

**Bon Secours Memorial  
College of Nursing**

# **Annual Security Report**

**2023 - 2024**

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# INTRODUCTION

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This report is provided in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act, as amended. It provides students and associates of Bon Secours Memorial College of Nursing ("College" or "BSMCON") with information on: the College's security arrangements, policies and procedures; programs that provide education on such things as drug and alcohol abuse, awareness of various kinds of sex offenses, and the prevention of crime generally; and procedures the College will take to notify the campus community in the event of an emergency. Its purpose is to provide students and associates with information that will help them make informed decisions relating to their own safety and the safety of others.

## **Policy for Preparing the Annual Report**

This report is prepared by the Director of Compliance and Risk Management in cooperation with local law enforcement authorities and includes information provided by them as well as by the



College's campus security authorities and various other elements of the College. Each year an e-mail notification is made to all enrolled students and employees (also referred to as associates throughout this report)) that provides the website link to access this report. Prospective students and associates are also notified of the report's availability. Hard copies of the report may also be obtained at no cost by contacting Dr. Monique Bates, Bon Secours Memorial College of Nursing, 8550 Magellan Parkway, Suite 1100, Richmond, VA 23227, (804) 316-9606. The College is committed to taking the actions necessary to provide a safe and secure working/learning environment for all students and staff. As a member of the campus community, you can feel safe and comfortable knowing that security procedures are in place that represent best practices in the field, and are constantly tested and re-evaluated for their effectiveness.

## GENERAL SAFETY & SECURITY POLICIES

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### Campus Security Personnel and Relationship with Local Law Enforcement

The College does not have a campus security or police department.

The College contracts with the Henrico County Police Department (HCPD) to provide off-duty police coverage for early morning and late evening security on weekdays as well as some special events that fall outside of the normal HCPD coverage or on weekends. These off-duty police officers make up the College's campus security. Therefore, the college's campus security

is provided by commissioned law enforcement officers. The officers have the authority to make arrests and carry firearms. The department's jurisdiction covers all of the College's property and the neighborhoods surrounding the campus. Further, as the campus is a component of the Windsor Park complex, American Security provides additional security to the Windsor Park Commercial property alongside regular monitoring by HCPD of the campus grounds on an ongoing basis.



The College's annually reviewed contract agreement with the HCPD sets the terms of the relationship between the College and the HCPD's off-duty officers. Under this agreement, HCPD's off-duty officers are to ensure state and local laws as well as the College's safety and security policies are enforced within and around the campus.

## Campus Security Authorities

The College has designated certain officials to serve as campus security authorities. Reports of criminal activity can be made to these officials. They in turn will ensure that the crimes are reported for collection as part of the College's annual report of crime statistics. The campus security authorities to whom the College would prefer that crimes be reported are listed below.

- Student Services Coordinator at (804) 627-5390
- Student Success Director at (804) 627-5335
- Dean of Clinical Simulation and Learning Center at (804) 627-5405
- Building Coordinator at (804) 627-5388
- College Receptionist at (804) 627-5300
- Information Technology Director at (804) 627-5457
- Associate Dean for Faculty and Distance Education at (804) 627-5393
- Associate Dean of Academic Affairs at (804) 627-5351
- Dean of Academic Affairs at (804) 627-5352
- Director of Compliance and Risk Management at (804) 316-9606
- Dean of Student Affairs at (804) 627-5327
- Associate Dean of Student Affairs at (804) 627-5139
- Director of Student & Alumni Affairs at (804) 627-5390
- Clinical Simulation and Learning Center Technical Manager at (804) 627-5345

- Building Operations Manager at (804) 765-5816
- Off-Duty Police Coordinator at (804) 539-1593
- Campus Director and Dean of Academic Affairs at (804) 627-5352
- Dean of Administration at (804) 627-5306

## Reporting a Crime or Emergency

The College encourages accurate and prompt reporting of all criminal actions, emergencies, or other incidents occurring on campus, on other property owned by the College, or on nearby public property to the appropriate administrator and appropriate police agencies. Such a report is encouraged even when the victim of a crime elects not to make a report or is unable to do so.

- All crimes occurring on or near College property should be reported immediately to the Dean of Administration or a Campus Security Authority identified above during business hours. The number to contact is (804) 627-5300. Outside of regular business hours (8am-5pm), the local Henrico Police Department should be contacted at (804) 501-5000.
- Crimes and other emergencies may be reported online through the College's website by logging onto <https://www.bsmcon.edu/index.php/report-incidentcrime> and following the instructions, including anonymous reporting.
- If a crime is in progress or there is some other situation posing imminent danger, local law enforcement can be reached by dialing 9-911 from a campus landline telephone or 911 from a mobile phone.
- Once reported on campus or online, the individual reporting may also be encouraged to report the situation to the appropriate police agency. If requested, a College staff member will assist in making the report to police.

## Confidential Reporting

The College will protect the confidentiality of victims. Only those with a need to know the identity for purposes of investigating the crime, assisting the victim or disciplining the perpetrator will know the victim's identity.

Pursuant to the University's Title IX Sexual Harassment Policy, when an associate who is not a confidential resource becomes aware of alleged misconduct under that policy (including, but not limited to, dating violence, domestic violence, sexual assault, and stalking), the associate is responsible for reporting that information, including the status of the parties if known, to the Title IX Coordinator. A victim of other types of crimes (e.g., aggravated assault, burglary, etc.) who

does not want to pursue action within the College disciplinary system or the criminal justice system is nevertheless encouraged to make a confidential report to a campus security authority.

Upon the victim's request, a report of the details of the incident can be filed with the University without revealing the victim's identity. Such a confidential report complies with the victim's wishes, but still helps the University take appropriate steps to ensure the future safety of the victim and others. With such information, the University can keep an accurate record of the number of incidents involving members of the campus community, determine where a pattern of crime may be developing and alert the community as to any potential danger. These confidential reports are counted and disclosed in the annual crime statistics for the University.

The College does not have pastoral counselors, and it does not have procedures that encourage its professional counselors, if and when they deem it appropriate, to inform the person they are counseling to report crimes on a voluntary, confidential basis for inclusion in the annual report of crime statistics.

## Security of and Access to Campus Facilities

BSMCON building access hours are posted on the College website at <https://www.bsmcon.edu/locations-contacts>. Student access to both campus buildings at 8550 and 8570 Magellan Parkway (referred to as "8550 and 8570" buildings or "BSMCON buildings") is through their school-issued badges and is limited to the following days and times:

Monday – Friday: 7AM – 8PM

Saturday – Sunday: Closed

Hours may be modified under special circumstances such as holidays, institutional break periods, or inclement weather. Adjustments to the standard building access will be communicated to the BSMCON community via signage, email, the BSMCON website, and/or other campus notifications. Outside of these hours, students are required to enter through the main entrance. The campus is generally closed on weekends. Faculty and staff receive 24/7 access to 8550 and 8570 buildings through College-issued badges. If necessary, the Dean of Administration in collaboration with the appropriate College leaders may adjust building hours to better suit a specific need(s). After-hours access to BSMCON buildings is limited to faculty, staff, students, and contractors who have been properly authorized in advance to enter a given building or set of buildings.

All operating hours for both campus buildings at 8550 and 8570 Magellan Parkway are posted on the College website and updated regularly as needed. More details about College buildings access can be found in the policy ADM 9.08 Building Access and may be found on BSMCON's





policies webpage available at <https://www.bsmcon.edu/locations-contacts>.

Students and associates are asked to be alert and to not circumvent practices and procedures that are meant to preserve their safety and that of others.

- Do not prop doors open or allow strangers into campus buildings that have been secured.
- Do not lend keys or badges to non-students and do not leave them unattended.
- Do not give badges to anyone who does not belong to the campus community.

Keys and/or badges to the offices, laboratories, and classrooms on campus are issued to associates only as needed. The level of access to various spaces is dependent upon proper authorization. Each department supervisor is responsible for assuring his/her area is secured and locked.

Associate and student badges may be used to verify the identity of persons suspected to be in campus facilities without permission.

## **Security Considerations in the Maintenance of Facilities**

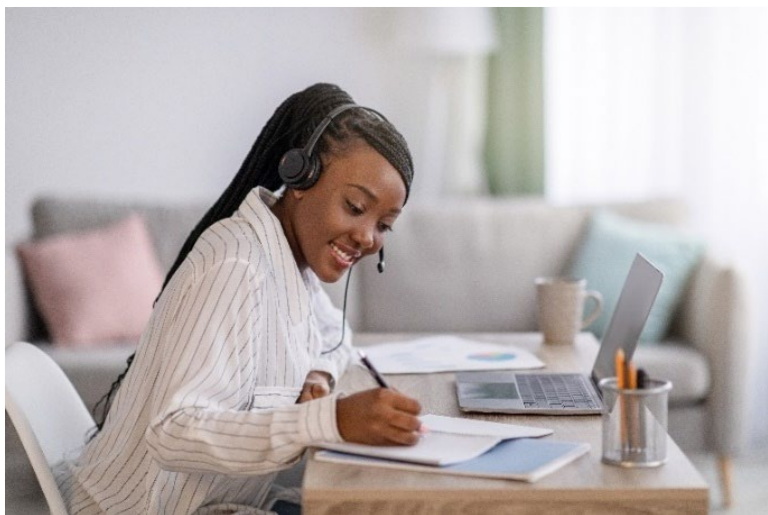
Campus security works with the Building Coordinator to identify maintenance issues on campus



that may be safety hazards. Safety checks are completed to identify street or safety lights that are not functioning properly, or to determine if shrubs or other landscaping might need trimming. The Building Coordinator regularly checks to ensure there is adequate lighting on pathways and that egress lighting is working in hallways.

## **Educational Programs Related to Security Awareness and Prevention of Criminal Activity**

The College seeks to enhance the security of its campus and the members of the campus community by periodically presenting educational programs to inform students and associates about campus security procedures and practices, to encourage students and associates to be responsible for their own security and the security of others and to inform them about the prevention of crimes. These programs are discussed below.



All BSMCON associates and students are strongly encouraged to complete the assigned safety modules available in the SafeColleges web application. This is done through a communication from the Director of Compliance and Risk Management each Fall and Spring semester. Through SafeColleges, safety and security training is provided to BSMCON students and associates around crime prevention, security

awareness, alcohol and drug abuse awareness, and sexual misconduct. Additionally, all new BSMCON students receive campus safety training during BSMCON's new student orientation sessions via a customized and animated safety video. New students also receive a safety video companion handout with relevant safety information about campus safety and security, campus safety resources, training links, and important contacts.

## **Monitoring Off Campus Locations of Recognized Student Organizations**

The College does not have any officially recognized student organizations with off campus locations and therefore does not monitor or record criminal conduct occurring at such locations.

## Disclosure of the Outcome of a Crime of Violence or Non-Forcible Sex Offense

Upon written request, the College will disclose to the alleged victim of a crime of violence (as that term is defined in section 16 of title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the College against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of the paragraph.

The previous paragraph does not apply to victims of dating violence, domestic violence, sexual assault, or stalking because under the Violence Against Women Act both the accused and accuser in these cases are given the results without the need to make a written request.

## DRUG & ALCOHOL POLICY

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The College of Nursing is committed to maintaining a healthy and substance abuse-free environment that promotes the safety and welfare of students, patients, associates and visitors. Additionally, the College adheres to all Commonwealth of Virginia alcohol consumption age-restrictions. <https://www.bsmcon.edu/drug-and-alcohol-abuse-prevention>  
The College also enforces federal, state, and local drug laws. See ADM 9.09: Student Drug and Substance Abuse here: <https://www.bsmcon.edu/drug-and-alcohol-abuse-prevention>

## Federal Drug Laws (updated 08.01.2023)

**Denial of Federal Benefits (21 U.S.C. § 862)** A federal drug conviction may result in the loss of federal benefits, including loans, grants, scholarships, contracts, and licenses, although the Department of Education has said it will no longer disqualify students from Title IV aid for a federal or state conviction for possession or sale of a controlled substance.

**Forfeiture of Personal Property and Real Estate (21 U.S.C. § 853)** Any person convicted of a federal drug offense punishable by more than one year in prison shall forfeit to the United States any personal or real property related to the violation. A warrant of seizure may be issued and property seized at the time an individual is arrested on charges that may result in forfeiture.

**Federal Drug Trafficking Penalties (21 U.S.C. § 841)** Penalties for federal drug trafficking convictions vary according to the type and quantity of the controlled substance involved in the transaction. Penalties for subsequent convictions are more severe. Federally-defined schedules of controlled substances are published at 21 U.S.C. 812.

In the case of a controlled substance in schedule I or schedule II, GHB (or, “liquid ecstasy”), or flunitrazepam (or, “rohypnol”), a person shall be sentenced to a term of imprisonment of not more than 20 years. If death or serious bodily injury results from the use of a controlled substance which has been illegally distributed, the person convicted on federal charges of distributing the substance faces the possibility of a life sentence and fines ranging up to \$10 million.

In the case of a controlled substance in schedule III, a person shall be sentenced to a term of imprisonment of not more than 10 years, and if death or serious bodily injury results, shall be sentenced to a term of imprisonment of not more than 15 years or a fine not to exceed \$500,000, or both, for a first offense.

For less than 50 kilograms of marijuana, the term of imprisonment shall not be more than five years, and the fine shall not be more than \$250,000, or both, for a first offense.

In the case of a schedule IV substance, the term of imprisonment shall not be more than five years, and the fine shall not be more than \$250,000, or both, for a first offense.

Persons convicted on federal charges of drug trafficking within 1,000 feet of an elementary school, secondary school, college, or university **(21 U.S.C. § 860)** face penalties of prison terms and fines which are twice as high as the regular penalties for the offense, with a mandatory prison sentence of at least one year, unless the offense involves five grams or less of marijuana.

**Federal Drug Possession Penalties (21 U.S.C. § 844)** Persons convicted on federal charges of possessing any controlled substance face penalties of up to one year in prison, a mandatory fine



of no less than \$1,000, or both. Second convictions are punishable by not less than 15 days but not more than two years in prison and a minimum fine of \$2,500. Subsequent convictions are punishable by not less than 90 days but not more than three years in prison and a minimum fine of \$5,000.

For the most recent and complete Federal Trafficking Penalties information, visit the website of the U.S. Drug Enforcement Administration at [www.campusdrugprevention.gov/sites/default/files/2022-07/Federal Trafficking Penalties Chart 6-23-22.pdf](http://www.campusdrugprevention.gov/sites/default/files/2022-07/Federal_Trafficking_Penalties_Chart_6-23-22.pdf).

## Drug and Alcohol State Laws

CATEGORY	SUMMARY (VIRGINIA CODE)
<p><b>Possession of Marijuana</b></p>	<p>Possession of up to one ounce of marijuana is permitted for adults 21 years of age and older. See VA Code Ann. § 4.1-1100. Possession of more than one ounce but less than four ounces of marijuana is a civil penalty with a maximum fine of \$25. <i>Id.</i> Possession in public of more than four ounces of marijuana will result in increasing penalties. For example, possession of more than one pound of marijuana in public is a felony punishable by one to 10 years in prison and/or a fine of up to \$250,000. <i>Id.</i> Additionally, no person shall consume or offer marijuana to another in a public place. See VA Code Ann. § 4.1-1108. For a first offense, offender is subject to a civil penalty of no more than \$25. <i>Id.</i> Second and subsequent offenses may result in required substance abuse treatment and/or education and may receive greater penalties. <i>Id.</i> Except as authorized in the Drug Control Act, it is unlawful for a person to sell, give, distribute, or possess with intent to sell, give, or distribute marijuana. See Va. Code Ann. § 18.2-248.1. There is a rebuttable presumption, however, that marijuana in an amount less than one ounce is for the personal use of the person who possesses it. See <i>id.</i> Otherwise, the sale or possession of marijuana in an amount of up to one ounce is a class 1 misdemeanor. <i>Id.</i> The sale or possession of marijuana with an intent to distribute in an amount more than one ounce but less than five pounds is guilty of a Class 5 felony, and possession in an amount greater than five pounds is a felony. <i>Id.</i> Third and subsequent felony offenses receive greater penalties. <i>Id.</i></p>
<p><b>Controlled Substances</b></p>	<p>Virginia statutes cover a wide range of offenses related to controlled substances. See <i>generally</i> Va. Code Ann. §§ 18.2-247 – 18.2-264. It is unlawful for any person knowingly or intentionally to possess a controlled substance without a valid prescription, unless an exception</p>

CATEGORY	SUMMARY (VIRGINIA CODE)
	<p>applies. See Va. Code Ann. § 18.2-250. Penalties for the possession and delivery of illegal drugs include prison sentences and monetary fines and vary widely by the type of drug, amount confiscated, the number of previous offenses by the individual, and whether the individual intended to manufacture, sell, or use the drug. See <i>id.</i> Distribution of certain drugs to persons under 18 and sale or manufacture of drugs on or near certain properties, including institutions of higher education, carry enhanced penalties. See Va. Code Ann. § 18.2-255 and Va. Code Ann. § 18.2-255.2.</p> <p>As an example, any person who knowingly manufactures, sells, gives, or distributes any anabolic steroid may be sentenced to a term of imprisonment from 1 to 10 years and/or a fine of up to \$20,000. See Va. Code Ann. § 18.2-248.5.</p> <p>In addition, any person who sells or possesses with intent to sell drug paraphernalia shall be guilty of a class 1 misdemeanor, with jail time up to 12 months and fines up to \$2,500. See Va. Code Ann. §§ 18.2-265.3, 18.2-11.</p>
<b>Alcohol and Minors</b>	<p>No person under the age of 21 may lawfully consume, purchase, or possess any alcoholic beverage unless in a private residence where he or she is accompanied by a parent/guardian or spouse who is 21 years of age or older. See Va. Code Ann. § 4.1-305; § 4.1-200. Use of an altered, fictitious, facsimile, or simulated form of identification to establish a false age in order to purchase or consume alcohol is unlawful. Va. Code Ann. § 4.1-305. Both of these offenses constitute Class 1 misdemeanors and are punishable by a minimum fine of \$500 or at least 50 hours of community service, as well as a license suspension between 6 months and 1 year (depending on the age of the offender). <i>Id.</i></p> <p>Any person other than a parent who purchases for, or otherwise gives, provides, or assists in the provision of alcoholic beverages to another person, when he knows or has reason to know that such person was less than 21 years of age is guilty of a Class 1 misdemeanor. In addition to other applicable penalties, this offense carries a driver's license suspension of up to 1 year. See Va. Code Ann. § 4.1-306.</p>
<b>Driving While Intoxicated (DWI)</b>	<p>A person is guilty of driving while intoxicated if they have a blood or breath alcohol concentration of 0.08 grams. See Va. Code Ann. § 18.2-266. The offender will be guilty of a Class 1 misdemeanor with a mandatory minimum fine of \$250. See Va. Code Ann. § 18.2-270. The offender will be required to have a vehicle interlock system for no less than 6 consecutive months without alcohol-related violations. See Va. Code Ann. § 18.2-270.1. The offender's license may also be suspended for 1 year. See Va. Code Ann. § 18.2-271</p>

## Drug and Alcohol Abuse Prevention Program



For more information, see below.

- ADM 9.09 Student drug and substance abuse [policy](#)
- Associate alcohol/drug policy: Drug & Alcohol-Free Workplace Policy (available [here](#) only from within BSMH's intranet HR ServiceNow)
- Alcohol/drug webpage: <https://www.bsmcon.edu/index.php/drug-and-alcohol-abuse-prevention>
- For help accessing any of the above listed materials, please contact the Director of Compliance and Risk Management.

The College uses the SafeColleges web application to allow students and associates to conveniently meet the training requirements around drug and alcohol abuse prevention. Communication about access to SafeColleges' training modules is sent out by the Director of Compliance and Risk Management early every Fall and Spring semester to all students and associates.



# POLICIES, PROCEDURES, & PROGRAMS RELATED TO DATING, DOMESTIC, & SEXUAL VIOLENCE & STALKING



Consistent with applicable laws, the College prohibits dating violence, domestic violence, sexual assault, and stalking. The College's policy used to address complaints of this nature, as well as the procedures for filing, investigating and resolving complaints, may be found at:

- ADM 9.06 - Title IX Sexual Harassment: [Policy](#)
- ADM 3.05 – Student Conduct – Rights and Responsibilities: [Policy](#)
- ADM 9.10 - Campus Safety and Security: [Policy](#)
- ADM 9.12 - Nondiscrimination: [Policy](#)

The following sections of this report discuss the College's educational programs to promote the awareness of dating violence, domestic violence, sexual assault and stalking; provides information concerning procedures students and associates should follow and the services available in the event they do become a victim of one of these offenses, and advises students and associates of the disciplinary procedures that will be followed after an allegation that one of these offenses has occurred.

## Primary Prevention and Awareness Program

The College conducts a Primary Prevention and Awareness Program (PPAP) for all incoming students and new associates. The PPAP advises campus community members that the College prohibits the offenses of dating violence, domestic violence, sexual assault and stalking. They are

also informed of the topics discussed below, including relevant definitions, risk reduction, and bystander intervention.

## Crime Definitions

CRIME TYPE (VIRGINIA CODE)	DEFINITIONS
<b>Dating Violence</b>	The institution has determined, based on good-faith research, that Virginia law does not define the term dating violence.
<b>Domestic Violence</b>	<p>The institution has determined, based on good-faith research, that Virginia law does not define the term domestic violence. However, Virginia law provides the following:</p> <ul style="list-style-type: none"> <li>• Va. Code Ann. § 18.2-57.2: Any person who commits an assault and battery against a family or household member is guilty of a Class 1 misdemeanor.</li> <li>• Va. Code Ann. § 16.1-228: “Family or household member” means (i) the person's spouse, whether or not he or she resides in the same home with the person, (ii) the person's former spouse, whether or not he or she resides in the same home with the person, (iii) the person's parents, stepparents, children, stepchildren, brothers, sisters, half-brothers, half-sisters, grandparents and grandchildren, regardless of whether such persons reside in the same home with the person, (iv) the person's mother-in-law, father-in-law, sons-in-law, daughters-in-law, brothers-in-law and sisters-in-law who reside in the same home with the person, (v) any individual who has a child in common with the person, whether or not the person and that individual have been married or have resided together at any time, or (vi) any individual who cohabits or who, within the previous 12 months, cohabited with the person, and any children of either of them then residing in the same home with the person.</li> </ul>
<b>Stalking (Va. Code Ann. § 18.2-60.3)</b>	Any person, except [certain caveats established by statute], who on more than one occasion engages in conduct, either in person or through any other means, including by mail, telephone, or an electronically transmitted communication, directed at another person with the intent to place, or when he knows or reasonably should know that the conduct places that other person in reasonable fear of death, criminal sexual assault, or bodily injury to that other person or to that other person's family or household member is guilty of a Class 1 misdemeanor. If the person contacts or follows or attempts to contact or follow the person at whom the conduct is directed after being given actual notice that the person does not want to be contacted or followed, such actions

CRIME TYPE (VIRGINIA CODE)	DEFINITIONS
	shall be prima facie evidence that the person intended to place that other person, or reasonably should have known that the other person was placed, in reasonable fear of death, criminal sexual assault, or bodily injury to himself or a family or household member.
<b>Sexual Assault</b>	The institution has determined, based on good-faith research that Virginia law does not define the term sexual assault.
<b>Rape, Fondling, Incest, Statutory Rape</b>	<p>For purposes of the Clery Act, the term “sexual assault” includes the offenses of rape, fondling, incest, and statutory rape. These definitions under Virginia law are as follows:</p> <ul style="list-style-type: none"> <li>• Rape (Va. Code Ann. § 18.2-61): If any person has sexual intercourse with a complaining witness, whether or not his or her spouse, or causes a complaining witness, whether or not his or her spouse, to engage in sexual intercourse with any other person and such act is accomplished (i) against the complaining witness's will, by force, threat or intimidation of or against the complaining witness or another person; or (ii) through the use of the complaining witness's mental incapacity or physical helplessness; or (iii) with a child under age 13 as the victim, he or she shall be guilty of rape.</li> <li>• Fondling: The institution has determined, based on good-faith research, that Virginia law does not define the term fondling.</li> <li>• Incest (Sexual Intercourse by Persons Forbidden to Marry; Incest; Penalties) (Va. Code Ann. § 18.2-366): (A) Any person who engages in sexual intercourse with any person whom he is forbidden by law to marry is guilty of a Class 1 misdemeanor except as provided by subsection B; (B) Any person who engages in sexual intercourse with his daughter or granddaughter, son or grandson, or father or mother, is guilty of a Class 5 felony. However, if a parent or grandparent engages in sexual intercourse with his child or grandchild, and such child or grandchild is at least 13 years of age but less than 18 years of age at the time of the offense, such parent or grandparent is guilty of a Class 3 felony. <ul style="list-style-type: none"> <li>○ For the purposes of the above, parent includes step-parent, grandparent includes step-grandparent, child includes a step-child, and grandchild includes a step-grandchild.</li> </ul> </li> <li>• Statutory Rape: The institution has determined, based on good-faith research, that Virginia law does not define the term statutory rape. Such offenses are generally prosecuted under Virginia’s statute</li> </ul>



CRIME TYPE (VIRGINIA CODE)	DEFINITIONS
	prohibiting “Carnal Knowledge of Child between Thirteen and Fifteen Years of Age” (Va. Code Ann. § 18.2-63).
<p style="text-align: center;"><b>Other "sexual assault" crimes</b></p>	<p>Other crimes under Virginia law that may be classified as a “sexual assault” include the following:</p> <ul style="list-style-type: none"> <li>• Carnal Knowledge of Child between Thirteen and Fifteen Years of Age (Va. Code Ann. § 18.2-63): (A) If any person carnally knows, without the use of force, a child thirteen years of age or older but under fifteen years of age, such person shall be guilty of a Class 4 felony; (B) If any person carnally knows, without the use of force, a child thirteen years of age or older but under fifteen years of age who consents to sexual intercourse and the accused is a minor and such consenting child is three years or more the accused's junior, the accused shall be guilty of a Class 6 felony. If such consenting child is less than three years the accused's junior, the accused shall be guilty of a Class 4 misdemeanor. In calculating whether such child is three years or more a junior of the accused minor, the actual dates of birth of the child and the accused, respectively, shall be used. <ul style="list-style-type: none"> <li>○ For the purposes of the above, (i) a child under the age of thirteen years shall not be considered a consenting child and (ii) “carnal knowledge” includes the acts of sexual intercourse, cunnilingus, fellatio, anilingus, anal intercourse, and animate and inanimate object sexual penetration.</li> </ul> </li> <li>• Forcible Sodomy (Va. Code Ann. § 18.2-67.1): An accused shall be guilty of forcible sodomy if he or she engages in cunnilingus, fellatio, anilingus, or anal intercourse with a complaining witness whether or not his or her spouse, or causes a complaining witness, whether or not his or her spouse, to engage in such acts with any other person, and (1) The complaining witness is less than 13 years of age; or (2) The act is accomplished against the will of the complaining witness, by force, threat or intimidation of or against the complaining witness or another person, or through the use of the complaining witness's mental incapacity or physical helplessness.</li> <li>• Object Sexual Penetration (Va. Code Ann. § 18.2-67.2): An accused shall be guilty of inanimate or animate object sexual penetration if he or she penetrates the labia majora or anus of a complaining witness, whether or not his or her spouse, other than for a bona fide medical purpose, or causes such complaining witness to so penetrate his or her own body with an object or causes a complaining witness, whether or</li> </ul>

CRIME TYPE (VIRGINIA CODE)	DEFINITIONS
	<p>not his or her spouse, to engage in such acts with any other person or to penetrate, or to be penetrated by, an animal, and (1) The complaining witness is less than 13 years of age; or (2) The act is accomplished against the will of the complaining witness, by force, threat or intimidation of or against the complaining witness or another person, or through the use of the complaining witness's mental incapacity or physical helplessness.</p> <ul style="list-style-type: none"> <li>• Aggravated Sexual Battery (Va. Code Ann. § 18.2-67.3): An accused is guilty of aggravated sexual battery if he or she sexually abuses the complaining witness, and (1) The complaining witness is less than 13 years of age, or (2) The act is accomplished through the use of the complaining witness's mental incapacity or physical helplessness, or (3) The offense is committed by a parent, step-parent, grandparent, or step-grandparent and the complaining witness is at least 13 but less than 18 years of age, or (4) The act is accomplished against the will of the complaining witness by force, threat or intimidation, and (a) The complaining witness is at least 13 but less than 15 years of age, or (b) The accused causes serious bodily or mental injury to the complaining witness, or (c) The accused uses or threatens to use a dangerous weapon; or (5) The offense is not a recognized form of treatment in the profession, and is committed, without the express consent of the patient, by (i) a massage therapist, or a person purporting to be a massage therapist, during an actual or purported practice of massage therapy, as those terms are defined in § 54.1-3000; (ii) a person practicing or purporting to practice the healing arts, during an actual or purported practice of the healing arts, as those terms are defined in §§ 54.1-2900 and 54.1-2903; or (iii) a physical therapist, or a person purporting to be a physical therapist, during an actual or purported practice of physical therapy, as those terms are defined in § 54.1-3473.</li> <li>• Sexual Battery (Va. Code Ann. § 18.2-67.4): An accused shall be guilty of sexual battery if he sexually abuses, as defined in 18.2-67.10 [below], (i) the complaining witness against the will of the complaining witness by force, threat, intimidation, or ruse, or (ii) within a two-year period, more than one complaining witness or one complaining witness on more than one occasion intentionally and without the consent of the complaining witness.</li> <li>• Sexual Abuse of Child under 15 Years of Age (Va. Code Ann. § 18.2-67.4:2): Any adult who, with lascivious intent, commits an act of sexual abuse, as defined in § 18.2-67.10 [below], with any child 13 years of</li> </ul>

CRIME TYPE (VIRGINIA CODE)	DEFINITIONS
	<p>age or older but under 15 years of age is guilty of a Class 1 misdemeanor.</p> <ul style="list-style-type: none"> <li>Sexual Abuse (Va. Code Ann. § 18.2-67.10): “Sexual abuse” means an act committed with the intent to sexually molest, arouse, or gratify any person, where: (a) The accused intentionally touches the complaining witness's intimate parts or material directly covering such intimate parts; (b) The accused forces the complaining witness to touch the accused's, the witness's own, or another person's intimate parts or material directly covering such intimate parts; (c) If the complaining witness is under the age of 13, the accused causes or assists the complaining witness to touch the accused's, the witness's own, or another person's intimate parts or material directly covering such intimate parts; or (d) The accused forces another person to touch the complaining witness's intimate parts or material directly covering such intimate parts.</li> <li>In addition, Virginia statutes specific to institutions of higher education define sexual violence as follows (Va. Code Ann. § 23.1-806.A): “Sexual violence” means physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent.</li> </ul>
<b>Consent (as it relates to sexual activity)</b>	The institution has determined, based on good-faith research, that Virginia law does not define the term consent (as it relates to sexual activity).

### College Definition of Consent

The College uses the following definition of consent in its sexual harassment policy for the purpose of determining whether sexual misconduct (including sexual assault) has occurred:

Words or actions that show a knowing and voluntary agreement to engage in mutually agreed-upon sexual activity. Consent cannot be gained by force, by ignoring or acting in spite of the objections of another, or by taking advantage of the Incapacitation of another, where the accused student knows or reasonably should have known of such Incapacitation. Consent is also absent when the activity in question exceeds the scope of Consent previously given.

If a person is mentally or physically incapacitated or impaired so that such person cannot understand the fact, nature, or extent of the sexual situation, there is no consent; this includes impairment or incapacitation due to alcohol or drug consumption that meets this standard or being asleep or unconscious.

## **Risk Reduction**

If you find yourself in an uncomfortable sexual situation, these suggestions may help you reduce your risk:

- Make your limits known before going too far.
- You can withdraw consent to sexual activity at any time. Do not be afraid to tell a sexual aggressor “NO” clearly and loudly.
- Try to remove yourself from the physical presence of a sexual aggressor. Be as direct as possible about wanting to leave the environment.
- Grab someone nearby and ask them for help.
- Be responsible about your alcohol and/or drug use. Alcohol and drugs can lower your sexual inhibitions and may make you vulnerable to someone who views an intoxicated/high person as a sexual opportunity.
- Attend large parties with friends you trust. Watch out for your friends and ask that they watch out for you.
- Be aware of someone trying to slip you an incapacitating “rape drug” like Rohypnol or GHB.

If you find yourself in the position of being the initiator of sexual behavior, these suggestions may help you to reduce your risk of being accused of sexual assault or another sexual crime:

- Remember that you owe sexual respect to the other person.
- Don’t make assumptions about the other person’s consent or about how far they are willing to go.
- Remember that consent to one form of sexual activity does not necessarily imply consent to another form of sexual behavior.
- If your partner expresses a withdrawal of consent, stop immediately.
- Clearly communicate your sexual intentions so that the other person has a chance to clearly tell you their intentions.
- Consider “mixed messages” a clear sign that the other person is uncomfortable with the situation and may not be ready to progress sexually.
- Don’t take advantage of someone who is really drunk or on drugs, even if they knowingly and intentionally put themselves in that state. Further, don’t be afraid to step in if you see someone else trying to take advantage of a nearly incapacitated person.
- Be aware of the signs of incapacitation, such as slurred speech, bloodshot eyes, vomiting, unusual behavior, passing out, staggering, etc.

It is also important to be aware of the warning signs of an abusive person. Some examples include: past abuse; threats of violence or abuse; breaking objects; using force during an



argument; jealousy; controlling behavior; quick involvement; unrealistic expectations; isolation; blames others for problems; hypersensitivity; cruelty to animals or children; “playful” use of force during sex; Jekyll-and-Hyde personality.



### **Bystander Intervention**

In addition to reporting incidents to appropriate authorities, below are some ways in which individuals can take safe and positive steps to prevent harm and intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking against another person.

- Look out for those around you.
- Realize that it is important to intervene to help others.
- Treat everyone respectfully. Do not be hostile or an antagonist.
- Be confident when intervening.
- Recruit help from others if necessary.
- Be honest and direct.
- Keep yourself safe.
- If things get out of hand, don't hesitate to contact the police.

### **Other Information Covered by the PPAP**

The PPAP also provides information on possible sanctions and protective measures that may be imposed following a determination that an offense of dating violence, domestic violence, sexual assault, or stalking has occurred, an explanation of the disciplinary procedures that will be followed when one of these offenses is alleged, the rights of the parties in such a proceeding, available resources, and other pertinent information. Much of this information is set forth in the upcoming sections of this security report.

## **Ongoing Prevention and Awareness Campaign**

The College also conducts an Ongoing Prevention and Awareness Campaign (OPAC) aimed at all students and associates. This campaign covers the same material as provided in the PPAP, but is intended to increase the understanding of students and associates on these topics and to improve their skills for addressing the offenses of dating violence, domestic violence, sexual assault and stalking.

## **PPAP and OPAC Programming Methods**

Sexual misconduct prevention and sexual awareness programming are carried out in a variety of ways, using a range of strategies, and, as appropriate, targeting specific audiences throughout the College. Methods include, but are not limited to: presentations, online training modules, distribution of written materials, periodic email blasts, and guest speakers. A summary of this programming is provided below.

- The College utilizes the SafeColleges web application as its primary prevention campaign. SafeColleges allows students and associates to conveniently complete and revisit a variety of safety and regulatory training modules on various safety/security topics, including sexual misconduct.
- BSMCON shows all new students a safety training video during new student orientation that directly reviews Title IX, sexual misconduct, and related campus resources. Students are also given a companion handout with Title IX information, resources, and important contacts.
- As part of its ongoing campaign, the College uses a variety of strategies, such as presentations, email blasts with pertinent information, portal announcements, etc. While programming occurs at various times during the year, in collaboration with its parent health system, the College also offers educational sessions and literature in coordination with nationally recognized observances such as Sexual Assault Awareness Month and Domestic Violence Awareness Month.

## Procedures to Follow if You are a Victim of Dating Violence, Domestic Violence, Sexual Assault, or Stalking



The College encourages students to report sexual assault promptly to local law enforcement agencies by calling 911. The College also urges any person with knowledge of an incident of prohibited conduct to report the incident immediately to the College by contacting the College's Title IX Coordinator or any other College Official by email, telephone during regular office hours or by completing and submitting the Campus Security Authority Reporting form or an anonymous report from the College's website at <https://www.bsmcon.edu/index.php/report-incidentcrime>. All college administrators are required by law to file an official report.

The College's Title IX Coordinator is: Dr. Monique Bates - Director of Compliance and Risk Management/Title IX Coordinator- [titleIXcoordinator@bshsi.org](mailto:titleIXcoordinator@bshsi.org)

Victims will be notified in writing of the procedures to follow, including:

- To whom and how the alleged offense should be reported (contact the Title IX Coordinator or refer to the other resources listed in this report).
- The importance of preserving evidence that may be necessary to prove the offense in a criminal proceeding or disciplinary action or to obtain a protective order.
- The victim's options regarding notification to law enforcement, which are: (a) the option to notify either on-campus or local police; (b) the option to be assisted by campus security authorities in notifying law enforcement if the victim so chooses (the institution is obligated to comply with such a request if it is made); and (c) the option to decline to notify such authorities.

- Where applicable, the rights of victims and the institution's responsibilities regarding orders of protection, no-contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court.

### **Preservation of Evidence and Forensic Examinations**

Victims of physical assault are advised to not remove clothing items worn during or following an assault, as they frequently contain valuable fiber, hair, and fluid evidence. Don't bathe or wash, or otherwise clean the environment in which the assault occurred. You can obtain a forensic examination at

- Bon Secours Memorial Regional Medical Center: 8260 Atlee Road, Mechanicsville, VA 23116 - (804) 281-8574
- Bon Secours St. Mary's Hospital: 5801 Bremo Road, Richmond, VA 23226 - (804) 281-8574
- Bon Secours Richmond Community Hospital: 1500 N. 28th Street, Richmond, VA 23223 - (804) 281-8574
- Bon Secours St. Francis Medical Center: 13710 St. Francis Boulevard, Midlothian, VA 23114 - (804) 281-8574

Completing a forensic examination does not require you to file a police report, but having a forensic examination will help preserve evidence in case you decide at a later date to file a police report.

Victims are also advised to retain evidence in electronic formats (e.g., text messages, emails, photos, social media posts, screenshots, etc.). Such evidence is valuable in all situations, and it may be the only type of evidence available in instances of stalking.

### **Security/Law Enforcement and How to Make a Police Report**

- Campus Security: (804) 627-5300
- Henrico County Police Department, 7721 E Parham Rd, Richmond, VA 23294 - (804) 501-5000
- To make a police report, a victim should contact the local police agency listed above either by phone or in-person. The victim should provide as much information as possible, including name, address, and when and what occurred, to the best of the victim's ability.

### **Information about Legal Protection Orders**

In Virginia, victims may obtain a Restraining Order or Protective Order, which provides protective relief for victims of domestic violence, stalking, or sexual assault. Information about Protective



Order may be found at:

[http://www.courts.state.va.us/forms/district/info\\_sheet\\_protective\\_order\\_stalking.pdf](http://www.courts.state.va.us/forms/district/info_sheet_protective_order_stalking.pdf).



A protective order may be obtained by filing a petition with the court. In Virginia, there are 3 kinds of Protective Orders that can protect you and others in your family or home:

- Emergency Protective Order (expires at the end of the third day following issuance or the next day court is in session, whichever is later)
- Preliminary Protective Order (lasts 15 days or until a full hearing)
- Protective Order (may last up to 2 years)

Information about filling out a protective order petition form can be found at

[https://www.vacourts.gov/forms/district/info\\_sheet\\_protective\\_order\\_stalking.pdf](https://www.vacourts.gov/forms/district/info_sheet_protective_order_stalking.pdf).

- A Petition for Order of Protection should be filed for in the Henrico County General District Court. The address is 44309 E. Parham Rd., Henrico, VA 23228. The phone number is (804) 501-4727. More information is available here:

[http://www.courts.state.va.us/forms/district/info\\_sheet\\_protective\\_order\\_stalking.pdf](http://www.courts.state.va.us/forms/district/info_sheet_protective_order_stalking.pdf).

Victims may contact local domestic violence and sexual assault advocates for assistance in obtaining a protection order.

- Legal Aid Hotline: 1-866-LEGLAID (1-866-534-5243)
- Virginia Poverty Law Center (Family & Sexual Violence): 1-800-868-8752
- Virginia State Bar Lawyer Referral Service: 1-800-552-7977

You may also hire an attorney to represent you.

When a protective order is granted, it is enforceable statewide. If you have obtained a protective order and need it to be enforced in your area, you should contact the local police department. The College will also enforce any temporary restraining order or other no contact order against the alleged perpetrator from a criminal, civil, or tribal court. Any student or associate who has a protective order or no contact order should notify the Title IX Coordinator and provide a copy of the restraining order so that it may be kept on file with the College and can be enforced on campus, if necessary. Upon learning of any orders, the College will take all reasonable and legal action to implement the order.

The College does not issue legal protective orders. However, as a matter of institutional policy, the College may impose a no-contact order between individuals in appropriate circumstances. The College may also issue a “no trespass warning” if information available leads to a reasonable conclusion that an individual is likely to cause harm to any member of the campus community. A person found to be in violation of a No Trespass Warning may be arrested and criminally charged.

## Available Victim Services

Victims will be provided written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available to them, both within the College and in the surrounding community. Those services include:

### College Resources

- The Student Life Resource Program can provide confidential consultation and referral to students. Student Life services are available by dialing (855) 695-2818 or logging into <https://www.StudentLifeServices.com> (Password: BSMHSTUDENT).
- The Bon Secours Mercy Health (BSMH) LifeMatters program can provide free, confidential counseling and assistance with substance abuse and other issues to associates.
- Student Financial Aid – Sometimes a victim of a crime may feel the need to take a leave of absence from school. If a student is considering a leave of absence based on the circumstances of a complaint, he/she should understand there may be financial aid implications in taking such leave. This should be discussed with financial aid personnel, and the Title IX Coordinator can assist in facilitating this conversation if desired. The College's financial aid website can be found at: <https://www.bsmcon.edu/financial-aid-consumer-information>.

## State/Local Resources

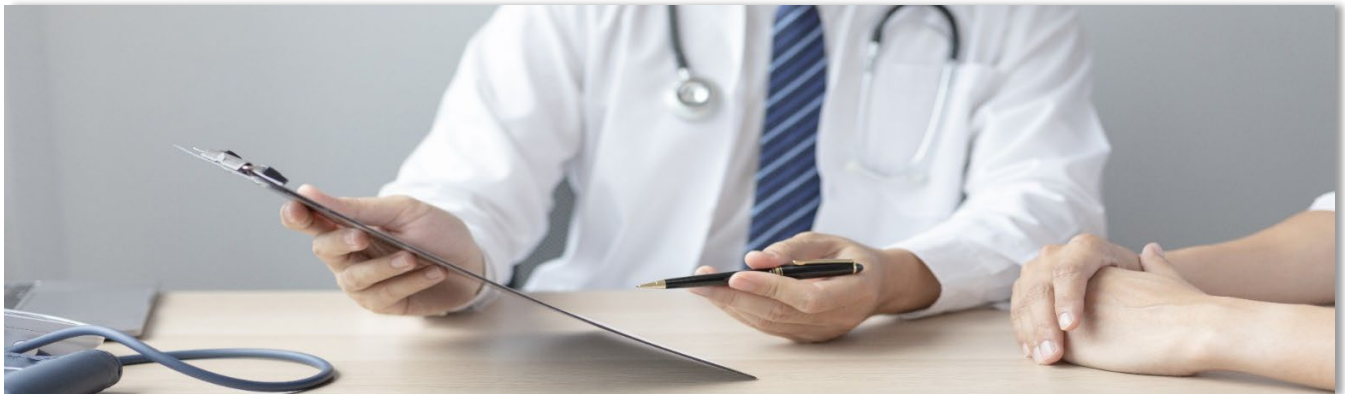
The below local/state resources are available at the bottom of the Written Notification to Student Crime Victim available here under the Campus Safety and Security webpage.

ORGANIZATION	PHONE	ORGANIZATION	PHONE
<i>Police Emergency</i>	911	<i>Virginia Human Services Referral</i>	211
<i>Police Non-Emergency</i>	501-5000	<i>Better Business Bureau</i>	648-0016
<i>Police Criminal Records Unit</i>	501-4809	<i>Capital Area Agency on Aging</i>	343-3000
<i>Magistrate's Office</i>	501-5285	<i>Family Life Line</i>	282-4255
<i>Circuit Court Clerk</i>	501-4202	<i>Richmond Academy of Medicine</i>	643-6631
<i>General District Court Clerk</i>	501-4723	<i>Poison Hotline</i>	800-222-1222
<i>Juvenile/Domestic Court Clerk</i>	501-4688	<i>Central Virginia Legal Aid Society</i>	648-1012
<i>Juvenile Court Services Unit</i>	501-4693	<i>24hr Domestic/Sexual Abuse</i>	612-6126
<i>Commonwealth's Attorney</i>	501-4218	<i>Salvation Army</i>	225-7470
<i>Henrico Victim/Witness</i>	501-1680	<i>Alcohol &amp; Drug Helpline</i>	800-821-4357
<i>VA Family Violence &amp; Sexual Assault Hotline</i>	800-838-8238	<i>Henrico Safe Harbor</i>	804-287-7877
<i>National Anti-Violence Project Hotline</i>	212-714-1141	<i>The VA LGBTQ Partner Abuse &amp; Sexual Assault</i>	866-356-6998
<i>Fan Free Clinic</i>	804-358-6343 Ext. 153	<i>Richmond Victim/Witness Program</i>	804-646-7665

## National Resources

- National Domestic Violence Hotline: 1-800-799-7233
- National Sexual Assault Hotline: 1-800-656-4673
- Rape, Abuse and Incest National Network (RAINN): <https://www.rainn.org/>
- US Dept. of Justice Office on Violence Against Women: <https://www.justice.gov/ovw>
- National Coalition Against Domestic Violence: <http://www.ncadv.org/>
- National Sexual Violence Resource Center: <http://www.nsvrc.org/>
- U.S. Citizenship and Immigration Services: <https://www.uscis.gov/>
- Immigration Advocates Network: <https://www.immigrationadvocates.org/>

## Accommodations and Protective Measures



The College will provide written notification to victims about options for, and available assistance in, changing academic, living, transportation, and working situations or protective measures. If victims request these accommodations or protective measures and they are reasonably available the College is obligated to provide them, regardless of whether the victim chooses to report the crime to campus security or local law enforcement.

Requests for accommodations or protective measures should be made to the Title IX Coordinator at [titleIXcoordinator@bshsi.org](mailto:titleIXcoordinator@bshsi.org), and the Title IX Coordinator is responsible for deciding what, if any, accommodations or protective measures will be implemented.

When determining the reasonableness of such a request, the College may consider, among other factors, the following:

- The specific need expressed by the Complainant.
- The age of the students involved.
- The severity or pervasiveness of the allegations
- Any continuing effects on the Complainant
- Whether the Complainant and alleged perpetrator share the same class or job location.
- Whether other judicial measures have been taken to protect the Complainant (e.g., civil protection orders).

The College will maintain as confidential any accommodations or protective measures provided a victim to the extent that maintaining confidentiality would not impair the College's ability to provide them. However, there may be times when certain information must be disclosed to a third party in order to implement the accommodation or protective measure. Such decisions will be made by the College in light of the surrounding circumstances, and disclosures of this nature will be limited so that only the information necessary to implement the accommodation or protective



measure is provided. In the event it is necessary to disclose information about a victim in order to provide an accommodation or protective order, the College will inform the victim of that necessity prior to the disclosure, including which information will be shared, with whom it will be shared and why.

## Procedures for Disciplinary Action

Allegations of domestic violence, dating violence, sexual assault or stalking will be processed through the College's ADM 9.06 - Title IX Sexual Harassment, ADM 9.12 – Nondiscrimination, and ADM 3.05 - Student Conduct - Rights and Responsibilities policies and the related complaint resolution procedures. The procedures are utilized whenever or wherever a complaint is made, regardless of the status of the Complainant and the Respondent .

All forms of sex-based discrimination, including sex-based harassment that does not rise to the level of Sexual Harassment as defined in the ADM 9.06 Title IX Sexual Harassment Policy, shall be addressed by the ADM 9.12 – Nondiscrimination Policy. Such allegations should be reported in writing to the Title IX Coordinator and will be fully investigated using a preponderance of the evidence standard within 90 days of the initial report by an appropriate College official. If the investigation determines a violation has occurred, the matter will be referred to the appropriate sanctioning official or body in compliance with ADM 3.05 – Student Conduct – Rights and Responsibilities Policy or the associate conduct standards.

Sexual harassment occurring outside the geographic boundaries of the United States may also be subject to College investigation and sanctioning if such conduct reasonably may be expected to discredit or injure the College or its reputation or that otherwise may endanger the safety and welfare of others. Such violations should be reported to any College faculty or staff member. Within 3 business days of the violation report, the assigned College administrator will review, investigate, and determine sanctions as outlined in ADM 3.05 – Student Conduct – Rights and Responsibilities or associate conduct standards, if appropriate. The complaint resolution procedures are invoked once a report is made in person, by regular mail, telephone, electronic mail, or by any other means to the following individual:

**Title IX Coordinator**

Dr. Monique Bates  
Director of Compliance and Risk Management  
(804) 316-9606  
8550 Magellan Parkway, Suite 1100  
Richmond, VA 23227  
[monique\\_bates@bshsi.org](mailto:monique_bates@bshsi.org)



An electronic form available at <https://www.bsmcon.edu/index.php/report-incidentcrime> can also be used to file a report.

Within five (5) business days from the time a formal complaint is made and it is determined that the conduct reported could fall within the scope of the policy and/or could constitute Sexual Harassment if investigated, the Title IX Coordinator will provide notice to the parties of the

investigation, including a description of the process to be utilized, the identities of the parties, the conduct at issue, and the date and location of the alleged incident.

If the Complainant or the Title IX Coordinator files a Formal Complaint, then the College will commence an investigation and proceed to adjudicate the matter. All formal investigations will be conducted by a College-contracted consultation agency or party.

Within five (5) business days of the Title IX Coordinator receiving a Formal Complaint, the Title IX Coordinator will transmit a written notice to the Complainant and Respondent that includes:

- A physical copy of this Policy or a hyperlink to this Policy;
- Sufficient details known at the time so that the parties may prepare for an initial interview with the investigator, to 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);
- A statement that the Respondent is presumed not responsible for the alleged Sexual Harassment and that a determination of responsibility will not be made until the conclusion of the adjudication and any appeal;
- Notifying the Complainant and Respondent of their right to be accompanied by an advisor of their choice;
- Notifying the Complainant and Respondent of their right to inspect and review evidence;
- Notifying the Complainant and Respondent of the College's prohibitions on Retaliation and false statements; and
- Information about resources that are available on Campus and in the community.



During the investigation, the Complainant and Respondent will each have an equal opportunity to describe the situation and present witnesses, including both fact and expert witnesses, and other supporting evidence. The investigator(s) will review the statements and evidence presented and may, depending on the circumstances, interview others with relevant knowledge, review documentary materials, and take any other appropriate action to gather and consider information relevant to the complaint. Prior to the conclusion of the investigation, both parties will be provided an opportunity to review the evidence gathered during the investigation that is directly related to the allegations raised in the formal complaint.

Although the length of each investigation may vary depending on the totality of the circumstances, the College strives to complete each investigation within sixty (60) calendar days of the transmittal of the written notice of Formal Complaint.

Upon completion of the investigation, both parties will be given a copy of an investigation report and a live hearing will be conducted to make a determination as to whether any allegations in the complaint were found to be substantiated by a preponderance of the evidence. During the hearing, each party's advisor will be permitted to ask the other party and any witnesses all relevant questions and follow-up questions including those bearing on credibility. The decision maker(s) will issue a written determination of responsibility, a statement of any disciplinary sanctions and whether any remedies will be provided to the Complainant, and a description of the procedures and permissible grounds for appeal. Although the length of each adjudication by

hearing will vary depending on the totality of the circumstances, the College strives to issue the hearing officer's written determination within fourteen (14) business days of the conclusion of the hearing.

Both parties have an equal opportunity to appeal the determination by filing a written appeal with the Campus Director and Dean of Academic Affairs office within ten (10) days of being notified of the outcome of the investigation. The non-appealing party will be notified of the appeal and permitted to submit a written statement in response within seven (7) business days. The Campus Director and Dean of Academic Affairs will resolve the appeal within fifteen (15) days of receiving it and may take any and all actions that he/she determines to be in the interest of a fair and just decision.



At any time after the parties are provided written notice of the Formal Complaint, and before the completion of any appeal, the parties may voluntarily consent to engage in mediation, facilitated resolution, or other form of dispute resolution the goal of which is to enter into a final resolution resolving the allegations raised in the Formal Complaint by agreement of the parties. The specific manner of any informal resolution process will be determined by the parties and the Title IX Coordinator,

in consultation together. The Title IX Coordinator will then provide, in writing, a notice of the informal resolution procedures, responsible parties, expectations, and consequences. After receiving the written notice, each party must voluntarily provide written consent to the Title IX Coordinator to begin the informal resolution process. Once both parties and the Title IX Coordinator confer, agree, and sign the resolution, the resolution is final. The Formal Complaint allegations addressed by the resolution are considered resolved and will not be subject to further investigation, adjudication, remediation, or discipline by the College, except as otherwise provided in the resolution itself, absent a showing that a party induced the resolution by fraud, misrepresentation, or other misconduct or where required to avoid a manifest injustice to either party or to the College. A party may withdraw their consent to participate in informal resolution at any time before a resolution has been finalized. Informal resolutions are not subject to appeal and may not be entered for associate-involved violation reports.



## Rights of the Parties in an Institutional Proceeding



During the course of the process described in the previous section, both the accuser and the individual accused of the offense are entitled to:

1. A prompt, fair and impartial process from the initial investigation to the final result.
  - A prompt, fair and impartial process is one that is:
    - Completed within reasonably prompt timeframes designated by the institution's policy, including a process that allows for the extension of timeframes for good cause, with written notice to the accuser and the accused of the delay and the reason for the delay.
    - Conducted in a manner that:
      - Is consistent with the institution's policies and transparent to the accuser and the accused.
      - Includes timely notice of meetings at which the accuser or accused, or both, may be present; and
      - Provides timely access to the accuser, the accused and appropriate officials to any information that will be used during the informal and formal disciplinary meetings and hearings.
  - Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.

2. Proceedings conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.
  - Such training addresses topics such as the definition of sexual harassment and the scope of the College's education programs and activities. During the Fall 2023 semester, the College's Title IX Coordinator participated in a Title IX training offered by Husch Blackwell whose topics included the following:
    - Title IX scope and jurisdiction
    - The new regulations' definition of sexual harassment
    - Case intake, including reports and formal complaints
    - Supportive measures
    - Investigations
    - Hearings
    - Appeals
    - Informal resolution and alternative dispute processes
    - Managing conflicts of interest and bias
    - Confidentiality

The entire slide deck of this training which was titled "Title IX and Sexual Harassment Response Training" is available on the College's website at <https://www.bsmcon.edu/campus-safety-and-security>.

3. The same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. The institution may not limit the choice of advisor, but may establish limits regarding the extent to which that advisor may participate in the proceeding, as long as those limits apply equally to both parties.
4. Have the outcome determined using the preponderance of the evidence standard.
5. Simultaneous, written notification of the results of the proceeding, any procedures for either party to appeal the result, any change to the result, and when the result becomes final. For this purpose, "result" means "any initial, interim and final decision by an official or entity authorized to resolve disciplinary matters" and must include the rationale for reaching the result and any sanctions imposed.

## Possible Sanctions or Protective Measures that the College May Impose for Dating Violence, Domestic Violence, Sexual Assault or Stalking Offenses



Following a final determination in the College's disciplinary proceeding that dating violence, domestic violence, sexual assault, or stalking has been committed, the College may impose a sanction depending on the mitigating and aggravating circumstances involved. The possible sanctions include: warning; reprimand; probation; restitution; fine; loss of privileges; suspension or expulsion/termination; and restriction on eligibility to represent the College at any official function. If a suspension is imposed on a student, it may be for part of a semester, a full semester, or an entire academic year. A College associate may be suspended for any length of time determined appropriate by Human Resources. Following a suspension, the individual will be required to meet with the Dean of Student Affairs (student) or Dean of Administration in collaboration with Human Resources (associate) to discuss re-entry and expectations going forward.

In addition, the College can make available to the victim a range of protective measures. They include: forbidding the accused from communicating with the victim, other institutional no-contact orders, security escorts, modifications to academic requirements or class schedules, changes in working situations, etc.

### **Publicly Available Recordkeeping**

The College will complete any publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifiable information about victims of dating violence, domestic violence, sexual assault, and stalking who make reports of such to the College to the extent permitted by law.

### **Victims to Receive Written Notification of Rights**

When a student or associate reports to the College that he or she has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the College will provide the student or associate a written explanation of his or her rights and options as described in the paragraphs above.



### **Sex Offender Registration Program**

The Campus Sex Crimes Prevention Act of 2000 requires institutions of higher education to advise members of the campus community where they can obtain information provided by the state concerning registered sex offenders. It also requires sex offenders to notify the state of each institution of higher education in the state at which they are employed or enrolled or carrying on a vocation. The state is then required to notify the College of any such information it receives. Anyone interested in determining whether such persons are on this campus may do so by contacting the Dean of Administration - Benji Djeukeng at Dean of Administration - (804) 627-5306 - [benjamin\\_djeukeng@bshsi.org](mailto:benjamin_djeukeng@bshsi.org). State registry of sex offender information may be accessed at the following link: <https://sex-offender.vsp.virginia.gov/sor/>

## **Timely Warnings and Emergency Response**

### **Timely Warnings**

In the event of criminal activity occurring either on campus or off campus that in the judgment of the Dean of Administration, in collaboration with the Campus Director & Dean of Academic Affairs and the Vice President for the Richmond Higher Education Institutions (RHEI), constitutes a serious or continuing threat to members of the campus community and warrants a timely warning, a campus-wide “timely warning” will be issued. Examples of such situations may include a sexual assault or a series of motor vehicle thefts in the area that merit a warning because they present a continuing threat to the campus community. Warnings will be communicated to students and associates via one or more of the methods discussed later in this section. Updates to the warnings will be provided as appropriate.

Anyone with information warranting a timely warning should immediately report the circumstances to:

- Dean of Administration, (804) 627-5306 - [benjamin\\_djeukeng@bshsi.org](mailto:benjamin_djeukeng@bshsi.org)
- Campus Director and Dean of Academic Affairs, (804) 627-5352 – [christenna\\_perkins@bshsi.org](mailto:christenna_perkins@bshsi.org)



The College has communicated with local law enforcement asking them to notify the College if it receives reports or information warranting a timely warning.

### **Emergency Response**

The College has an emergency management plan designed to ensure there is a timely and effective response in the event of a significant emergency or dangerous situation occurring on campus involving an immediate threat to the health or safety of members of the campus community. Such situations include, but are not limited to tornadoes, bomb threats, chemical spills, disease outbreaks, fires, and active assailants. The College has communicated with local police as well as its parent hospital's Director of Facilities requesting their cooperation in informing the College about situations reported to them that may warrant an emergency response.

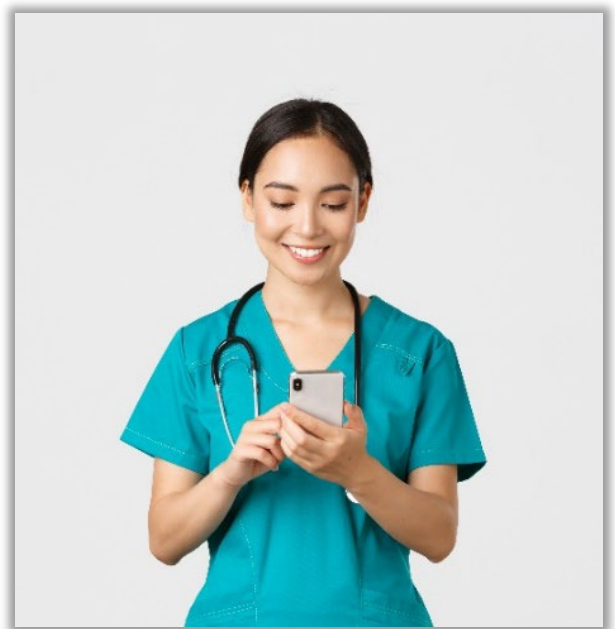
Students, staff and visitors are encouraged to notify the Dean of Administration at (804) 627-5306 – [benjamin\\_djeukeng@bshsi.org](mailto:benjamin_djeukeng@bshsi.org) of any emergency or potentially dangerous situation.

The Dean of Administration, in collaboration with other appropriate RHEI Leadership Team members, will determine who should be notified, and will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

Depending on the segments of the campus the notification will target, the content of the notification may differ. When appropriate, the content of the notification will be determined in consultation with local authorities. Also, as appropriate, the notification will give guidance as to whether its recipients should shelter in place or evacuate their location.

Once the emergency is confirmed and based on its nature, the Dean of Administration will consult with other appropriate members of the RHEI Leadership Team to determine the appropriate segment or segments of the College community to be notified.

The Dean of Administration will access available sources of information from campus administrative staff and local authorities to confirm the existence of the danger and will be responsible for initiating the institution's response and for marshaling the appropriate local





emergency response authorities for assistance. Depending on the nature of the emergency, other College departments may be involved in the confirmation process.

The Dean of Administration will direct the issuance of emergency notifications, which will be accomplished using one or more of methods discussed later in this section, depending on the nature of the threat and the segment of the campus community being threatened.

With the agreement of the appropriate members of the RHEI Leadership Team, the Dean of Administration will notify local law enforcement of the emergency, if they are not already aware of it, in order that the larger community outside the campus will be aware of the emergency.

### **Methods for Issuing Timely Warnings and Emergency Notifications**

The method(s) listed below may be utilized when the College issues a timely warning or emergency notification to the campus community.

METHOD	SIGN UP INSTRUCTIONS
<p><b>RaveAlert Emergency Notification System for Associates</b></p>	<p>Via email from Building Operations Manager at the beginning of each Fall and Spring semester or upon new hire, associates are asked to update their emergency contact information in the RaveAlert mass notification system through the health system's ERP Workday.</p>
<p><b>Anthology Student, Student Information System</b></p>	<p>Via email from Building Operations Manager at the beginning of each Fall and Spring semester, students are asked to update their emergency contact information in their Student Portal account.</p>

### **Testing and Documentation**

The College tests its emergency response and evacuation procedures at least twice a year. The tests may be announced or unannounced. Also, at various times the Emergency Management Team will meet to train and test and evaluate the College's emergency response plan.

The Dean of Administration maintains a record of these tests and training exercises, including a description of them, the dates and times they were held and an indication of whether they were announced or unannounced. In connection with at least one such test, the College will distribute to its students and associates information to remind them of the College's emergency response and evacuation procedures.

## Crime Statistics

The statistical summary of crimes for this College over the past three calendar years follows:

CRIME	ON CAMPUS			NON-CAMPUS			PUBLIC PROPERTY		
	2022	2021	2020	2022	2021	2020	2022	2021	2020
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Incest	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
Robbery	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
Arrest - Liquor Law Violation	0	0	0	0	0	0	0	0	0
Arrest - Drug Abuse Violation	0	0	0	0	0	0	0	0	0
Arrest - Weapon Violation	0	0	0	0	0	0	0	0	0
Disciplinary Referral - Liquor Law Violation	0	0	0	0	0	0	0	0	0
Disciplinary Referral - Drug Abuse Violation	0	0	0	0	0	0	0	0	0
Disciplinary Referral - Weapon Violation	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0

*NOTE: The College does not have on-campus student housing facilities.*

### Hate Crimes

2022: No hate crimes reported.

2021: No hate crimes reported.

2020: No hate crimes reported.

### Crimes Unfounded by the College

2022: 0 unfounded crimes.

2021: 0 unfounded crimes.

2020: 0 unfounded crimes.

## **Statistics for Unfounded Crimes Provided by Law Enforcement Agencies**

2022: 0 unfounded crimes.

2021: 0 unfounded crimes.

2020: 0 unfounded crimes.