as defined in this Policy against a student or one that allegedly occurred on property owned or controlled by the College or on public property within the campus, or immediately adjacent to and accessible from the campus, the Title IX Coordinator or Deputy Title IX Coordinator shall convene the College's review committee within 72 hours to review the information reported and any information obtained through law enforcement records, criminal history record information, health records, conduct or personnel records, and any other facts and circumstances, including personally identifiable information, related to the alleged incident known to the review committee. The review committee may try to reach a consensus, but it is the law enforcement representative of the review committee that ultimately determines whether the disclosure of the information, including the personally identifiable information, is necessary to protect the health or safety of the alleged victim or other individuals. The College shall disclose such information to the law enforcement agency that would be responsible for investigating the alleged incident immediately. The Title IX Coordinator or Deputy Title IX Coordinator will notify the alleged victim in writing that such disclosure is being made.

4. If the report of an alleged act of sexual violence would constitute a felony, within 24 hours of the first review committee meeting, the law enforcement representative of the review committee shall notify the local Commonwealth's Attorney (or other prosecutor responsible for prosecuting the alleged act of sexual violence) and disclose the information received by the review committee, including personally identifiable information, if such information was disclosed pursuant to Section S2. The law enforcement representative usually will make this disclosure; however, any member of the review committee may decide independently that such disclosure is required under state law and within 24 hours of the first review team meeting shall disclose the information to the local Commonwealth's Attorney (or other prosecutor responsible for prosecuting the alleged act of sexual violence), including personally identifiable information, if such information was disclosed pursuant to Section S2. If the Title IX Coordinator or Deputy Title IX Coordinator is aware of such disclosure, the Title IX Coordinator or Deputy Title IX Coordinator will notify the alleged victim in writing that such disclosure is being made.

5. Law enforcement will notify the local Commonwealth's Attorney within 48 hours of beginning an investigation involving a felonious act of sexual violence. Either campus security, the local law enforcement agency, or the State Police will notify the Commonwealth's Attorney pursuant to an MAA/MOU.

6. In addition to the procedures described in this Section, the College must follow the procedures described in Section T following a report of sexual violence.

#### **T. Handling Reports of Sexual Harassment**

1. Upon receiving actual knowledge of sexual harassment in an education program or activity of the College against a person in the United States, the College must respond promptly in a manner that is not deliberately indifferent. The College will treat complainants and respondents equitably by offering supportive measures and by completing either a formal or informal resolution process before imposing any disciplinary sanctions or other corrective actions that are not supportive measures against a respondent. The Title IX Coordinator or Deputy Title IX Coordinator shall promptly provide a written notification of rights and options to complainants and respondents upon receipt of a report of sexual harassment. The written notification must include, where applicable:

- a. The available law enforcement options for investigation and prosecution;
- b. The importance of collection and preservation of evidence;
- c. The available options for a protective order;
- d. The available campus options for investigation and resolution under the College's policies, including the complainant's option to file a formal complaint;
- e. The party's right to participate or decline to participate in any investigation to the extent permitted under state or federal law;
- f. The applicable federal or state confidentiality provisions that govern information provided by a complainant;
- g. Information on contacting available on-campus resources and community resources, including the local sexual assault crisis centers, domestic violence crisis centers, victim support services with which the College has entered into a memorandum of understanding, or other support services;
- h. The importance of seeking appropriate medical attention;
- i. Discuss the College's obligation to disclose information about the report, including personally identifiable information, to campus security/local law enforcement or to the local

Commonwealth's Attorney, or both, if the review team determines that such disclosure is necessary to protect the health or safety of the complainant or others;

- j. The possible interim measures that may be imposed when necessary during the pendency of the investigative or resolution process;
  - k. The supportive measures available with or without filing a formal complaint when appropriate and reasonably available; and
  - l. An explanation to the complainant of the process for filing a formal complaint, including providing the complainant with a Formal Complaint Form, when applicable.
2. The Title IX Coordinator or Deputy Title IX Coordinator must consider the complainant's wishes with respect to supportive measures.
  3. After providing the information described in Section T1, the Title IX Coordinator or Deputy Title IX Coordinator must close the report under this Policy if the conduct alleged in the report would not constitute sexual harassment as defined by this Policy, even if proved, or is outside the jurisdiction of the College, i.e., the conduct did not occur on campus or involve an education program or activity of the College, or the complainant decides against filing a formal complaint and the College honors the request. The Title IX Coordinator will notify the parties simultaneously in writing with the rationale for the decision to close the report.
  4. The Title IX Coordinator shall forward the report to the appropriate College official that will determine whether the conduct alleged in the report violates a separate policy or code of conduct.
  5. The Title IX Coordinator will document the action(s) taken and the rationale for such action(s).

## **U. Resolution of Formal Complaints**

1. The College's Responsibility. The College must provide a prompt, fair, and impartial investigation, and resolution of alleged violations of this Policy. When resolving a formal complaint, the College will evaluate all relevant evidence objectively, including both inculpatory and exculpatory evidence, and will make credibility determinations without reference to a person's status as a complainant, respondent, or witness. The College will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege. Finally, at all times prior to a determination of responsibility, the respondent will be presumed not responsible for the alleged conduct. The imposition of interim measures does not constitute a presumption of responsibility.

2. Resolution Process Options. The College may resolve formal complaints either by a formal or informal resolution process.

3. Suspending an Investigation. The College will comply with all requests for cooperation by the campus security or local law enforcement in investigations. The College may be required to suspend the Title IX investigation while the campus police or the local law enforcement agency gathers evidence. The College will resume its Title IX investigation as soon as the campus police or local law enforcement agency has completed its gathering of evidence. Otherwise, the College's investigation will not be precluded or suspended on the grounds that criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

4. Time Frame for Resolution of Formal Complaint. The resolution of any alleged violation of this Policy should be completed normally within seventy-five (75) workdays of the filing of the

formal complaint, unless good cause exists to extend the timeframe. For resolving formal complaints, good cause includes but is not limited to the absence of a party, a party's advisor or a witness; concurrent law enforcement activity; the need for language assistance or accommodation of disabilities; or unavoidable scheduling conflicts. The 75-workday timeframe refers to the entire formal resolution process, which includes the initial determination, investigation, live hearing, determination of responsibility, and the imposition of sanctions and provision of remedies, if any. The 75-workday timeframe does not include appeals. If any step of the process must be suspended or delayed for any reason and more time is necessary, the Title IX Coordinator or Deputy Title IX Coordinator will notify the parties in writing and give the reason for the delay and an estimated length of the delay.

## **V. Formal Resolution Process**

1. Formal Complaint Form. To initiate the formal resolution process, complainants must complete the Formal Complaint Form or other written and signed document that requests an investigation, located on the Brightpoint sexual misconduct website; <https://www.brightpoint.edu/about/title-ix-and-sexual-misconduct/>, and submit it to the Title IX Coordinator or Deputy Title IX Coordinator. The Title IX Coordinator or Deputy Title IX Coordinator may sign a formal complaint, after due consideration of the complainant's wishes. In determining whether to sign a formal complaint, the Title IX Coordinator or Deputy Title IX Coordinator will consider the following factors:

- a) The seriousness of the allegation(s), including whether the allegation(s) include bodily injury, threats, or the use of weapons;
- b) The complainant's or alleged victim's age;
- c) Whether there have been other similar complaints of against the same respondent; and,
- d) The applicability of any laws mandating disclosure.

2. Notice of Allegations to the Parties. After receiving a formal complaint and as soon as practicable, the Title IX Coordinator or Deputy Title IX Coordinator will contact the parties to schedule an initial meeting. The correspondence must include the following information:

- a. A copy of the College's Title IX Policy against sexual harassment, including the process by which the College resolves allegations of sexual harassment;
- b. Notice of the allegation(s), including sufficient details known at the time and with sufficient time to prepare a response before the initial meeting. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known;
- c. Notice that each party may be accompanied by an advisor of their choice at all meetings and the live hearing who may be, but is not required to be, an attorney, and that each party and advisor will have the opportunity to inspect and review evidence;
- d. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the formal or informal resolution process;
- e. A statement that each party must notify the Title IX Coordinator in writing within five (5) workdays if they believe that the Title IX Coordinator has a conflict of interest or bias against the party.
- f. A statement that the College prohibits knowingly making false statements or knowingly submitting false information during the resolution of a formal complaint, in accordance with Section Q of this Policy.

3. Complainant's Initial Meeting with the Title IX Coordinator or Deputy Title IX Coordinator.

At this meeting, the Title IX Coordinator or Deputy Title IX Coordinator will:

- a. Determine whether an informal resolution is permissible, and whether the complainant wishes to pursue a resolution (formal or informal) through the College or no resolution of any kind;
- b. Explain avenues for formal resolution and informal resolution of the formal complaint;
- c. Explain that if the complainant chooses an informal resolution, that the complainant may withdraw from the informal resolution process at any time prior to the conclusion of the informal resolution process and pursue a formal resolution process, but may not do so after the conclusion of the informal resolution process;
- d. Explain that records related to the informal resolution process will be maintained for a period of seven (7) years and be made part of the record if a formal resolution process is pursued;
- e. Explain the investigative process, including the right to discuss the allegations under investigation or to gather and present relevant evidence;
- f. Discuss confidentiality standards and concerns with the complainant;
- g. Discuss non-retaliation requirements;
- h. Refer the complainant to campus and community resources, including the local sexual assault crisis center, domestic violence crisis center, victim support service with which the College has entered into a memorandum of understanding, or other appropriate support services;
- i. Inform the complainant of any interim measures that will be imposed and any supportive measures that will be provided to the complainant during the pendency of the investigative and resolution processes;
- j. Discuss the right to a prompt, fair, and impartial resolution of the formal complaint;
- k. Answer questions about the Policy and procedures.

4. Respondent's Initial Meeting with the Title IX Coordinator or Deputy Title IX Coordinator.

During this meeting with the respondent, the Title IX Coordinator or Deputy Title IX Coordinator will:

- a. Determine whether an informal resolution is permissible, and whether the respondent wishes to pursue an informal resolution;
- b. Explain avenues for formal resolution and informal resolution of the formal complaint;
- c. Explain that if the respondent chooses an informal resolution, that the respondent may withdraw from the informal resolution process at any time prior to the conclusion of the informal resolution process and pursue a formal resolution process, but may not do so after the conclusion of the informal resolution process;
- d. Explain that records related to the informal resolution process will be maintained for a period of seven years and be made part of the record if a formal resolution process is pursued;
- e) Explain the investigative process, including the right to discuss the allegations under investigation or to gather and present relevant evidence;
- f. Discuss confidentiality standards and concerns with the respondent;
- g. Discuss non-retaliation requirements;
- h. Inform the respondent of any interim measures that will be imposed and any supportive measures that will be provided to the respondent during the pendency of the investigative and resolution processes;
- i. Refer the respondent to campus and community resources, as appropriate;

- j. Discuss the respondent's the right to due process and a prompt, fair, and impartial resolution of the formal complaint; and
- k. If the respondent is a student and the formal complaint involves an alleged act of sexual violence as defined in this Policy, explain to the respondent that the College will include a notation on the academic transcript if the respondent is suspended or dismissed after being found responsible, or if the respondent withdraws while under investigation, that the investigation may continue in the respondent's absence, if possible, while being afforded notice of all meetings and the live hearing, if applicable, and an opportunity to inspect, review, and respond to all the evidence.
- l. Answer questions about the Policy and procedures.

5. Title IX Coordinator's Initial Determination.

- a. The Title IX Coordinator or Deputy Title IX Coordinator shall investigate the allegations in all formal complaints. The Title IX Coordinator must dismiss the formal complaint if the conduct alleged in the formal complaint would not constitute sexual harassment as defined in this Policy even if proved, or is outside the jurisdiction of the College, i.e., the conduct did involve an education program or activity of the College, or did not occur against a person in the United States. The Title IX Coordinator shall forward the formal complaint to an appropriate College official that will determine whether the conduct alleged in the formal complaint violates a separate policy or code of conduct.
- b. The Title IX Coordinator may dismiss the formal complaint if (i) a complainant notifies the Title IX Coordinator or Deputy Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any of its allegations and the Title IX Coordinator determines that the College will honor the request; (ii) the respondent is no longer enrolled or employed at the College, or cannot be identified; or (iii) specific circumstances prevent the College from gathering sufficient evidence to determine whether the respondent is responsible for the conduct alleged in the formal complaint. If a complainant requests to withdraw a formal complaint, the Title IX Coordinator will consider the factors listed in Section VI.
- c) If the Title IX Coordinator dismisses the formal complaint, they will send written notice of the dismissal with specific reason(s) for the dismissal to the parties, simultaneously, within five (5) workdays of completing the initial meetings. This decision may be appealed.

6. Appointment of the Investigator and Conduct of the Investigation.

- a. Appointment of Investigator. After an initial determination to continue the formal resolution process or after failed informal resolution process, the Title IX Coordinator will appoint an investigator within five (5) workdays of completing the initial meetings. The Title IX Coordinator will provide the investigator's name and contact information to the complainant and respondent and will forward the formal complaint to the investigator. Within five (5) workdays of such appointment, the investigator, the complainant, or the respondent may identify to the Title IX Coordinator in writing any potential conflict of interest or bias of the appointed investigator. The Title IX Coordinator will consider such information and will appoint a different investigator if it is determined that a material conflict of interest or bias exists.
- b. Contacting the Parties. The investigator will contact the complainant and respondent promptly. In most cases, this should occur within ten (10) workdays from the date of the

investigator's appointment. The investigator will schedule meetings with the parties. The parties may provide supporting documents, evidence, and recommendations of witnesses, including character and expert witnesses, to be interviewed for the investigation. Each party may have one advisor present during any meeting with the investigator; however, the advisor may not speak on the party's behalf.

c. Weighing of Evidence. As part of the investigation, the investigator must weigh the credibility and demeanor of the complainant, respondent, and witnesses, and ensure that credibility determinations are not based on a person's status as a complainant, respondent, or witness; the logic and consistency of the evidence, motives, and any inculpatory and exculpatory evidence.

d. Withdrawal of a Student During an Investigation. The withdrawal of a student from the College while under investigation for an alleged act of sexual violence as defined by this Policy in most cases will not end the College's investigation and resolution of the complaint. The College shall continue the investigation if possible, as set forth under this Policy. The College shall notify the student in writing of the investigation and afford the student the opportunity to provide evidence, to inspect, review, and respond to all the evidence and the written investigative report prior to making a determination on responsibility.

1. Upon the student's withdrawal, the College shall place a notation on the student's academic transcript that states, "*Withdrew while under investigation for a violation of Brightpoint Community College's Title IX Policy.*" After the College has completed its investigation and resolution of the complaint, the College shall either (a) remove the notation if the student is found not responsible or (b) change the notation to reflect either a suspension or dismissal for a violation of the Policy if either was imposed.

2. The College shall end the investigation and resolution of the complaint if the College cannot locate the respondent and provide them notice and the opportunity to respond. In such cases, the College shall maintain the withdrawal notation on the student's academic transcript. Upon a final determination, the Title IX Coordinator or Deputy Title IX Coordinator immediately shall notify the registrar and direct that the appropriate notation is made.

e. Inspection and Review of the Evidence. The parties will have the opportunity to inspect, review, and respond to all the evidence obtained during the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the College does not intend to rely in reaching a determination of responsibility and inculpatory or exculpatory evidence, whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. The investigator will send each party and each party's advisor, if any, a copy of the evidence subject to review. The parties will have ten (10) workdays to submit a written response to the evidence and the option to submit additional evidence, which the investigator will consider prior to the completion of the investigative report. Neither the parties nor their advisors may disseminate any of the evidence subject to inspection and review or use such evidence for any purpose unrelated to the Title IX formal resolution process. Nevertheless, the College will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.

f) Investigative Report. The investigator will complete an investigative report that fairly summarizes relevant evidence, including but not limited to, all interviews conducted, photographs, descriptions of relevant evidence, the rationale for credibility determinations, summaries of relevant records, and a detailed report of the events in



question. The investigative report shall include the following information to the extent possible:

1. The name and gender of the complainant and, if different, the name and gender of the person reporting the allegation;
  2. The names and gender of all persons alleged to have committed the alleged violation;
  3. A statement of the allegation, a description of the incident(s), and the date(s) and time(s) (if known) of the alleged incident(s);
  4. The dates of the report and formal complaint were filed;
  5. The dates the parties were interviewed;
  6. The names and gender of all known witnesses to the alleged incident(s);
  7. The dates that any relevant documentary evidence (including cell phone and other records as appropriate) was obtained;
  8. Any written statements of the complainant or the alleged victim if different from the complainant; and
  9. The date on which the College deferred its investigation and disciplinary process because the complainant filed a law enforcement complaint and the date on which the College resumed its investigation and disciplinary process, if applicable.
- g) Submission of the Investigative Report. The investigator will submit the investigative report to the Title IX Coordinator, who will send the investigative report to the parties and the parties' advisors, if any, simultaneously for review and written response as soon as possible, but no later than five (5) workdays after receiving the investigative report from the investigator. The parties will have ten (10) workdays to submit a written response to the investigative report to the Title IX Coordinator. The Title IX Coordinator will not consider the parties' written responses but will ensure that such statements are added to the record. Neither the parties nor their advisors may disseminate the investigative report or use such report for any purpose unrelated to the Title IX formal or informal resolution process.

## **W. Conduct of Live Hearing**

1. The Title IX Coordinator will appoint a Hearing Officer within ten (10) workdays after sending the investigative report to the parties and their advisors, if any. Within five (5) workdays after the appointment, the Hearing Officer will contact the parties to schedule a live hearing. The parties have five (5) workdays after being contacted by the Hearing Officer to notify the Title IX Coordinator in writing of any potential conflict of interest or bias of the Hearing Officer. The Title IX Coordinator will consider such information and will appoint a different Hearing Officer if the Title IX Coordinator determines that a material conflict of interest or bias exists. When the date, time, and place of the live hearing is confirmed, the Hearing Officer will notify the parties in writing simultaneously of the date, time, and place of the live hearing.
2. No later than fifteen (15) workdays before the live hearing, each party must notify the Hearing Officer and the other party of: a) the name and contact information of the advisor, if new, or notification that a party does not have an advisor available for the hearing, if applicable; b) the names and contact information of witnesses that will be called at the live hearing and the purpose of their testimony at the live hearing; c) whether a party intends to be subjected to cross-examination; d) a description of documents or other evidence and the purpose of such evidence that will be used at the live hearing; e) the specific remedy requested; and, f) whether a party requests that the live hearing occurs with the parties located in separate rooms with technology

that enables the Hearing Officer and the parties to see and hear the party or the witness answering questions simultaneously. Only one party is required to make the request for separate rooms.

3. The Hearing Officer will notify the Title IX Coordinator promptly that the College must appoint an advisor for a party when notified of the need for an advisor. The Title IX Coordinator will appoint the advisor promptly, but no later than ten (10) workdays prior to the live hearing. If a party appears at a live hearing without an advisor, the Hearing Officer shall delay the start of the live hearing until an advisor is available.

4. The Hearing Officer shall ensure that all evidence obtained during the investigation to the parties available at the live hearing.

5. Rules of the Live Hearing.

a) Evidence. The formal rules of evidence will not be applied except to determine whether the evidence or question presented is relevant or cumulative.

1. Either party may call character or expert witnesses.

2. Questions and evidence about a party's sexual predisposition or prior sexual behavior are not relevant, unless:

(a) such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or

(b) the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

(3) If the evidence or witness testimony is, on its face, not relevant or is cumulative, the Hearing Officer may exclude such evidence or witness statement(s), with the rationale for the decision in the pre-hearing determination. The parties may object in writing to such determination within five (5) workdays of the determination. The Hearing Officer shall rule on the objection within five (5) workdays of receipt of the objection.

b) Standard of Evidence. The live hearing will determine responsibility using the preponderance of the evidence standard.

c) Participation of Parties and Witnesses. Neither party may choose to "waive" the right to a live hearing, but parties and witnesses may choose whether to participate in the live hearing or submit to cross-examination.

d) Recording or Transcript. The Hearing Officer will arrange for the live hearing to be recorded. Each party will receive a copy of the recorded live hearing upon request. Parties may prepare a transcript of the recording at their own expense. Neither the parties nor their advisors may disseminate the record or transcript or use such record or transcript for any purpose unrelated to the Title IX formal resolution process or related civil proceeding.

e) Opening Statements and Closing Arguments. At the sole discretion of the Hearing Officer, the parties may make opening and/or closing statements at the live hearing. The Hearing Officer will determine the time that is allotted for each.

f) Pre-Hearing Determinations. No later than ten (10) workdays prior to the live hearing, the Hearing Officer shall decide (1) whether to exclude any of the proposed evidence or witnesses, and the basis upon which such evidence or witness is excluded; (2) whether to allow opening statements and closing arguments and the time allotted for both.

h) Rules of Conduct During the Live Hearing. All live hearings will be closed to the public and witnesses will be present only during their testimony. For live hearings that use technology, the Hearing Officer shall ensure that appropriate protections are in place to maintain confidentiality.

1. The College will require all parties, advisors, and witnesses to maintain appropriate decorum throughout the live hearing. Participants at the live hearing are expected to abide by the Hearing Officer's directions and determinations, maintain civility, and avoid emotional outbursts and raised voices.

2. Repeated violations of appropriate decorum will result in a break in the live hearing, the length of which shall be determined by the Hearing Officer. The Hearing Officer reserves the right in their sole discretion to appoint a different advisor to conduct cross-examination on behalf of a party after repeated violations of appropriate decorum or other rules related to the conduct of the live hearing.

6. Role of the Advisor.

a. The role of the advisor at the live hearing is to conduct cross-examination on behalf of a party. The advisor is not to "represent" a party, but only to relay the party's cross-examination questions that the party wishes to have asked of the other party and witnesses so that parties never personally question or confront each other during a live hearing. A party shall not conduct cross-examination on their behalf.

b. Each party may retain an attorney at their expense or designate a non-attorney advisor to accompany them at the live hearing. The advisor may provide advice and consultation to the parties or the parties' witnesses outside of the conduct of the live hearing to assist parties in handling the formal resolution process.

c. A party's advisor must conduct cross-examination at the live hearing directly, orally, and in real time. Only relevant cross-examination questions and follow-up questions, including those that challenge credibility, may be asked. Advisors may not raise objections or make statements or arguments during the live hearing.

d. The College shall appoint an advisor for the live hearing at no cost to a party when the party does not have an advisor. The appointed advisor may be but is not required to be a licensed attorney or anyone with formal legal training. Advisors may be faculty, staff, students, or volunteers from the local community.

7. Role of the Hearing Officer.

a. The role of the Hearing Officer is to preside over the live hearing in a fair and impartial manner. After the live hearing, the Hearing Officer must issue a written determination regarding responsibility using the preponderance of the evidence standard of evidence. The Hearing Officer will be the final decision-maker on all matters of procedure during the live hearing.

b) Before a complainant, respondent, or witness answers a cross-examination or other question, the Hearing Officer first must determine whether the question is relevant or cumulative and explain any decision to exclude a question that is not relevant or is cumulative.

c) The Hearing Officer may question the parties and witnesses, but they may refuse to respond.

d) The Hearing Officer may consider any relevant and reliable evidence, including statements of a party or witness, even if such party or witness does not submit to cross-examination at the live hearing. The Hearing Officer must first consider the reliability of any statement. Factors to consider include, but are not limited to, whether a party or witness commented on or challenged the statement prior to the live hearing, whether the statement is a rumor or something of which the party or witness does not

have first-hand knowledge, and whether the person who made the statement has a motive or a conflict of interest that can be demonstrated through other evidence. The level of reliability will determine the amount of weight the Hearing Officer will give to the statement when reaching a determination regarding responsibility.

Additionally, the Hearing Officer must not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

- e) Within ten (10) workdays after the live hearing, or with good cause shown as soon as possible, the Hearing Officer will submit a written determination to the Title IX Coordinator. The Hearing Officer must make a finding of responsibility or non-responsibility for each allegation, and describe the rationale for the finding based on an objective evaluation of the evidence presented at the live hearing. The written determination shall include the following:
  - 1. Identification of the allegations potentially constituting sexual harassment defined under this Policy;
  - 2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and live hearings held. The description of the procedural steps also should include who performed the investigation and the process taken to inspect and review the evidence and disseminate the investigative report, including the adherence to mandated procedural timelines;
  - 3. Findings of fact supporting the determination;
  - 4. Conclusions regarding the application of this Policy to the facts;
  - 5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any range of disciplinary sanction(s) to be imposed on the respondent, and whether (not which) remedies designed to restore or preserve equal access to the College's education program or activity will be provided to the complainant.
  - 6. When applicable, a statement that a notation will be placed on the academic transcript that the respondent was suspended or dismissed for a violation of the College's Title IX Policy.
  - 7. When applicable, a statement that the respondent may request the expungement of the notation on the academic transcript for good cause shown and after a period of three years.
  - 8. The College's procedures and permissible bases for the complainant and the respondent to appeal. If the complainant or respondent does not contest the finding or recommended sanction(s) and/or remedies and does not file an appeal within the required time frame, the written determination shall be final.

## **X. Actions Following the Written Determination**

- 1. The role of the Title IX Coordinator following receipt of the written determination from the Hearing Officer is to facilitate the imposition of sanctions, if any, the provision of remedies, if any, and to otherwise complete the formal resolution process.
- 2. The Title IX Coordinator must provide the written determination to the parties simultaneously, with a copy to Human Resources, Conduct Officer, and/or other College officials, as

appropriate. The appropriate college official, after consultation with the Title IX Coordinator, will determine the sanction(s) imposed and remedies provided, if any.

3. The parties shall receive the final decision on the imposition of sanction(s), if any, and the provision of remedies, if any, simultaneously within ten (10) workdays of receipt of the written determination by the appropriate college official(s). The College must disclose to the complainant the sanction(s) imposed on the respondent that directly relate to the complainant when such disclosure is necessary to ensure equal access to the College's education program or activity.

4. The Title IX Coordinator shall confer as necessary with employees, community resources, or other support services that will provide such remedies.

5. Any sanctions to be imposed or remedies to be provided should begin after five (5) workdays of submitting the final decision unless a party files an appeal.

6. If the respondent is a third party, the Title IX Coordinator will forward the written determination to the Assistant Director of College Safety and Security or designee. Within ten (10) workdays, the Assistant Director of College Safety and Security or designee shall determine and impose appropriate sanction(s), as described below. The respondent and the Title IX Coordinator shall receive written notification of sanction(s) in the final decision, if any. The Title IX Coordinator may disclose to the complainant information as described above.

## **Y. Appeals**

1. Within five (5) workdays of receipt of the final decision, either party may appeal the Hearing Officer's written determination regarding responsibility and the final decision related to sanctions and remedies. The complainant also may appeal the College's dismissal of a formal complaint or any of its allegations therein within five (5) workdays of such dismissal. The appeal must be in writing and submitted to the Title IX Coordinator, who will appoint an Appeal Officer within five (5) workdays of receipt of the appeal. The Appeal Officer's decision is final.

2. The Appeal Officer will grant an appeal only on the following bases:

- a. Procedural irregularity that affected the outcome of the matter;
- b. New evidence that was not reasonably known or available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- c. The Title IX Coordinator, investigator(s), or Hearing Officer had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter;

3. Within five (5) workdays of receipt of an appeal request, the Title IX Coordinator will notify the other party that an appeal has been filed and implement appeal procedures equally for both parties.

4. The Title IX Coordinator will compile the record, including the notice of allegations, evidence obtained, investigative report, live hearing recording, written determination, and final decision. The Title IX Coordinator shall forward the record with the appeal request to the Appeal Officer as soon as possible, but no later than ten (10) workdays of receipt of the appeal request.

5. The Appeal Officer must not be the Hearing Officer, the investigator, or the Title IX Coordinator and be free from conflict of interest and bias.

6. Upon receipt of the request for the appeal and the record, the Appeal Officer shall decide whether to grant the appeal, including the rationale for the decision, and notify the parties whether the appeal has been granted simultaneously. The decision shall be made within ten (10) workdays of receipt of the appeal request and record from the Title IX Coordinator.

7. If the Appeal Officer decides to grant the appeal, they will notify the parties that they have five (5) workdays to submit a written statement in support of, or against, the outcome of the written determination, final decision, or dismissal of the formal complaint. The Appeal Officer may grant additional time for good cause to both parties.
8. The Appeal Officer shall make the decision based on the record and the parties' written statements, if any. The Appeal Officer shall not receive additional statements or testimony from any other person.
9. The Appeal Officer shall issue a written determination of the result of the appeal and the rationale for such result within ten (10) workdays of receipt of written statements, if any. The Appeal Officer shall provide the written determination to the parties simultaneously.
10. At the conclusion of the appeal, the Title IX Officer shall facilitate the imposition of sanctions, if any, and the provision of remedies as provided in Section X.

## **Z. Informal Resolution Process**

1. The informal resolution process is available under the following conditions:
  - a) The complainant has filed a formal complaint of hostile environment sexual harassment involving parties with the same status (e.g., student-student or employee-employee);
  - b) The Title IX Coordinator or Deputy Title IX Coordinator has completed the steps described in Sections V1 through V4; and,
  - c) The parties voluntarily request in writing to resolve the formal complaint through the informal resolution process.
2. Within five (5) workdays after the receipt of the written request to start the informal resolution process, the Title IX Coordinator will appoint a College official to facilitate an effective and appropriate resolution ("Facilitator"). The Title IX Coordinator or Deputy Title IX Coordinator may serve as a Facilitator. Within five (5) workdays of such appointment (or receipt of the written request), the parties may identify to the Title IX Coordinator in writing any potential conflict of interest or bias posed by such Facilitator to the matter. The Title IX Coordinator will consider such information and will appoint another Facilitator if it is determined that a material conflict of interest or bias exists. Within five (5) workdays of the appointment (or receipt of the written request), the Facilitator will request a written statement from the parties to be submitted within ten (10) workdays. Each party may request that witnesses are interviewed, but the College shall not conduct a full investigation as part of the informal resolution process.
3. Within ten (10) workdays of receiving the written statements, the Facilitator will hold a meeting(s) with the parties and coordinate informal resolution measures. The Facilitator shall document the meeting(s) in writing. Each party may have one advisor of their choice during any meeting; however, the advisor may not speak on the party's behalf.
4. The informal resolution process should be completed within thirty (30) workdays in most cases, unless good cause exists to extend the time. The parties will be notified in writing and given the reason for the delay and an estimated time of completion.
5. Any resolution of a formal complaint through the informal resolution process must address the concerns of the complainant and the responsibility of the College to address alleged violations of the Policy, while also respecting the due process rights of the respondent. Informal resolution process remedies include mandatory training, reflective writing assignment, counseling, written counseling memorandum by an employee's supervisor, suspension, termination, or expulsion, or other methods designed to restore or preserve equal access to the College's education programs or activities.

6. At the conclusion of meetings, interviews, and the receipt of statements, the Facilitator will write a summary of such in a written informal resolution report and provide the parties with the informal resolution report simultaneously. The written informal resolution report shall include the notice of allegations, a meeting(s) summary, remedies provided, if any, sanctions imposed, if any, and whether the formal complaint was resolved through the informal resolution process. The Facilitator will forward the written informal resolution report to the Title IX Coordinator, when applicable.

7. At the conclusion of the informal resolution process, if the formal complaint was resolved to the satisfaction of the parties, the parties will provide a written and signed statement as such for the record. The decision will be final, and the matter will be closed.

8. At any time prior to resolving a formal complaint through the informal resolution process, either party may withdraw in writing from the informal resolution process and resume or begin the formal resolution process.

9. If the formal complaint is not resolved through the informal resolution process, the Title IX Coordinator shall begin the formal resolution process at Section V5 of this Policy.

10. The Facilitator shall not be a witness as part of the formal resolution process, but the written informal resolution report shall be part of the record.

#### **AA. Sanctions & Corrective Actions**

1. The College will take reasonable steps to address any violations of this Policy and to restore or preserve equal access to the College's education programs or activities. Sanctions for a finding of responsibility depend upon the nature and gravity of the misconduct, any record of prior discipline for similar violations, or both.

2. The range of potential sanctions and corrective actions that may be imposed against a student includes but is not limited to the following: required discrimination or harassment education, a requirement not to repeat or continue the discriminatory, harassing, or retaliatory conduct, verbal or written warning, a no-contact order, written or verbal apology, verbal or written warning, probation, suspension, and expulsion from the College.

3. Sanctions for faculty and staff shall be determined in accordance with the VCCS Policy Manual and the Department of Human Resource Management Standards of Conduct, respectively. Possible sanctions and corrective actions include required discrimination or harassment education, informal or formal counseling, reassignment, demotion, suspension, non-reappointment, and termination from employment.

4. Third parties, e.g., contractors, or patrons from the general public, will be prohibited from having access to the campus. Depending on the violation, this prohibition may be permanent or temporary.

5. Sanctions imposed do not take effect until the resolution of any timely appeal. However, the College may keep in place any interim measures when necessary.

#### **BB. Academic Transcript Notations and Expungement**

1. If a student is found responsible for an act of sexual violence as defined by this Policy and is suspended or dismissed, the student's academic transcript shall be noted as follows: "Suspended/Dismissed for a violation of the Brightpoint Community College's Title IX Policy."

In the case of a suspension, the College shall remove such notation immediately following the completion of the term of suspension and any conditions thereof, and when the student is considered to be in good standing. The student shall be considered to be in good standing for the purposes of this section following the completion of the term of suspension and satisfaction of all conditions thereof. Upon completion of the suspension, the Title IX Coordinator (or designee) shall meet with the student to confirm completion of the conditions and upon such confirmation, direct the registrar to remove the notation from the student's academic transcript.

2. If a student withdraws from the College while under investigation involving an act of sexual violence as defined by this Policy, the student's academic transcript shall be noted as follows: "Withdrew while under investigation for a violation of the Brightpoint Community College's Title IX Policy." Students are strongly encouraged not to withdraw from the College.

3. The College shall immediately remove the notation from the student's academic transcript upon a subsequent finding that the student is not responsible an offense of sexual violence as defined by this Policy. Upon such a finding, the Title IX Coordinator (or designee) shall direct the registrar to remove the notation from the student's academic transcript.

4. Notations on academic transcripts regarding suspensions and dismissals shall be placed on the student's academic transcript after resolution of any timely appeal.

5. The College shall expunge the notation from the academic transcript of any student for good cause shown and after a period of three (3) years.

a. Persons seeking to expunge the notation on an academic transcript shall submit a written request for expungement to the Vice President of Learning and Student Success no sooner than three years after the date the College placed the notation on the academic transcript.

b. The request for expungement must contain sufficient information to support a finding of good cause. For expungement purposes, good cause includes (1) the act of sexual violence did not involve serious bodily injury, the use of force, or threat, and the former respondent demonstrates remorse and/or rehabilitation; (2) the former respondent committed the Policy violation while under the age of 18 and the former respondent demonstrates remorse and/or rehabilitation; and, (3) any other reason that, in interest of justice, the notation should be expunged.

c. The Vice President of Learning and Student Success shall issue a written decision and the rationale for such decision within ten (10) workdays of receipt of the request.

d. If the request for expungement is denied, the former respondent may submit another request for expungement no sooner than three (3) years after the denial of the request. This decision is final.

## **CC. Training and Training Materials**

1. Title IX Coordinator(s), investigators, Hearing Officers, Appeal Officers, and Facilitators for the informal resolution process must receive annual training, as appropriate, on the following topics:

a) The definition of sexual harassment;

b) The scope of the College's education programs or activities;

c) How to conduct an investigation and grievance process, including live hearings, appeals, and informal resolution processes, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias;

d) The definition of relevance;

e) Investigative report writing; and,



- f) Technology that may be used at live hearings.
- 2. College-appointed advisors receive training on the definitions of sexual harassment, consent, preponderance of the evidence, and relevance.
- 3. Training materials must not rely on sex stereotypes and will promote impartial investigations and adjudications of formal complaints of sexual harassment.
- 4. All training materials must be available on the College's website.

#### **DD. Record Keeping**

- 1. The Title IX Coordinator, Deputy Title IX Coordinator, if applicable, and any other employee as appropriate, e.g., HR Director, shall maintain in a confidential manner, for at least seven (7) years from the date of creation of the last record pertaining to each case, in paper or electronic files of the following:
  - a) The complete file for each sexual harassment investigation and formal resolution process, including (i) any determination regarding responsibility; (ii) any audio or audiovisual recording or transcript of the live hearing; (iii) any disciplinary sanctions imposed on the respondent; and, (iv) any remedies provided to the complainant;
  - b) Records of any appeal and its result;
  - c) Records of any informal resolution process and its result;
  - d) All materials used to train Title IX Coordinators, investigators, Hearing Officers, Appeal Officers, and Facilitators for an informal resolution process.
- 2. Records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. Records must explain why the College's response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the College's education programs or activities.
- 3. If the College does not provide a complainant with supportive measures, then the College must document the reasons why such a response was not clearly unreasonable in light of the known circumstances, including whether such decision was made based on the complainant's request or desire for the College to take no action or to provide supportive measures.
- 4. The documentation of certain bases or measures does not limit the College in the future from providing additional explanations or detailing additional measures taken.

#### **EE. Use of Template**

All community colleges of the Virginia Community College System shall use this template. All reports of alleged incidents of sexual harassment shall be reported to the Office of System Counsel.

### **Sex Offender and Crimes Against Minors Registry Admissions Policy**

#### **Scope**

This policy covers college notification and establishes procedures for those on the sex offender and crimes against minors registry who apply to the college.

#### **Responsibilities**

This policy applies to students, the Admissions & Records Office, the Office of the Dean of Students, the college Threat Assessment Team, and the Vice President of Learning and Student Success.

#### **Policy**

Section 23-2:2:1 of the Code of Virginia requires that the Virginia Community College System (VCCS) send enrollment information to the Virginia State Police concerning applicants to institutions of higher education. This information is transmitted electronically and compared against the Virginia Criminal Information Network and National Crime Information Center Convicted Sex Offender and Crimes Against Minors Registry.

### **Procedures**

- A. If the college receives notification, the following procedures apply:
  1. The college's Threat Assessment Team (TAT) shall be notified and consider the applicant or student's enrollment for a determination of whether they are a threat to the campus community or danger to themselves, other students, faculty or staff (i.e., campus community). The Dean of Students reserves the right to suspend the individual or withhold the application on an interim basis while TAT considers the case.
  2. Before a recommendation is made by the TAT to the Dean of Students, the TAT will notify the applicant or student in writing that they will be afforded an opportunity to appear in person before TAT or present relevant information in writing regarding their sex offender or crimes against minors status for consideration of whether they are a threat or danger to the campus community. Upon receipt of such notice, the applicant or student shall have five (5) business days to contact the Dean of Students Office and arrange a meeting to appear before TAT or provide a written response. At a minimum, the applicant or student shall provide the following information:
    - a. Disclosure of the nature of the offense for which they have been convicted;
    - b. Justification for consideration of admissions/reinstatement;
  3. If the applicant or student does not respond within the requested timeframe, the Dean of Students Office shall inform them that TAT will proceed.
  4. The TAT shall determine whether a threat or danger exists and recommend to the Dean of Students whether to deny admission or revoke enrollment.
  5. The Dean of Students Office shall notify the applicant or student in writing of the TAT's recommendation and afford them with an opportunity to respond in writing within five (5) business days.
  6. The Dean of Students Office shall forward the TAT recommendation and any response(s) received from the applicant or student to the Vice President of Learning and Student Success (or designee) who may consult with TAT and shall issue a final decision in writing regarding admission or enrollment.
  7. The college will provide the campus community through its catalog or website information on how to access to the Sex Offender and Crimes Against Minors Registry consistent with state and federal law.

### **Mandatory Reporting of Child Abuse**

While everyone should be concerned about child abuse and neglect, certain individuals are required by law to report suspected instances. In 2012, the Virginia General Assembly (SB 239) added "any person employed by a public or private institution of higher education" to the list of "mandated reporters" set out in §63.2-1509 of *the Code of Virginia*. Mandated reporters, including all Brightpoint faculty and staff, are those persons who in their professional or official capacity, are required to report instances of suspected child abuse and neglect to the local Social Service Department or to the Virginia Department of Social Services (DSS). The toll-free child abuse and neglect hotline is 1-800-552-7096.

The *Code of Virginia* §63.2-100 defines an abused or neglected child as any child under 18 years of age whose parent or any person responsible for their care:

- Causes or threatens to cause a non-accidental physical or mental injury,
- Has a child present during the manufacture of a controlled substance or during the unlawful sale of such substance where such activity would constitute a felony violation,
- Neglects or refuses to provide adequate food, clothing, shelter, emotional nurturing, or health care,
- Abandons the child,
- Neglects or refuses to provide adequate supervision in relation to a child's age and level of development,
- Knowingly leaves a child alone in the same dwelling with a person, not related by blood or marriage who had been convicted of an offense against a minor for which registration is required as a violent sexual offender, or
- Commits or allows to be committed any illegal sexual act upon a child, including incest, rape, indecent exposure, prostitution, or allows a child to be used in any sexually explicit visual material.

## **Policy Reporting Child/Minor Abuse or Neglect**

### **Scope**

This policy covers the responsibility of the college to comply with relevant state laws related to the mandatory reporting of suspected child/minor abuse or neglect.

### **Responsibilities**

These policy guidelines will apply to all students, employees (e.g., Security, Office of the Dean of Students, Chief HR Officer), visitors, contractors, individuals and other third parties.

### **Definitions**

**Abused or Neglected Child/Minor:** Any child/minor under 18 years of age whose parent or any person responsible for their care:

1. Causes or threatens to cause a non-accidental physical or mental injury, or allows such an injury;
2. Allows a child/minor to be present during the manufacture of a controlled substance or during the unlawful sale of such substance where such activity would constitute a felony violation;
3. Neglects or refuses to provide adequate food, clothing, shelter, emotional nurturing or health care;
4. Abandons the child/minor;
5. Neglects or refuses to provide adequate supervision in relation to a child's age and level of development;
6. Knowingly leaves a child/minor alone in the same dwelling with a person, not related by blood or marriage, who has been convicted of an offense against a child/minor for which registration is required as a violent sexual offender; or
7. Commits or allows to be committed any illegal sexual act upon a child/minor, including incest, rape, indecent exposure, prostitution, or allows a child to be used in any sexually explicit visual material.

**Student:** A person who has applied to, been accepted, and registered/enrolled at the college.

**Employee:** Administrative faculty, professional faculty, teaching faculty, classified and non-classified, fulltime and part-time, salaried and hourly persons, and any and all other individuals, except independent contractors, employed by the college.

**Individual(s):** Anyone who comes to the attention of this policy.

**Third Parties:** Individuals who are not state employees, such as relatives, acquaintances, strangers, contractors or visitors.

**Policy:**

A. All Brightpoint employees, who in their official or professional capacity, have reason to suspect that a child/minor is an abused or neglected child/minor, are required to report the matter as soon as possible, but not longer than 24 hours after having reason to suspect a reportable offense of child/minor abuse or neglect.

B. Students are covered under additional provisions in the Brightpoint Student Handbook to include:

1. 19.19.10 Student Rights and Responsibilities;
2. 19.19.11 Student Code of Conduct;
3. 19.19.12 Student Disciplinary Policies and Procedures;
4. 19.19.13 Policy on Sexual Harassment;
5. 6.6.21 Admissions of Individuals on the Sex Offender and Crimes Against Minors Registry;
6. 3.19 Workplace Violence and Threat Assessment Team;
7. 14.12 Minors on Campus,

C. Employees are covered under additional provisions in the Brightpoint Policy Manual to include:

1. 19.19.13 Policy on Sexual Harassment;
2. 3.19 Workplace Violence and Threat Assessment Team;
3. 3.16 Standards of Conduct;
4. 14.12 Minors on Campus;
5. 15.21 Faculty Sanctions Policy.

**Procedures**

A. Any Brightpoint faculty or staff who have reason to suspect that a child/minor is abused or neglected are required to report the matter as soon as possible, but not longer than 24 hours after having reason to suspect a reportable offense has occurred. Reporting options include contacting Security, local police, Dean of Students office, Chief HR Officer, and/or completing the Brightpoint threat assessment referral form located at [https://cm.maxient.com/reportingform.php?BrightpointCC&layout\\_id=2](https://cm.maxient.com/reportingform.php?BrightpointCC&layout_id=2). Please check child abuse/neglect on the form.

In the event that the behavior is an immediate threat to the safety of the child/minor or safety of the college community, security and/or local police should be notified immediately. 911 may be called in addition to notifying security.

B. Once a report is made, the Dean of Students office will notify the Department of Social Services (DSS) toll-free child abuse and neglect hotline (1-800-552-7096). The Dean of Students office is responsible for maintaining records.

C. The Dean of Students or designee, or in cases involving staff or faculty, the Vice President of Administration or designee, and, if needed, the Threat Assessment Team or Title IX Review Committee, shall review the report of child/minor abuse and determine the appropriate policy/procedures to be initiated.

1. Child/ Minor abuse by a student is a violation of the Student Code of Conduct and the Student Disciplinary Policy and Procedures shall be initiated.
2. Child/Minor abuse by an employee falls under the Standards of Conduct Policy and Procedures. These policies, including those of the VCCS as appropriate, shall be initiated.
3. If an individual or student desiring admission to Brightpoint is on the Sex Offender and Crimes Against Minors Registry the policy on the Admissions of Individuals on the Sex Offender or Crimes Against Minors Registry shall be initiated.
4. If an individual or student desiring admission to Brightpoint has been convicted for child/minor abuse and is not on the Sex Offender and Crimes Against Minors Registry the Workplace Violence and Threat Assessment Team Policy shall be initiated.

### **Penalties for Failing to Make a Required Report**

- A. Any person who fails to file a report as soon as possible, but not longer than 24 hours after having reason to suspect a reportable offense of child abuse or neglect, may be fined not more than \$500.00 for the first failure and, not less than \$1,000.00 for any subsequent failures. In cases involving certain crimes of sexual assault, a person who knowingly and intentionally fails to file a report may be guilty of a Class 1 misdemeanor.
- B. Employees who make or cause to be made a report of child abuse or neglect that they know to be false may be guilty of a Class 1 misdemeanor.
- C. The Faculty Sanctions Policy and the Standards of Conduct Policy can be used with disciplinary actions commensurate with the severity and/or frequency of the offense and may include termination of employment.

### **Medical Care**

VCU Medical Center and St. Mary's Hospitals have specially trained Sexual Assault Nurse Examiners (SANE) on call 24 hours a day. SANE nurses collect evidence through a Physical Evidence Recovery Kit (PERK), which can later be used in criminal proceeding. The victim is not charged for the cost of the PERK. The PERK will be used to prosecute your assailant if you decide to press charges. You do not have to decide or promise to press charges to have a PERK completed, but may have it done to preserve evidence while deciding whether or not to press charges.

### **Local Area Hospitals**

Bon Secours St. Francis Medical Center

<http://www.bonsecours.com/>

13710 St. Francis Blvd.

Phone: 804-594-7300

Bon Secours St. Mary's Hospital

<http://www.bonsecours.com/>

5801 Bremon Road

Phone: 804-285-2011

Chippenham Medical Center

<http://hcavirginia.com/locations/chippenham-hospital/index.dot>

7101 Jahnke Road

Phone: 804-320-3911

Johnston-Willis Hospital

<http://hcavirginia.com/locations/johnston-willis-hospital/>

1401 Johnston-Willis Drive

Phone: 804-330-2000

Henrico Doctors' Hospital

<http://hcavirginia.com/locations/henrico-doctors-hospital/>

1602 Skipworth Road

Phone: 804-289-4500

John Randolph Medical Center

<http://hcavirginia.com/locations/john-randolph-medical-center/>

411 W. Randolph Road, Hopewell

Phone: 804-541-1600

McGuire Veterans Affairs Medical Center

<http://www.richmond.va.gov/>

1201 Broad Rock Blvd.

Phone: 804-675-5000

Southside Regional Medical Center

<http://www.srmconline.com/Southside-Regional-Medical-Center/home.aspx>

200 Medical Park Blvd., Petersburg

Phone: 804-765-5000

Virginia Commonwealth University Medical Center

<http://www.vcuhealth.org/>

1250 E. Marshall St.

Phone: 804-828-9000

## **Student Rights and Responsibilities**

### **Scope**

This policy covers students' rights and responsibilities as a condition of attendance at the college.

### **Responsibilities**

This policy applies to all students, college employees, and the Office of the Dean of Students.

## Policy

- A. The submission of an application for admission to the college represents a voluntary decision to participate in the programs and courses offered by the institution according to the policies, rules and regulations of the college and the State Board for Community Colleges.
- B. The college's approval of the application represents the extension of a privilege to join the college community and to remain a part of it so long as the student meets required academic and behavioral standards.
- C. Each student is guaranteed the privilege of exercising their rights without fear of prejudice.
- D. **Conduct by any student that adversely affects the college community's pursuit of its educational objectives or represents a threat to its students, faculty or staff will result in disciplinary action.**
- E. The student conduct code and the student disciplinary policies and procedures can be found in the college Policy Manual, in the current Student Handbook and on the college web site.
- F. The Dean of Students is responsible for the administration of all student disciplinary procedures.

## Student Rights

- A. Each student is guaranteed the privilege of exercising their rights without fear of prejudice. Such rights include the following:
  - 1. Students are free to pursue their educational goals. Appropriate opportunities for learning in the classroom and on the campus are provided by the college through the majors offered.
  - 2. Free inquiries, expressions, and assemblies are guaranteed to all students provided such actions do not interfere with the rights of others or the effective operation of the institution.
  - 3. Academic evaluation of student performance shall be neither arbitrary nor capricious.
  - 4. Each student will be informed at the beginning of each course as to how the instructor will arrive at the grade for the class. This should be in writing and included in the written outline or syllabus of the course. The student's final grade should be based on total performance for the semester.

## Student Responsibilities

- A. Student responsibilities include the following:
  - To know and adhere to the regulations, policies and procedures of the institution addressing academics and student behavior.
  - To respect the rights of others to freely express their views and opinions.
  - To accept responsibility for the consequences of one's actions.
  - To afford appropriate respect to faculty, staff and administrators in the performance of their duties and responsibilities.

- To practice academic integrity in all academic undertakings, avoiding all forms of academic dishonesty, including cheating, plagiarism and furnishing false information.

## **Student Conduct**

### **Scope**

This policy outlines the types of student misconduct subject to disciplinary action at the college.

### **Responsibilities**

This policy applies to students, the Office of the Dean of Students, and employees of the college. All full-time and part-time students are responsible for following this policy. The Dean of Students office is responsible for updating and maintaining this policy.

### **Policy**

A. Generally, college disciplinary action shall be limited to conduct which adversely affects the college community's pursuit of its educational objectives. The following misconduct is subject to disciplinary action:

1. Not abiding by the college's COVID-19 safety protocols found on the following website: <https://www.brightpoint.edu/about/health-and-safety>
2. All forms of dishonesty including cheating and plagiarism (see Academic Dishonesty Policy).
3. Knowingly furnishing false information to the college, forgery, alteration or use of college documents or instruments of identification with intent to defraud.
4. Disruption or obstruction of teaching, research, administration, disciplinary proceedings or other college activities.
5. Physical, psychological, written and/or verbal abuse or the threat of such abuse of any person on college premises or at college activities. This includes hazing, sexual harassment and sexual assault (see Title IX Policy).
6. Not affording appropriate respect to faculty, staff and administrators in the performance of their duties and responsibilities.
7. Participating in or inciting a riot or an unauthorized or disorderly assembly.
8. Seizing, holding, or damaging property or facilities of the college, or threatening to do so, or refusing to depart from any property or facilities of the college upon direction by college officials or other persons authorized by the President.
9. Use of alcoholic beverages including the purchase, consumption, possession or sale of such except where specifically authorized within the regulations of the college.
10. Gambling or holding a raffle or lottery on the campus or at any college function without proper college and other necessary approval.
11. Possessing, using, selling or distributing any types of illegal drugs (see Policy Governing the Use of Alcohol and Other Drugs).
12. Possessing on college property or at any college activity any dangerous chemical, or explosive elements or component parts thereof, or rifle, shotgun, pistol, revolver, or other firearm, knife, or any other items being used as a weapon not used for lawful college studies without an authorization by the President of the college or designee.
13. Physically detaining or restraining other persons or removing such persons from places where they are authorized to remain or in any way obstructing the free movement of persons or vehicles on college premises or at college activities.
14. Littering, defacing, destroying or damaging property of the college or property under its jurisdiction or removing or using such property without authorization.



15. Willfully encouraging others to commit any of the acts that have been prohibited herein.
16. Violating any local, state or federal laws.
17. Violating any rule or regulation not contained within the official college publications but announced as an administrative edict by a college official or other person authorized by the President.
18. Violation of college parking regulations.
19. Violation of college fire regulations, such as failure to comply with emergency evacuation procedures or tampering with fire protection apparatus.
20. Theft or attempted theft of college or personal property on college premises.
21. Unauthorized entry into or presence in any college building or facility.
22. Violation of college policy on expressive activity.
23. Violation of college policy on solicitation and distribution of materials on college property.
24. Texting, receiving and making phone calls, emailing, taking photos, creating videos, filming or recording in class is prohibited unless otherwise approved by the instructor or by accessibility services as an approved accommodation. Please note that recording accommodations may not be appropriate in all classes or all situations in a class. For example, recording, filming or taking photographs in a nursing, art, communications or other class where personally identifiable information regarding a patient, student or model is presented would not be appropriate or allowed. Please be aware that instructors may ask students to put away or close cell phones, close laptops, cameras, or other devices during all or a portion of the class. In cases where the student needs to use a cell phone for emergencies, the student should consult the instructor for direction.
25. Downloading student speeches and other work without permission is prohibited in online, hybrid and in-person classes.
26. Using a preferred name in MyBrightpoint that is disruptive to the operation of the college, to include teaching and learning. Please note that VCCS policy allows students to indicate a preferred name in the MyBrightpoint Student Information System (SIS), which will appear on class rosters and in Canvas. The official student name record may not be changed without legal documentation.

Note: Nursing students should consult the Brightpoint Nursing Handbook for additional information regarding conduct.

Note: Emergency Medical – Paramedic and Emergency Medical Technician students should consult the Brightpoint Emergency Medical Services Student Handbook for additional information regarding student conduct.

## **Student Disciplinary Policies and Procedures**

### **Scope**

This policy covers student disciplinary actions and accompanying procedures.

### **Responsibilities**

This policy applies to students, employees, the Judicial Affairs Officer, the Office of the Dean of Students, and the Vice President of Learning and Student Success.

## **Definitions**

### **Campus Judicial Affairs Officers**

Campus Judicial Affairs Officers for the Chester and Midlothian campuses are appointed annually by the Dean of Students, subject to the approval of the college Vice President of Learning and Student Success.

## **Policy**

A. Campus Judicial Affairs Officers are responsible for the administration of disciplinary procedures at the Chester and Midlothian campuses, off-site classes, online classes, email communications and Canvas posts, except in cases relating to Title IX or involving possible Title IX violations. Please see the Title IX policy for additional information. Also, please see the policy on Academic Dishonesty for cases of cheating and/or plagiarism.

B. Allegations of violation of college policy are accepted for consideration only when the apparent infractions are observed on college property or other locations where the college provides services. Infractions of federal, state, or local laws occurring off campus shall be the concern of the civil authorities except when such actions (1) directly affect the health, safety, or security of the college community; (2) affect the college's pursuit of its educational purposes; or (3) occur as a direct result of a college-connected disruption. Reports of alleged student violations of published college regulations may be submitted by an individual to the Dean of Students. There is no time limit on the reporting of infractions, however, an individual should make the report as soon as possible after the infraction. The Dean of Students will assign a Judicial Affairs Officer as appropriate.

## **Procedures**

A. When unruly or otherwise unacceptable behavior occurs in a classroom or laboratory, the instructor may immediately require the student or students who are responsible for the disruption to leave the classroom. It is the student's responsibility to contact the instructor prior to the next scheduled class meeting. After discussing the problem with the student, the instructor must either permit the student to return to class or forward formal written disciplinary charges against the student to the Dean of Students.

B. When unruly or otherwise unacceptable behavior occurs in the college libraries, library personnel may require the student or students who are responsible for the disruption to identify themselves and leave the library. It is the student's responsibility to contact the librarian prior to returning to the library. After discussing the problem with the student, the librarian must either permit the student to return to the library or forward formal written disciplinary charges against the student to the Dean of Students.

C. When unruly or otherwise unacceptable behavior occurs in any college facility, college office or in any college related communications, faculty, staff or security personnel may immediately require the student or students who are responsible for the disruption to identify themselves and leave the campus. It is the student's responsibility to contact faculty, staff or security personnel prior to returning to campus. After discussing the problem with the student, faculty, staff or security personnel must either permit the student to return to campus or forward formal written disciplinary charges against the student to the Dean of Students.

D. Once charges have been forwarded to the campus Judicial Affairs Officer, the student may attend the class, laboratory, library or specified campus facilities pending the campus

Judicial Affairs Officer's review of the allegation. If the Dean of Students, designee or the Vice President of Learning and Student Success believes, however, that the student's presence in the class, laboratory, library or specified campus facilities may infringe on the rights of others or pose a threat to the welfare of other students and the instructor, the Dean of Students may prohibit the student from returning to the class, laboratory, library or specified campus facilities until the allegations have been adjudicated.

E. The campus Judicial Affairs Officer is responsible for interpreting alleged misconduct with regard to published regulations and for identifying specific charges that will be brought against the student(s) involved. The campus Judicial Affairs Officer should bring charges within ten (10) business days from receipt of a report of a violation.

### **Interim Suspension Option**

A. A student, pending a hearing by the campus Judicial Affairs Officer, may be suspended on an interim basis by the Dean of Students, designee or the Vice President of Learning and Student Success and barred from the college or specified college facilities if their presence is deemed a danger to others or is likely to be disruptive to the normal educational activities of the college. The Dean of Students, designee or Vice President may seek guidance and input from the Threat Assessment Team. Nothing in these procedures should be construed to prevent the Dean of Students, designee or Vice President from taking such official steps as they may deem necessary except that final action shall be in accordance with the procedures outlined in this policy.

### **Student Administrative Hearing**

A. After reviewing allegations, specifying the charges and obtaining any necessary information, the campus Judicial Affairs Officer will contact the student requesting a meeting to discuss the case with the student, including the nature and source of the charges and the student's rights and responsibilities. During this discussion, the student may question the credibility of their accusers or other witnesses by submitting questions through the campus Judicial Affairs Officer. The student will be given an opportunity to review relevant materials, which may have been presented as evidence against them. The campus Judicial Affairs Officer may seek guidance from the Threat Assessment Team. Following this review, the campus Judicial Affairs Officer will either impose a disciplinary sanction or vacate the charges. This decision will be forwarded to the student in writing within ten (10) business days of the initial meeting between the campus Judicial Affairs Officer and the student. If the Threat Assessment Team is consulted the decision notification may be extended to fifteen (15) business days of the initial meeting between the campus Judicial Affairs Officer and the student.

B. NOTE: If the student declines or does not attend the student administrative hearing, disciplinary proceedings will be held in their absence.

C. NOTE: The Threat Assessment Team, upon review of the judicial affairs investigation and other information available to the team, may make a recommendation of the disciplinary action to be taken. In these cases, the student will be notified in writing. For additional information regarding the Threat Assessment Team process refer to policy 3.19 Workplace Violence and Threat Assessment Team.

D. NOTE: The student may be accompanied by another individual solely for support at the hearing. This individual may not advocate or actively participate on the student's behalf at the hearing. If the student wishes to be accompanied by another individual at the hearing, a request must be submitted to the Judicial Affairs Officer no less than 48 hours prior to the hearing.

### **Disciplinary Actions**

A. Disciplinary actions available to the campus Judicial Affairs Officer are as follows:

1. Removal of the charges against the student.
2. Admonition: An oral or written statement to a student that they are violating or has violated college rules and may be subject to more severe disciplinary action.
3. Disciplinary Probation: A student may be prohibited from participating in college extracurricular activities, using specified college facilities, or otherwise restricted in their movements while at the institution for a period of time not to exceed one year. A student who violates the provisions of their probation will be immediately dismissed from the institution.
4. Restitution: Reimbursement for damage to or misappropriation of property. This may take the form of appropriate service or other compensation.
5. Attendance and successful completion of a special student development tutorial addressing ethics and appropriate student behavior. (The failure to attend and successfully complete this tutorial will result in the assignment of another disciplinary action.)
6. Disciplinary suspension: Exclusion from attending the college as a student for a definite period of time not to exceed two academic years.
7. In cases where dismissal is recommended by the Judicial Affairs Officer, this recommendation shall go to the Threat Assessment Team (TAT) for review. Please see the Workplace Violence and Threat Assessment Team policy for dismissal policy and procedures.
8. Administrative withdrawal from a course in which the student was found to be threatening and/or disruptive.

B. All records of the infraction and materials pertaining to and resulting from the inquiry (and any subsequent appeal) will be forwarded to the Dean of Students Office. This information will remain in the Dean's office.

### **Appeals to the Dean of Students**

A. If the campus Judicial Affairs Officer imposes a disciplinary sanction, the student may appeal the sanction in writing to the Dean of Students or designee within ten (10) business days of the receipt of the campus Judicial Affairs Officer's decision. The Dean or designee will review the entire disciplinary proceeding and provide the student with a written notification of their findings and decision within ten (10) business days of the receipt of the appeal. The Dean may request to meet with the student during their deliberations.

### **Appeals to the Vice President of Learning and Student Success**

A. A student may appeal the decision of the Dean of Students or designee to the Vice President of Learning and Student Success or designee in writing within ten (10) business days of the receipt of the Dean's decision. The Vice President will review the Dean's decision and provide the student with a written notification of their findings within ten (10) business days of the receipt of the appeal. The decision of the Vice President is final.

## **Disciplinary Records**

A. All records of disciplinary action will remain confidential, will remain separate from the student's academic record, will be maintained in the Dean of Students Office, and will not be available to unauthorized persons on campus or to any person off campus without the express written permission of the student involved. Exceptions will be made only under the conditions specified in the Family Education Rights and Privacy Act of 1974, as amended, and under a court order or subpoena.

## **College Maps and Directions**

We have two beautiful and convenient campuses, one in Chester and the other in Midlothian.

[Chester Campus](#)

[Midlothian Campus](#)

### **Chester Campus**



### **Street and Mailing Address**

Brightpoint Community College  
13101 Route 1  
Chester, Virginia 23831-5316

[Directions](#)

[Map of Campus](#) 

Brightpoint Community College's original campus was built in Chester in 1967. Since then, Brightpoint Community College's Chester Campus has been expanded and renovated. It now consists of five buildings, which house a learning resource center, our technical laboratories and classrooms, traditional classrooms, computer labs, and a large student center.

Buildings at Chester are named for individuals who played an important role in the history of the College. If you would like to learn more about the names, please visit the [building namesake's](#) page.

## Midlothian Campus



### Street and Mailing Address

Brightpoint Community College  
800 Charter Colony Parkway  
Midlothian, Virginia 23114-4383

[Directions](#)

[Map of Campus](#) 

Brightpoint Community College's Midlothian Campus was built in 2000. It now consists of four buildings: an administration building, three academic buildings, and a warehouse/physical plant facility. In July 2010, Hamel Hall, then known as the Science Building, was awarded a [Leadership in Energy and Environmental Design \(LEED\)](#) Silver certification, becoming the first project in the Virginia Community College System to be certified under the LEED Green Building Rating System. Buildings at Midlothian are named for individuals who played an important role in the history of the College. If you would like to learn more about the names, please visit the [building namesake's page](#).