

## **VALLEY FORGE MILITARY ACADEMY AND COLLEGE**

1001 Eagle Road, Wayne PA 19087

### **SUBJ: ANNUAL SAFETY, SECURITY AND FIRE SAFETY REPORT – 2022**

The report published October 1, 2022 contains statistics for 2021, 2020 & 2019

### **INTRODUCTION**

The Valley Forge Military Academy & College (VFMAC) is a non-profit, educational institution located on a magnificently landscaped, 100-acre campus, in the Main Line community of Wayne, Pennsylvania, approximately 15 miles west of Philadelphia, and close to the Valley Forge National Historical Park. Academic classes and faculty offices for VFMAC are located in buildings throughout the main campus: Lhotak Hall, Mellon Hall, Baker Library and Shannon Hall. The barracks, library, gymnasium and administrative buildings are located on the main portion of the campus. The athletic field house and athletic fields are located on the western edge of the campus. There were 122 cadets/ students in the College (122 lived in on-campus student housing and 0 students resided off campus in a commuter status) and 243 cadets/students in the Academy, grades 7th through 12th. (236 lived in on-campus student housing; 2 students resided off campus in a commuter status and 5 students took virtual classes from home. There were approximately 126 non-student employees and contracted staff working on campus. Employees are encouraged to consult the Staff Memoranda, Faculty Handbook, College Catalog, and other written policies for additional information concerning VFMAC's security procedures. Cadets/students are required to read The Student Handbook. Members of the Corps of Cadets are also required to read The Guidon and Blue Book which is issued to each cadet upon arrival at VFMAC, for additional information concerning VFMAC's security procedures.

### **STATE AND FEDERAL CAMPUS SECURITY ACTS**

VFMAC recognizes its responsibility to comply with state and federal law in regard to the reporting and dissemination of campus security information. According to Pennsylvania's "Higher Education Security Information Act," VFMAC is required to compile information regarding certain crimes occurring on campus and to publish certain campus security policies and procedures. This state law also requires VFMAC to report crime statistics to the Pennsylvania State Police and to make available to the campus community a statistical analysis of the reported crimes. In addition, a federal statute known as the "Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act," requires VFMAC to report certain information regarding campus crime to the United States Department of Education. Additional campus security

policies and procedures and crime statistics must be provided to the campus community pursuant to the Clery Act.

All prospective students and employees must be advised that the crime statistics and a copy of the VFMAC's security policies and procedures noted in this report are available. In addition, this information must be published and provided to all students and employees on an annual basis. Any questions regarding the information compiled by VFMAC pursuant to either statute should be addressed to the Commandant's Office.

## **SECURITY SERVICES**

The Commandant's Department is responsible for security on campus and directly supervises the personnel who provide around-the-clock security services. The campus security staff consists of approximately 6 full-time Campus Safety Officers who monitor surveillance cameras overnight, as well as, TAC Officers, and other officials. Campus Safety Officers are screened prior to assuming their duties.

The Campus Safety Officers are not police officers and, therefore, do not have law enforcement authority, such as the powers of arrest. However, VFMAC enjoys complete cooperation with the Radnor and Tredyffrin Township Police Departments who assist as needed. All reasonable efforts are made by the Commandant's Office to report significant criminal occurrences on campus to the appropriate local police department.

Campus Safety Officers employed by VFMAC do not carry any form of weapon or restraining devices. Each member of the Campus Safety Officers can communicate via telephone or portable radio to the Commandant's Office. All Campus Safety Officers receive on-the-job training and are instructed to promptly notify the Commandant's Office in the event of an emergency or a reported criminal incident.

## **REPORTING CRIMES**

Any cadet/student or employee who is a victim of a crime is encouraged to report the incident to a Police Officer, TAC Officer, Campus Safety Officers or through the appropriate chain of command. Any victim or witness may also report an incident on a voluntary, confidential basis to the Commandant's Office.

Because of the nature of the Valley Forge Military Academy & College cadet/student rules and regulations, the barracks of the Corps of Cadets, and the cadet honor code, campus security is handled somewhat differently than at most colleges. Local police authorities are notified of criminal code violations and investigated by them. Nonetheless, VFMAC reports crime statistics occurring on campus to the state and federal authorities as required by law. VFMAC works with the local police departments in regard to information concerning criminal incidents that occur on campus or on the public property which borders or intersects Valley Forge Military Academy & College.

## **CONFIDENTIAL REPORTING**

Although we encourage the reporting of crime directly to Campus Safety Officers, in some instances members of the campus community may choose to file a report with one of the other Campus Security Authorities. They include any member of the Campus Safety/Security Department, the Dean of College Services, Office of the Commandant of Cadets (including TAC Officers), other Directors and Department Heads, athletic coaches, advisors and some counselors. Allegations of campus crime that a staff member becomes aware of and that were made in good faith must be reported to the Office of the Commandant. “In good faith” means that there is a reasonable basis for reporting a crime, as opposed to basing a report on a rumor. Valley Forge Military Academy and College allows for confidential reporting of crime. Victims who do not want to pursue action within the Valley Forge Military Academy and College disciplinary system can make a confidential report. Valley Forge Military Academy and College can file a report of the incident without revealing the identity of the victim. The Radnor Township Police Department will be notified as well. Valley Forge Military Academy and College will guide the victim through the available options and support the victim in his or her decision. Various counseling options are available at Valley Forge Military Academy and College and outside resources are available for other students on a referral basis. The purpose of a confidential report is to comply with a victim’s expressed wishes to keep the matter confidential, while taking steps to ensure the future safety of the victim and others. With this information, Valley Forge Military Academy and College can keep and disseminate accurate records of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for Valley Forge Military Academy and College.

## **ALCOHOL AND DRUG POLICY STATEMENT**

In keeping with the mission of the College, there is a strict policy in regard to the possession, distribution, transportation and/or consumption of illegal drugs, drug paraphernalia and intoxicating beverages. Cadets may not, at any time, on or off campus, use or transport illegal drugs or drug paraphernalia, consume or possess intoxicating beverages or return to campus under the influence of drugs or alcohol. In addition, all cadets are obligated to comply with the laws of the Commonwealth of Pennsylvania in regard to the purchase, possession or consumption of alcohol and/or illegal drugs.

VFMAC strongly encourages any cadet/student or employee who is struggling with a substance abuse problem to seek assistance through VFMAC or through any appropriate outside agency or medical professional.

## **SEXUAL AND OTHER HARASSMENT POLICY STATEMENT**

VFMAC believes that all cadets are entitled to an equal opportunity regarding all aspects of their experience with VFMAC. VFMAC strives to ensure that no individual cadet is discriminated against due to race, color, creed, sexual orientation or national origin. VFMAC does not condone or tolerate harassment, sexual or otherwise, by any member of the faculty, administration, Corps of Cadets/ Student Body. Any cadet/student or employee who is a victim of sexual or other harassment is encouraged to report the incident directly to the one of the following: TITLE IX Coordinator's Office, Commandant's Office, Dean of College Services, TAC Officer, and Campus Safety Officer. VFMAC is committed to working with any victim of sexual assault to obtain necessary counseling and is committed to fully investigating any and all such allegations.

## **TIMELY WARNING POLICY STATEMENT**

The Commandant's Office will issue timely warnings to the VFMAC community whenever emergency or security issues arise, that pose a substantial and continuing threat to the cadets, faculty, or staff. These warnings may be given in multiple forms including via e-mail, postings to the VFMAC web page, text messages, written postings and announcements at regular VFMAC functions.

## **CAMPUS HOUSING AND FACILITIES**

Cadets are assigned rooms and roommates on an annual basis. Roommates may be changed by the approval of the TAC Officer. Only the Commandant of Cadets can approve a change in barracks. Each room is secured by an in-door combination lock or key entry lock. The Commandant's Office, and TAC Officers have access to a pass-key for emergency entry. There are no guest quarters available and no overnight guests are permitted.

An adult presence is maintained on campus at all times. The outside doors to each college barracks are open from 6:00 a.m. to 10:00 p.m. daily. During the evening hours, cadet leadership monitors access to the facilities until 10:00 p.m. Security patrols are conducted in and around all barracks from 10:00 p.m. to 6:00 a.m. A TAC Officer or Barracks Safety Officer is assigned to monitor Academy barracks 24 hours per day. Additional security patrols are conducted in and around the barracks throughout the evening. The Campus Safety Officer's base of operations moved from Franklin House Apartment 1B in spring 2022 to the Facilities Warehouse on Lynch Road adjacent to the Kunch Parking Lot where they continue to have the capability to monitor campus surveillance cameras during their tour of duty. Outside guests are generally not permitted in the barracks for Academy and College cadets. Neither guests nor students

are permitted in bedrooms of the opposite gender except during scheduled visitation hours.

During SY 19-20, guests were welcome in residences of College Pathways students if they were approved and abided by the VFMC visitor's policy. Guests were not permitted to stay on campus longer than one night. Neither guests nor students were permitted in bedrooms of the opposite gender except during scheduled visitation hours. Pathways students were responsible for the conduct of their guest(s) and agreed to pay for any damage caused by a guest. NOTE: The Pathways program was discontinued at the conclusion of SY 19-20. Since May 2020 the VFMAC campus has been closed to all non-essential visitors and workers. Since the start of SY 20-21 all students are part of the Corps of Cadets.

Non-cadet visitors are not authorized on Main Campus without written authorization from the President or Commandant of Cadets. Authorized visitors are required to report to the Campus Safety Office. The complete Campus Visitation Policy can be found at the website at ([https://www.vfmac.edu/documents/VFMAC-Campus\\_Visitor\\_Policy.pdf](https://www.vfmac.edu/documents/VFMAC-Campus_Visitor_Policy.pdf))

Visitation amongst cadets is authorized on all days between the hours of 6:00 a.m. and TAPS. Cadets (male or female) are authorized to be in a room not their own, as long as a room occupant is present, between the hours above. Doors will remain open at all times. (Academy cadets are not permitted to have female guests in their rooms). For the purposes of studying or academic work, visitation after TAPS (between TAPS and MIDNIGHT or beyond) may be permitted with written (paper, email or text) approval of the Lead TAC Officer (this includes weekends. However, all cadets must be in their own room for TAPS accountability.

During visitation, the door must be kept open. A member of the opposite sex must announce themselves prior to entering a floor of the opposite sex. (i.e., MALE ON FLOOR, when entering the female Floor and vice versa). Females are not permitted in the bathroom designated for male usage. Males are not permitted in bathroom designated for female usage. After business hours, all administrative and academic offices are locked and access cannot be obtained without the specific approval of the building manager or through the Campus Safety Office.

During SY 2018-2019 female cadets were billeted on a single floor in Lafayette Hall. During School Year 2019-2020 all college cadets (male and female) were billeted in Younghusband Hall. During SY 2019-2020 College Residential Students (non-Corps) in the Pathways program lived in either Lafayette Hall (all male) or in the Village Apartments on Radnor Street Road. Access to the apartments was by key access. Residence Life Coordinators and Campus Safety Officers monitored the barracks and apartments of the college students in the Pathways program. Following the conclusion of SY 2019-2020 the College Pathways/Residential program was discontinued. Since the start of SY 2020-2021 all College students are members of the Corps of Cadets and both male and female cadets reside in the same barracks. During SY 2020-2021 the majority of college cadets lived in Hocker Hall, Martin Hall and Von Steuben Hall. From

February 2021 thru May 2021 select college cadets lived in the Village Apartments. The Village Apartments have been unoccupied since the end of May 2021. Each barracks room is secured by an in-door combination lock or has key access. TAC Officers and Campus Safety Officers monitor the barracks on a routine basis. Stairwells and hallways of all barracks are monitored by security cameras which are monitored by a campus security officer.

Because VFMAC is a small and intimate community all members of the campus community are encouraged to participate in the continued security of the campus. Suspicious activity and unauthorized individuals should immediately be reported to the TAC Officer, a Campus Safety Officer, or the Commandant's Office. Further information regarding visitors and off-limit areas may be found in The Guidon and the College Student Handbook.

The TAC Officers and a significant number of faculty and staff reside on-campus. These quarters and all campus facilities and grounds are inspected as needed by the security officers. All buildings, grounds, and barracks are maintained by the Facilities and Services Department and regular inspections are made with an eye toward continued security and safety. Cadets in each barracks perform fire drills and all barracks. Barracks are equipped with up-to-date fire alarms and extinguishers. Additional information concerning fire safety and security procedures is contained in The Student Handbook and The Guidon.

## **MISSING STUDENT POLICY**

Reporting a Missing Student. Any member of the campus community who becomes aware that a person is or is suspected to be missing should contact their TAC Officer, or the Campus Safety Officer on duty.

Emergency Contacts and Confidential Emergency Contacts. All cadets are required to update emergency contact information with the Commandant's Office. Cadets who are over 18 may register a confidential contact person to be notified in the case that the student is determined to be missing, by making this request in writing, to the Commandant's Office; otherwise the emergency contact listed on the emergency data form will be used in trying to locate the cadet/student. If a cadet/student registers a confidential emergency contact, only school officials and law enforcement officers will have the right to access this information.

Missing Person Notification. Once a college cadet/student has been missing for 24 hours or if there is a reason to suspect foul play, a report will be made to the local police. In all cases when the missing cadet/student is less than 18 years old the emergency contact and the parent or guardian will be notified. The parent or guardian will be notified if the over 18-year-old cadet remains missing for over 24 hours or earlier if notification of the parent or guardians is in the judgment of campus officials to be helpful in locating the cadet/student.

Protocol Following a Missing Person Report. Once a cadet is reported missing, the TAC Officer or Campus Safety Officer will try to locate the cadet. This person will work with other community members and external sources as needed. The next steps are likely to be, but not limited to these:

All persons who might have information regarding the missing person will be contacted for an interview. The cadet/student's emergency contact and parents/guardians will be notified as deemed appropriate. All known methods of communication to the cadet/student will be used to try to contact the cadet/student. All methods to try and find information as to the possible whereabouts of the cadet/student will be investigated. If the cadet/student still cannot be found, a report will be made to the local police, by the Commandant of Cadets. Once a missing person report has been filed with the local police, the Commandant of Cadets will remain in contact with the local police and take direction from them until the case is resolved.

### **DAILY CRIME LOG**

The Commandant's Office maintains a daily log that lists valid complaints which are reported to the Commandant's Office. The log contains information regarding the nature of the incident, its general location, the date and the disposition of the incident, if known; but generally, personally identifiable information is excluded as required by law. The daily crime log for VFMAC can be viewed by the faculty, staff, cadets and the public upon request to the Commandant of Cadets.

### **CRIME STATISTICS**

There are two separate charts of crime statistics. The first chart contains statistics of criminal incidents reported to the Pennsylvania State Police pursuant to the Higher Education Security Information Act. The second chart contains statistics reported to the U.S. Department of Education pursuant to the Clery Act. In regard to both charts, neither a police investigation, nor subsequent formal charges are required in order for the crime to be listed.

**PENNSYLVANIA UNIFORM CRIME REPORT ACT**

Crime statistics are reported to the Pennsylvania State Police for annual publication in “Crime in Pennsylvania, the Uniform Crime Report of the Commonwealth.” These statistics are also available in the U.S. Department of Justice Publication, Crime in the United States, which is available at all public libraries and at most law enforcement agencies within the United States. Crime statistics are also available by writing to campus Safety Office, Valley Forge Military Academy and College, 1001 Eagle Road, Wayne, PA 19087.

OFFENSE	YEAR		
	2019	2020	2021
Part I Offenses	Crimes/Crime Rate*	Crimes/Crime Rate*	Crimes/Crime Rate*
<b>Criminal Homicide</b>			
Murder & Non-Negligent Manslaughter	0/0	0/0	0/0
Manslaughter by Negligence	0/0	0/0	0/0
<b>Rape</b>			
Rape	1/130	0/0	0/0
Attempts to Commit Rape	0/0	0/0	0/0
<b>Robbery</b>			
Firearm	1/130	0/0	0/0
Knife or Cutting Instrument	0/0	0/0	0/0
Other Dangerous Weapon	0/0	0/0	0/0
Strong Arm (Hands, Feet, etc.)	0/0	0/0	0/0
<b>Assault</b>			
Firearm	0/0	0/0	0/0
Knife or Cutting Instrument	0/0	0/0	1/204
Other Dangerous Weapon	1/130	0/0	0/0
Hands, Fist, Feet, etc.	1/130	1/153	1/204

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OFFENSE	YEAR		
Part I Offenses	2019	2020	2021
	Crimes/Crime Rate*	Crimes/Crime Rate*	Crimes/Crime Rate*
<b>Burglary</b>			
Forcible Entry	2/261	1/153	1/204
Unlawful Entry – No Force	2/261	7/1070	9/1833
Attempted Forcible Entry	0/0	0/0	0/0
<b>Larceny-Theft (Exc. Motor Vehicles)</b>	11/1434	9/1376	22/4481
<b>Motor Vehicle Theft</b>			
Autos	0/0	0/0	0/0
Trucks and Buses	0/0	0/0	0/0
Other Vehicles	0/0	0/0	0/0
<b>Arson</b>	2/261	0/0	1/204
<b>Total Part I Offenses</b>	<b>21/2738</b>	<b>18/2752</b>	<b>35/7128</b>

2019 – A rape was reported to Campus Security Authorities, investigated and found to be unsubstantiated.

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Part II Offenses	2019	2020	2021
	Crimes/Crime Rate*	Crimes/Crime Rate*	Crimes/Crime Rate*
Assaults – Simple Non-Aggravated	14/1825	11/1682	11/2240
Forgery and Counterfeiting	1/130	0/0	0/0
Fraud	1/130	2/305	6/1222
Embezzlement	0/0	0/0	0/0
Stolen Property (receive, possess, etc.)	0/0	1/153	1/204
Vandalism	7/913	0/0	8/1629
Weapons (carrying, possessing, etc.)	5/652	0/0	2/407
Prostitution & Commercialized Vice	0/0	0/0	0/0
Sex Offenses (exc. Prostitution & Rape)	4/522 **	2/306 **	9/1833 **
Drug Sales/Manufacturing	2/261	1/153	0/0
Drug Possession	11/1434	4/612	5/1018
Gambling	0/0	0/0	0/0
Offenses Against Family & Children	0/0	0/0	0/0
Driving Under the Influence	0/0	0/0	0/0
Liquor Laws	19/2477	9/1376	2/407
Drunkenness	3/391	2/306	0/0
Disorderly Conduct	21/2738	3/459	19/3870
Vagrancy	0/0	0/0	0/0
All other offenses (except traffic)	9/1173	5/765	6/1222
<b>Total Part II Offenses</b>	<b>97/12,647</b>	<b>40/6116</b>	<b>69/14,053</b>
<b>Total Part I and Part II Offenses</b>	<b>118/15,385</b>	<b>58/8,869</b>	<b>104/21,181</b>

\*\* CY 2019 - Four cases of sexual harassment were reported

\*\* CY 2020 – Two cases of sexual harassment were reported

\*\* CY 2021 - Three cases of sexual harassment and six unsubstantiated cases of improper touching were reported

- The crime rates calculated in this chart are done so by multiplying the number of recorded crimes times 100,000 to obtain the population base, then dividing that number by the full-time equivalent population of students and VFMAC employees (491 for 2021, 654 for 2020 and 767 for 2019)
- Crime rate data for 2019 included all College as well as Academy cadets/students attending Valley Forge Military Academy and College and all non-student employees working at Valley Forge Military Academy and College. The College had 299 students enrolled of which 280 resided in campus housing. The Academy had 236 students enrolled of which 221 resided in campus housing. 235 non-student employees were working on campus. (183 VFMAC employees and 49 contracted employees)
- Crime rate data for 2020 included all College as well as Academy cadets/students attending Valley Forge Military Academy and College and all non-student employees working at Valley Forge Military Academy and College. The College had 252 students enrolled of which 241 resided in campus housing. The Academy had 271 students enrolled of which 269 resided in campus housing. 131 non-student employees were working on campus. (87 VFMAC employees and 44 contracted employees)

Crime rate data for 2021 included all College as well as Academy cadets/students attending Valley Forge Military Academy and College and all non-student employees working at Valley Forge Military Academy and College. The College had 122 students enrolled of which all 122 resided in campus housing. The Academy had 243 students enrolled of which 236 resided in campus housing. As of 1 January 2021, there were 126 non-student employees working on campus. (87 VFMAC employees and 39 contracted employees)

## **CAMPUS CRIME STATISTICS – CLERY ACT**

The Clery Act requires that VFMC collect and report crime statistics for crimes that occur within its Clery Geography, which includes campus property, noncampus buildings and property, and public property. The Clery Act definitions of campus, noncampus buildings and property, and public property are included below. VFMAC has a well-defined campus and considers all parts of its campus to be campus property, including the General Parking Lot. As required by the Clery Act, VFMAC also breaks out crimes that occur in campus housing for both the Academy and the College into a separate category. VFMAC does not have any noncampus buildings and property, and it does not own any property separate from the main campus. The campus' public property includes the sidewalk along Radnor Street Road and the Radnor Street Road itself, which runs through the main portion of campus and the west side of campus, as well as Eagle Road from Radnor Street Road to the entrance to General Parking Lot. VFMAC counts all Clery offenses occurring in its Clery Geography in its campus crime log and its Annual Safety, Security and Fire Safety Report.

## **CLERY GEOGRAPHY DEFINITIONS**

Campus is defined as “(i) any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls; and (ii) any building or property that is within or reasonably contiguous to the area identified in paragraph (i) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).”

On-Campus Student Housing Facility (a subset of campus property) is defined as “a dormitory or other residential facility for students that is located on an institution's campus.”

Noncampus building and property is defined as “(i) any building or property owned or controlled by a student organization that is officially recognized by the institution; or (ii) 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 contiguous geographic area of the institution.”

Public Property is defined as “all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to an accessible from the campus.”

**CAMPUS CRIME STATISTICS – CLERY ACT**

OFFENSE	ON CAMPUS			**RESIDENTIAL FACILITIES			PUBLIC PROPERTY		
	2019	2020	2021	2019	2020	2021	2019	2020	2021
Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Rape	1	0	0	1	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
Robbery	0	0	0	0	0	0	1	0	0
Aggravated Assault	2	1	2	0	1	1	0	0	0
Burglary	4	7	10	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	2	0	1	1	0	1	0	0	0
<b>TOTAL</b>	<b>9</b>	<b>8</b>	<b>13</b>	<b>2</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>0</b>

NOTES: 2019 – A rape was reported to Campus Security Authorities, investigated and found to be unsubstantiated.

**\*HATE CRIMES**

OFFENSE	ON CAMPUS			**RESIDENTIAL FACILITIES			PUBLIC PROPERTY		
	2019	2020	2021	2019	2020	2021	2019	2020	2021
Race	0	1	0	0	1	0	0	0	0
Gender	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0
Sexual Orientation	0	0	0	0	0	0	0	0	0
Ethnicity	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

\*There were no hate crimes recorded in 2019 and 2021 for any category of offenses. In 2020 one incident of simple assault was motivated by a racist comment.

**ARRESTS FOR SELECTED OFFENSES**

OFFENSE	ON CAMPUS			**RESIDENTIAL FACILITIES			PUBLIC PROPERTY		
	2019	2020	2021	2019	2020	2021	2019	2020	2021
Liquor Law Violations	0	0	0	0	0	0	0	0	0
Drug Violations	2	1	0	1	1	0	0	0	0
Weapons Possession	1	0	0	1	0	0	0	0	0
<b>TOTAL</b>	<b>3</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**REFERRALS FOR DISCIPLINARY ACTION:**

OFFENSE	ON CAMPUS			**RESIDENTIAL FACILITIES			PUBLIC PROPERTY		
	2019	2020	2021	2019	2020	2021	2019	2020	2021
Liquor Law Violations	19	9	2	16	9	2	0	0	0
Drug Violations	13	5	5	10	5	2	0	0	0
Weapons Possession	5*	0	1	5	0	1	0	0	0
<b>TOTAL</b>	<b>37</b>	<b>14</b>	<b>8</b>	<b>31</b>	<b>14</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>0</b>

\*\*Crimes reported in the residential facilities column are included in the on-campus category.

\*2019 weapons possession were 1 airsoft pistol and 4 knives.

\*2021 weapons possession was 1 airsoft pistol

**VIOLENCE AGAINST WOMEN ACT (VAWA)**

On March 7, 2013 President Obama signed the Violence Against Women Reauthorization Act of 2013 (VAWA) (Pub. Law 113-4), which among other provisions, amended section 485(f) of the Higher Education Act of 1965, as amended (HEA), otherwise known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics (Clery Act). Notably, VAWA amended the Clery Act to require institutions to compile statistics for incidents of domestic violence, dating violence, sexual assault, and stalking and to include certain policies, procedures, and programs pertaining to these incidents in their Annual Security Reports.

The Higher Education Act defines the new crime categories of domestic violence, dating violence, and stalking in accordance with section 40002(a) of the Violence Against Women Act of 1994 as follows:

**“Domestic violence”** means a “felony or misdemeanor crime of violence committed by—

- A current or former spouse or intimate partner of the victim,
- A person with whom the victim shares a child in common,
- A person who is cohabiting with or who has cohabited with the victim as a spouse or intimate partner,
- A person similarly situated to a spouse of the victim under the domestic family violence laws of the jurisdiction receiving grant monies under VAWA, or
- Any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.”

**“Dating violence”** means “violence committed by a person—

- Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- Where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - The length of the relationship;
  - The type of relationship; and
  - The frequency of interaction between the persons involved in the relationship.”

The Clery Act requires institutions to disclose and report three calendar years’ worth of statistics. The three-year requirement was implemented in phases. This 2022 report includes statistical data from CY 2019, CY 2020 and CY 2021.

The statistical data for reportable VAWA incidents reported to Valley Forge Military Academy and College campus security authorities are shown below.

	Calendar Year 2019 Statistics	Calendar Year 2020 Statistics	Calendar Year 2021 Statistics
Domestic Violence	1	0	0
Dating Violence	1	0	0
Stalking	0	0	0

Valley Forge Military Academy and College prohibits all forms of domestic violence, dating violence, sexual assault and stalking.

Valley Forge Academy and Military College conducts programs to prevent domestic violence, dating violence, sexual assault and stalking as part of the initial orientation period that all new college cadets participate in upon arrival to campus. Additional training programs are sponsored by the College Counselor or the Academy Guidance Office throughout the academic year that are oriented to promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking.

Specific programs include:

- seminars/discussion groups with the VFMAC Title IX coordinator meeting with all new college cadets and cadet leaders in August;
- conducting mandatory training on alcohol abuse including discussions on sexual assault;
- an information table in the dining facility focusing on domestic violence and dating violence in October;
- an information table focusing on healthy relationships and how to know whether your relationship is healthy in February;
- allowing athletes to wear purple for domestic violence and sexual assault awareness in the fall

Valley Forge Military Academy and College employees receive training by the Human Resources Department prior to the start of each academic year on these topics.

Any cadet, student or employee that witnesses an incident of domestic violence, dating violence, sexual assault, or stalking is obligated to report the incident to their Cadet Chain of Command, direct supervisor, Dean of College Services, Commandant of Cadets, Director of Human Resources or a Campus Safety Officer. Witnesses and bystanders may choose to take action as an incident is in progress or may elect to take a safe and positive action by reporting the incident either anonymously or in person to their Cadet Chain of Command, direct supervisor, Dean of College Services, Commandant of Cadets, Director of Human Resources or a Campus Safety Officer.

Once an incident of a suspected crime has been reported to a campus security authority, incidents involving cadets will initially be investigated by the Dean of College Services or a representative from the Office of the Commandant of Cadets who have had annual training on issues related to domestic violence, dating violence, sexual assault, and stalking. Incidents involving employees will initially be investigated by the Department of Human Resources. If the preponderance of the evidence suggests that a crime has been committed, the local law enforcement agency, the Radnor Police Department or the Tredyffrin Police Department (depending on jurisdiction), will be contacted.

The victim and the accused will be provided a prompt, fair, and impartial investigation and are entitled to the same opportunity to have others present during an institutional

disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice.

If the preponderance of the evidence suggests that a cadet/student has committed an offense of rape, acquaintance rape, domestic violence, dating violence, sexual assault or stalking the cadet/student will be referred to a Commandant's Disciplinary Board or Student Conduct Board which has the authority to make a recommendation of dismissal from the institution. The recommendation for dismissal will be forwarded to the President of Valley Forge Military Academy and College for final approval. Actions taken by the Commandant's Disciplinary Board and Student Conduct Board are separate from any legal action taken by the local police authorities.

Both the accuser and accused shall be simultaneously informed in writing, of:

- the outcome of the Commandant's Disciplinary Board
- the procedures for the accused and the victim to appeal the results
- any change in the results that occurs prior to the time the results become final
- Information on risk reduction to recognize the warning signs of abusive behavior

## **SEXUAL ASSAULT POLICY**

Sexual assault is a violation of Title VII of the Federal Civil Rights Act of 1964, Title IX of the 1972 Education Amendments, the Pennsylvania Human Relations Act, and the standards which Valley Forge Military Academy and College expects of its students. Sexual assault is a crime that involves power as the motive, sex as the weapon, and aggression as the method. Anyone can become a victim of sexual assault regardless of age, gender, race, appearance, or economic status. A person has the right to say "no" at any stage of an encounter. However, a person does not have to say "no" for the attack to be considered a sexual assault. A person does not attract sexual assault by acting or dressing in a provocative manner. There is no evidence to support a link between physical attractiveness and sexual assault.

## **DEFINITIONS**

**Consent** in regards to sexual activity is defined as a clear, unambiguous, and voluntary agreement between individuals to engage in specific sexual activity. The absence of a "no" does not mean consent; a clear "yes," verbal or otherwise, is necessary. Consent does not need to be verbal; however, verbal communication is the most reliable form of asking for and gauging consent and individuals are thus urged to seek consent in verbal form. Talking with sexual partners about desires and limits may seem difficult, but helps for positive sexual experiences involving mutual willingness and respect.

Consent cannot be obtained from someone who is asleep or otherwise mentally or physically incapacitated, whether due to alcohol, drugs, or some other condition. Consent cannot be obtained by threat, coercion, or force. Agreement given under such conditions does not establish consent. Individuals are not consenting when they are saying “no” or “stop,” crying, moving away, pushing the other away, incapacitated by drugs or alcohol, drugged, asleep, passed out, intimidated, manipulated, threatened, confined, or coerced. If an individual does not consent, then it is sexual assault or rape, and against the law. Consent to some sexual acts does not infer consent to others, nor does past consent to a given act imply ongoing or future consent. Consent can be retracted at any time.

**Sexual Assault** is the commission of a sex offense. It is a more general term which includes but is not limited to rape and sexual abuse. If a person is unable to give consent, the behavior of the perpetrator is considered sexual assault. Persons are considered unable to consent if:

- they are temporarily incapable of appraising their conduct due to
  - a) the influence of alcohol or drugs or
  - b) physical helplessness because they are unconscious or otherwise physically unable to communicate consent;
- they are impaired because they are suffering from a mental illness which renders them incapable of appraising the nature of their conduct; or they are under the age of 18.

Having a sexual encounter with a person under such circumstances is considered sexual assault, even if the assailant is under the influence of alcohol or drugs.

**Rape:** Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This definition includes any gender of victim or perpetrator. Sexual penetration means the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, or by a sex-related object. This definition also includes instances in which the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity (including due to the influence of drugs or alcohol) or because of age. Physical resistance is not required on the part of the victim to demonstrate lack of consent.

**Date Rape**, also known as "acquaintance rape," "social rape," or "silent rape," is rape by someone the person knows—friend, roommate, classmate, date, neighbor, professor, employer, co-worker, fiancé, lover or ex-lover, or casual acquaintance.

**Sexual Abuse** is forcing a person to engage in any sexual contact other than sexual intercourse. Sexual abuse means any touching of the sexual or intimate parts of another person, whether directly or through clothing, which is offensive to the victim and which could reasonably be understood as offensive. (See Sexual Harassment Policy for additional infractions not covered in this document)

**If you are sexually assaulted:**

1. Immediately tell someone such as a trusted friend, a TAC Officer, the Dean of College Services, the Commandant of Cadets, a counselor or Health Center, a Campus Safety Officer or a faculty advisor. You will need support throughout the process.
2. Seek medical attention immediately. Visit the Cadet Health Center, call your doctor or go to the hospital emergency room for treatment of any injuries and for collection of evidence for legal prosecution, even if you are not sure that you want to prosecute. You can decide later to prosecute, but the exam cannot wait.
3. Report the sexual assault to the police. They will inform you of your legal rights and help you collect evidence. You can decide whether or not to prosecute later.
4. Make a written report of all the events that led up to the sexual assault, the sexual assault event, and your behavior after the sexual assault. Include dates, times, and witnesses.
5. Seek counseling. Your TAC Officer, Dean of College Services or the Commandant of cadets can help you contact the Valley Forge Military Academy counselors. A counselor can give confidential support, help in decision-making, and help the victim to move through the emotional and psychological processes from victim to survivor.
6. Report the sexual assault to any member of the staff and faculty.

**DO NOT:**

- Clean up, wipe or wash with tissue, douche, bathe, shower, or change your clothes before you go to the hospital.
- Be afraid to tell others and report this crime to the police.
- Blame yourself.

If a friend discloses that they have been sexually assaulted; remember that each person's reaction is unique. Here are a few ways to be supportive:

Listen...then listen some more. As your friend moves through the healing process they may need a supportive, non-judgmental friend who will just listen.

Assure them that they are not responsible for the assault. Many survivors of assault blame themselves. Let them know that no one deserves to be assaulted, and that the attacker is responsible for the assault.

Help by identifying supportive resources while letting them make the decisions. Sexual assault survivors may struggle with a loss of control. The decision your friend make about how to cope will depend on many variables. Providing options for support may be more beneficial than forcing them to get help.

Encourage them to seek medical attention. Physical injuries of assault vary. If your friend decides to press charges, a properly conducted physical examination can provide important evidence.

Provide emotional support and get support for yourself. Ask your friend what support they want from you. Also remember that you may be affected, have your own reactions to the assault, and may need support.

### **What can you do to help prevent sexual assault?**

Be informed. Read about the topic and understand the statistics.

Be an active bystander. Recognize that preventing sexual assault is everyone's responsibility. Speak up. Don't be a silent bystander.

Never assume consent. Communication is part of a healthy relationship and can help reduce miscommunications.

Support Survivors. Listen to victims, believe them, and show your support by listening.

Consider your attitudes. Think about how attitudes and language may contribute to sexual violence.

Talk about it. Find out how assault has impacted the lives of victims, be an advocate for healthy relationships, and educate others through formal and informal interactions.

### **The Federal Campus Sexual Assault Victims Bill of Rights:**

- Survivors shall be notified of their options to notify law enforcement.
- Accuser and accused must have the same opportunity to have others present.
- Both parties shall be informed of the outcome of any disciplinary proceeding.
- Survivors shall be notified of counseling services.
- Survivors shall be notified of options for changing academic and living situations.

The Campus Sexual Assault Victims’ Bill of Rights” exists as a part of the campus security reporting requirements, commonly known as the Jeanne Clery Act.

**PENNSYLVANIA VICTIM’S BILL OF RIGHTS:**

As a victim of crime in Pennsylvania, you have the following rights:

- To receive basic information concerning the services to assist you;
- To be notified of certain significant actions and proceedings pertaining to your case, including, in personal injury crimes, the arrest of the suspect and escape from police custody;
- To be accompanied at all public criminal proceedings by a family member, a victim advocate or another person;
- In cases of personal injury crimes, burglary, or driving under the influence involving bodily injury, to submit prior comment to the prosecutor's office on the potential reduction or dropping of any charge or changing of a plea;
- To offer prior comment or to submit a written victim impact statement for the judge's consideration at sentencing;
- To recover your losses, to the extent possible, through restitution, compensation through the victim's compensation program and the return of property which was seized as evidence when it is no longer needed by the prosecutor;
- In personal injury crimes where the offender is sentenced to a state prison, to provide prior comment on and to receive notice of release decisions, and to be immediately notified if the offender escapes;
- In personal injury crimes where the offender is sentenced to a local correctional facility, to receive notice of release decisions and to be immediately notified if the offender escapes;
- To receive immediate notice of release on bail where the offender is committed to a local correctional facility for violation of a protection from abuse order;
- To receive notice when an offender is committed to a mental health facility from a state prison and of the discharge, transfer or escape of the offender from the mental health facility; and
- To have assistance in the preparation of, submission of and follow-up on the financial assistance claims to the Crime Victim's Compensation Board.

**VICTIM’S RESPONSIBILITY:**

In order for a victim to receive information and/or notice on matters concerning a case, the victim must provide a valid address and telephone number to the requesting agency. The victim is also responsible for providing timely notice of any changes in that information. The information the victim provides is confidential and may not be disclosed to any person other than a representative of a law enforcement agency, prosecutor's office or corrections agency without the victim’s written prior consent. The victim's responsibility falls to the parent or legal guardian for child victims and to a surviving family member in the case of homicide. According to the Pennsylvania Crimes Code 2711, police are permitted to arrest without a warrant when there is "probable cause" that a crime such as an assault occurred, even if the crime was not committed in their presence. The police may also confiscate any weapons that were used. Police may make an arrest in domestic violence situations if:

- You state that you have been abused and, There is physical evidence of the abuse, such as bruises, cuts or other injuries and/or broken furniture or locks or, There is another person who states that he/she witnessed the abuse (neighbor, friend, child)

The following resources for counseling, health, mental health, victim advocacy, legal assistance, are available to victims on campus and in the community:

**Victim/Witness Assistance Programs:**

**Information on Victim Rights and Services in the Criminal Justice System and Community Agency:**

Victim/Witness Coordinator (District Attorney's Office)

Telephone Numbers: Business - 610-891-4231

**Pennsylvania Coalition Against Domestic Violence**

For Prevention - Intervention - and Change 1-800-799-SAFE (7233) 24 Hour National Hotline

**Delaware County Women Against Rape (DCWAR)**

Providing Accompaniment, Counseling, Education and Advocacy services since 1974

Victims of Sexual Assault (24 hours) 610-566-4342

**Domestic Violence Victim Services**

Legal Support, Counseling, Shelter, and other help

Domestic Abuse Project 610-565-4590

**Drunk Driving**

Counseling, Advocacy and Services for Victims of Drunk Driving

Agency: M.A.D.D. (Mothers Against Drunk Driving)

Telephone Numbers: Business 215-741-1667

**Child Abuse**

Counseling, Information and Referral Services for Abuse and Neglected Children

Agency: Bucks County Children and Youth

Telephone Numbers: Hotline 800-932-0313 Business 215-348-6950

**Elder Abuse**

Counseling, Shelter and Protective Services for Victims Age 60 and Over

Agency: Bucks County Area Agency on Aging

Telephone Numbers: Business 215-348-0510

**Other Victims of Violence**

**Counseling, Services and Advocacy for the Surviving Family of Homicide Victims and for Robbery, Aggravated Assault and Burglary Victims**

Agency: N.O.V.A. (Network of Victim Assistance)

Telephone Numbers: Hotline 800-675-6900 Business 215-348-5664

**Crime Victim's Compensation**

Compensation for Out-of-Pocket Medical Bills, Lost Wages/Support Counseling, Funeral Expenses or Cash Loss of Benefits as a Result of a Crime, If Eligible

Agency: PA Crime Victim's Compensation Board

Telephone Numbers: Business 800-233-2339

**Assistance in Delaware County** - Following are agencies that can assist victims of crime in Delaware County:

**Victim/Witness Assistance Programs**

**Information on Victims' Rights and Services When the Offender is an Adult (Age 18 or Over) in the Criminal Justice System and Community**

Agency: Victim Witness Unit-Office of the District Attorney

Telephone Number: 610-891-4231

**Information On Victims' Rights And Services When The Offender Is Under Age 18 In The Juvenile Justice System And Community**

Agency: Juvenile Court Victim Services

Telephone Number: 610-894-5140

**Domestic Violence Victim Services**

Legal Support, Counseling, Shelter, And Other Help

Agency: Domestic Abuse Project

Telephone Number: 610-565-4590

**Sexual Assault Victim Services**

Counseling, Support, And Help For Sexual Assault Victims, Their Family Members, And Others Close To Them

Agency: Delaware County Women Against Rape

Telephone Number: 610-566-4342

**Services to Victims of Drunk Driving**

Counseling, Support, And Help For Victims Of DUI Crashes And Their Families

Agency: MADD

Telephone Number: 610-825-4902

**Homicide Victim Services**

Counseling, Support, Court Accompaniment, And Other Help For The Surviving Families Of Victims Of Homicide

Agency: Delaware County Women Against Rape Crime Victims Services (CVS)

Telephone Number: 610-566-4386

**Child Abuse Reporting and Services**

Counseling, Information And Referral Services For Abused And Neglected Children And Their Families

Agency: Children and Youth Services

Telephone Number: 610-447-1000 Chester, 610-713-2000 Upper Darby

**Services to Victims of Elder Abuse**

Counseling, Shelter And Protective Services For Older Victims And Their Families

Agency: Senior Victim Services

Telephone Number: 610-627-8892

**Services to Victims of Robbery, Assault, and Burglary and Arson**

Counseling, Support, And Help For Victims Who Were Robbed, Physically Injured, Or Were The Victims Of Burglary Or Arson

Agency: Delaware County Women Against Rape Crime Victims Services (CVS)

Telephone Number: 610-566-4386

**On Campus Victim/Witness Contact Resources:**

<b><u>OFFICE/DEPARTMENT</u></b>	<b><u>CONTACT</u></b>	<b><u>PHONE</u></b>
College Administration	Dr. Robert Smith Provost & Chief Academic Officer	610-989-1458
	Dr. Jesse Phillips Dean of College Services/ Title IX Coordinator	610-989-1467
Commandant's Department	GSM William Mott OBE MVO Welsh Guards (ret) Commandant of Cadets	610-989-1471
	COL Kenneth Seitz, VFMAC Quartermaster	610-989-1254
	CPT Ian Brooks, USAR Lead College TAC Officer	610-989-1422
Cadet Health Center	Ms. Deborah Hammer Director of the Health Center	610-989-1519
Safety & Security	Mr. Anthony Felicetti Chief Campus Safety Officer	610-989-1258
Campus Counselor	Dr. Dorothy Lowery	Email: DLowery@vfmac.edu
Academy Guidance Office	Ms. Amy Conrad	610-989-1384
Human Resources	Ms. Penny Vander Wielen	610-989-1244
Academy Associate Dean	Mr. Aaron Barkley Title IX Co-Coordinator	610-989-1382

**Off Campus Victim/Witness Contact Resources:**

<b><u>LOCATION</u></b>	<b><u>CONTACT</u></b>	<b><u>PHONE</u></b>
Radnor Police Department 301 Iven Avenue Wayne, PA 19087	Business	610-688-0503
	Emergency	911
Pennsylvania State Police 342 W. Baltimore Pike Media, PA 19063		484-840-1000
Bryn Mawr Hospital		484-337-3000

<u>LOCATION</u>	<u>CONTACT</u>	<u>PHONE</u>
Delaware County District Attorney's Office		610-891-4225
Delaware County Women Against Rape	Business HOTLINE	610-566-5866 610-566-4342
Domestic Abuse Project of Delaware County		610-565-6272
National Sexual Assault Hotline		1-800-656-4673
Pennsylvania Coalition Against Rape		1-888-772-7227

### **FIRE SAFETY**

Cadets are asked to exercise caution in preventing fires on campus. A minimum of one fire drill will be conducted every semester in each barracks. Cadets must exit the barracks immediately whenever a fire alarm sounds or when requested to do so by VFMAC staff and faculty. Monthly safety committee meetings are conducted to evaluate current fire safety policies and procedures.

### **CAMPUS FIRE POLICIES**

Cadets residing in barracks in possession of any heating or electrical appliance other than radios, electric clocks, electric razors, tape/CD players, personal computers, approved fans or hair dryers will be put on report for violation of fire regulations. Portable heaters, coffee pots, hot plates, and similar appliances are not permitted in cadet/student rooms unless approved by the Health Center for medical reasons. A limited number of cadets are permitted to have refrigerators and microwaves. Cadets are not permitted to have matches or cigarette lighters in the rooms. The use of lighters and lighter fluid to burn off or heat shoe polish or floor wax is forbidden. The possession or use of fireworks, firecrackers or other pyrotechnics is a violation of fire regulations and is a Class B Offense. Storage of flammable items used for cleaning, painting or other maintenance uses is prohibited in barracks. Smoking is not permitted in the barracks and is considered a violation of fire regulations and is a Class B Offense. The Commandant of Cadets and the unit TAC Officer have the final determination on what items cadets may have in the barracks.

## CAMPUS FIRE LOG 2021

<b>Residential Facilities</b>	<b>General Description Type Alarms</b>
Hocker Hall	Fully integrated automatic smoke detection in student rooms, common areas and HVAC ducting. Fully integrated automatic heat detection devices in all mechanical spaces. Manual pull stations and Horn/Strobe devices in all common areas and mechanical spaces. Building is fully sprinklered with dry sprinkler system in the unheated spaces and interfaces with fire alarm system. Standpipe system located on building accessible by Fire Department.
Lafayette Hall	Fully integrated automatic smoke detection in student rooms, common areas and HVAC ducting. Fully integrated automatic heat detection devices in all mechanical spaces. Manual pull stations and Horn/Strobe devices in all common areas and mechanical spaces. Building is fully sprinklered with dry sprinkler system in the unheated spaces and interfaces with fire alarm system. Standpipe system located on building accessible by Fire Department.
Martin Hall	Fully integrated automatic smoke detection in student rooms, common areas and HVAC ducting. Fully integrated automatic heat detection devices in all mechanical spaces. Manual pull stations and Horn/Strobe devices in all common areas and mechanical spaces. Building is fully sprinklered with dry sprinkler system in the attic or unheated spaces and interfaces with fire alarm system. Standpipe system located on building accessible by Fire Department.
Rose Hall	Fully integrated automatic smoke detection in student rooms, common areas and HVAC ducting. Fully integrated automatic heat detection devices in all mechanical spaces. Manual pull stations and Horn/Strobe devices in all common areas and mechanical spaces. Building is fully sprinklered with dry sprinkler system in the attic or unheated spaces and interfaces with fire alarm system. Standpipe system located on building accessible by Fire Department.
Von Steuben Hall	Fully integrated automatic smoke detection in student rooms, common areas and HVAC ducting. Fully integrated automatic heat detection devices in all mechanical spaces. Manual pull stations and Horn/Strobe devices in all common areas and mechanical spaces. Building is fully sprinklered with dry sprinkler system in the attic or unheated spaces and interfaces with fire alarm system. Standpipe system located on building accessible by Fire Department.
Younghusband Hall	Fully integrated automatic smoke detection in common areas. Integrated automatic heat detection devices in all mechanical spaces. Manual pull stations and Horn/Strobe devices in all common areas and mechanical spaces.

SUBJ: ANNUAL SAFETY, SECURITY AND FIRE SAFETY REPORT – 2022

Effective 15 August 2019 to 20 May 2020 additional dormitories (Village Apartments at 800 Radnor Street Road) were occupied by college students in the Pathways program. This program was discontinued at the conclusion of SY 2019-2020. The apartments were again occupied by College ECP cadets from February 2021 through May 2021. The apartments are no longer occupied.

<b>Residential Facilities</b>	<b>General Description Type Alarms</b>
Franklin House	Fully integrated automatic smoke detection in common areas and each apartment. Integrated automatic heat detection devices in mechanical spaces. Battery operated smoke detection also in each apartment for added coverage. CO detection in all mechanical rooms.
Jefferson House	Fully integrated automatic smoke detection in common areas and each apartment. Integrated automatic heat detection devices in mechanical spaces. Battery operated smoke detection also in each apartment for added coverage. CO detection in all mechanical rooms.
Greene House	Fully integrated automatic smoke detection in common areas and each apartment. Integrated automatic heat detection devices in mechanical spaces. Battery operated smoke detection also in each apartment for added coverage. CO detection in all mechanical rooms.
Knox House	Fully integrated automatic smoke detection in common areas and each apartment. Integrated automatic heat detection devices in mechanical spaces. Battery operated smoke detection also in each apartment for added coverage. CO detection in all mechanical rooms.
Putnam House	Fully integrated automatic smoke detection in common areas and each apartment. Integrated automatic heat detection devices in mechanical spaces. Battery operated smoke detection also in each apartment for added coverage. CO detection in all mechanical rooms.

**HOCKER HALL**

Unintentional Fires	Number of Fires	Number of Deaths	Number of Injuries	Value of Property Damage
Cooking	0	0	0	0
Smoking Materials	0	0	0	0
Open Flames	0	0	0	0
Electrical	0	0	0	0
Heating Equipment	0	0	0	0
Hazardous Products	0	0	0	0
Machinery/Industrial	0	0	0	0
Natural	0	0	0	0
Other	0	0	0	0
Intentional Fire	0	0	0	0
Undetermined Fire	0	0	0	0

**LAFAYETTE HALL**

Unintentional Fires	Number of Fires	Number of Deaths	Number of Injuries	Value of Property Damage
Cooking	0	0	0	0
Smoking Materials	0	0	0	0
Open Flames	0	0	0	0
Electrical	0	0	0	0
Heating Equipment	0	0	0	0
Hazardous Products	0	0	0	0
Machinery/Industrial	0	0	0	0
Natural	0	0	0	0
Other	0	0	0	0
Intentional Fire	0	0	0	0
Undetermined Fire	0	0	0	0

**MARTIN HALL**

Unintentional Fires	Number of Fires	Number of Deaths	Number of Injuries	Value of Property Damage
Cooking	0	0	0	0
Smoking Materials	0	0	0	0
Open Flames	0	0	0	0
Electrical	0	0	0	0
Heating Equipment	0	0	0	0
Hazardous Products	0	0	0	0
Machinery/Industrial	0	0	0	0
Natural	0	0	0	0
Other	0	0	0	0
Intentional Fire	0	0	0	0
Undetermined Fire	0	0	0	0

**ROSE HALL (Temporary Barracks)**

Unintentional Fires	Number of Fires	Number of Deaths	Number of Injuries	Value of Property Damage
Cooking	0	0	0	0
Smoking Materials	0	0	0	0
Open Flames	0	0	0	0
Electrical	0	0	0	0
Heating Equipment	0	0	0	0
Hazardous Products	0	0	0	0
Machinery/Industrial	0	0	0	0
Natural	0	0	0	0
Other	0	0	0	0
Intentional Fire	0	0	0	0
Undetermined Fire	0	0	0	0

**VON STEUBEN HALL**

Unintentional Fires	Number of Fires	Number of Deaths	Number of Injuries	Value of Property Damage
Cooking	0	0	0	0
Smoking Materials	0	0	0	0
Open Flames	0	0	0	0
Electrical	0	0	0	0
Heating Equipment	0	0	0	0
Hazardous Products	0	0	0	0
Machinery/Industrial	0	0	0	0
Natural	0	0	0	0
Other	0	0	0	0
Intentional Fire	0	0	0	0
Undetermined Fire	0	0	0	0

**YOUNGHUSBAND HALL**

Unintentional Fires	Number of Fires	Number of Deaths	Number of Injuries	Value of Property Damage
Cooking	0	0	0	0
Smoking Materials	0	0	0	0
Open Flames	0	0	0	0
Electrical	0	0	0	0
Heating Equipment	0	0	0	0
Hazardous Products	0	0	0	0
Machinery/Industrial	0	0	0	0
Natural	0	0	0	0
Other	0	0	0	0
Intentional Fire	1*	0	0	<\$99
Undetermined Fire	0	0	0	0

\*A student intentionally burnt a hole in the parade belt and water bottle belonging to another student.

**FRANKLIN APARTMENTS**

Unintentional Fires	Number of Fires	Number of Deaths	Number of Injuries	Value of Property Damage
Cooking	0	0	0	0
Smoking Materials	0	0	0	0
Open Flames	0	0	0	0
Electrical	0	0	0	0
Heating Equipment	0	0	0	0
Hazardous Products	0	0	0	0
Machinery/Industrial	0	0	0	0
Natural	0	0	0	0
Other	0	0	0	0
Intentional Fire	0	0	0	0
Undetermined Fire	0	0	0	0

**JEFFERSON APARTMENTS**

Unintentional Fires	Number of Fires	Number of Deaths	Number of Injuries	Value of Property Damage
Cooking	0	0	0	0
Smoking Materials	0	0	0	0
Open Flames	0	0	0	0
Electrical	0	0	0	0
Heating Equipment	0	0	0	0
Hazardous Products	0	0	0	0
Machinery/Industrial	0	0	0	0
Natural	0	0	0	0
Other	0	0	0	0
Intentional Fire	0	0	0	0
Undetermined Fire	0	0	0	0

**GREENE APARTMENTS**

Unintentional Fires	Number of Fires	Number of Deaths	Number of Injuries	Value of Property Damage
Cooking	0	0	0	0
Smoking Materials	0	0	0	0
Open Flames	0	0	0	0
Electrical	0	0	0	0
Heating Equipment	0	0	0	0
Hazardous Products	0	0	0	0
Machinery/Industrial	0	0	0	0
Natural	0	0	0	0
Other	0	0	0	0
Intentional Fire	0	0	0	0
Undetermined Fire	0	0	0	0

**KNOX APARTMENTS**

Unintentional Fires	Number of Fires	Number of Deaths	Number of Injuries	Value of Property Damage
Cooking	0	0	0	0
Smoking Materials	0	0	0	0
Open Flames	0	0	0	0
Electrical	0	0	0	0
Heating Equipment	0	0	0	0
Hazardous Products	0	0	0	0
Machinery/Industrial	0	0	0	0
Natural	0	0	0	0
Other	0	0	0	0
Intentional Fire	0	0	0	0
Undetermined Fire	0	0	0	0

**PUTNAM APARTMENTS**

Unintentional Fires	Number of Fires	Number of Deaths	Number of Injuries	Value of Property Damage
Cooking	0	0	0	0
Smoking Materials	0	0	0	0
Open Flames	0	0	0	0
Electrical	0	0	0	0
Heating Equipment	0	0	0	0
Hazardous Products	0	0	0	0
Machinery/Industrial	0	0	0	0
Natural	0	0	0	0
Other	0	0	0	0
Intentional Fire	0	0	0	0
Undetermined Fire	0	0	0	0

**FIRE AND EVACUATION PLAN**

Cadets, when in barracks/dormitories when fire call is announced, will leave the barracks/dormitories in the following manner:

**Hocker Hall.** First and second floors will evacuate simultaneously; first floor by the front central exit and rear west end exit; second floor by the east exit stairs and rear center exit stairs. Form on the Main Parade Field.

**Lafayette Hall.** Lafayette Hall will be evacuated simultaneously by all floors: the third floor by the east stairway; the second floor by the west stairway; the first floor by the end doors. Form on the Lafayette Hall area.

**Martin Hall.** Martin Hall will be evacuated simultaneously by first and second floors, first floor by the west exit, and the second floor by the east exit. The fire escape at the west end of the building will not be used except for trapped cadets on the second floor. Form on the Martin Hall area.

**Rose Hall.** Rose Hall will be evacuated by the north and south exits of the building. Form on the area between the Press Shop and Laundry.

**Von Steuben Hall.** The second floor will move out in an orderly fashion followed by the first floor. The fire escape at the west end of the second floor will not be used except for trapped cadets on the second floor. Form on the Main Area.

**Younghusband Hall.** Younghusband Hall will be evacuated simultaneously by all floors: first and third floors via the west entrance; the second and fourth floors via the east entrance. The fire escape at the east end of the building will not be used except for trapped cadets on the second, third and fourth floors. Form on the Younghusband Hall area.

**Franklin, Jefferson, Greene, Knox and Putnam Apartments.** Residents of the apartment buildings will evacuate via the main entrance on the east side of the building. Form in the General Parking Lot. Note: The apartment buildings were unoccupied from the end of May 2020 thru January 2021 and again from June 2021 thru present.

**Evacuation Procedures.** The following directions and instructions will govern the execution of fire drills or other unusual events requiring response of trained personnel on campus. These regulations are designed for the health and safety of cadets/students and must be closely followed.

The signal for fire drills will be announced to the unit by the TAC Officer through the cadet company commander. Fire drills will be conducted in each barracks a minimum of once each semester and a report forwarded to the Post Fire Marshal (Director of Facilities and Services) and the Commandant of Cadets.

New cadet regulations are rescinded during fire drills. Cadets who are outside during fire emergencies outdoors will proceed to their barracks assembly areas at the double; indoors they will proceed at a rapid walk.

In the event of a fire the Cadet Regimental Commander will be the ultimate authority for emergency management with regards to the Corps of Cadets. The Regimental Commander's immediate superior will be the Post Fire Marshal (Director of Facilities and Services), Campus Safety Officer on duty, Commandant of Cadets or Senior Staff/Faculty Officer at the scene of the emergency.

When fire call is announced after evening call to quarters the following procedures will be followed:

- All overhead lights will be turned on.
- All windows will be closed.
- Doors will be opened and left open until the barracks are cleared of all cadets. Company leaders will close doors only after each room has been verified as empty.

All cadets, as a minimum, will put on shoes, trousers and CQ jackets. Appearing at fire drills in sleeping garments and bathrobes is not authorized.

After fire call has been announced and the units formed, cadets will remain in formation unless members of a fire duty detail are specifically ordered to leave.

## **EMERGENCY RESPONSE AND EVACUATION PROCEDURES**

Valley Forge Military Academy and College (VFMAC) conducts annual training for staff, faculty and cadets in emergency response and evacuation procedures. The dates of training will be publicized on the Campus Community Calendar. Staff, faculty and cadets will be notified of the training via email and Daily Routine Orders.

VFMAC will test the emergency response and evacuation exercise at least once annually. This exercise will normally be an announced event. The Core Crisis Team will conduct an after action review within ten days of emergency situation or exercise. The Crisis Response Plan will be updated following each after action review. All members of the community will be sent updates.

In the event of an actual emergency the individual that encounters the potential crisis should contact the Commandant's Office or the Campus Safety Officer in Franklin House apartments, as well as their department head and provide as much detailed information as possible. The Commandant of Cadets or his designated representative will be immediately informed and report to the scene and act as the Incident Commander in all emergency situations on campus.

If necessary, the Commandant will convene the Core Crisis Team consisting of the President of VFMAC, Dean of the College and Commandant of Cadets. The Commandant of Cadets heads the team in the absence of the President, VFMAC.

The Core Crisis Team will, without delay, take into account the safety of the community, determine the nature of the crisis and initiate the campus-wide notification procedures, unless the notification will, in the professional judgment of responsible authorities, compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency.

If necessary, campus-wide notification to initiate lockdown procedures will be accomplished by siren, messenger, telephone or email. Critical emails such as lockdown notification should request acknowledgement. Notification to execute lockdown procedures within the barracks will be via public address system. Notification within the college academic buildings will be verbal. Use of text messaging will be used when practical.

As Incident Commander, the Commandant has the responsibility to coordinate with first responders such as police and fire departments. During a crisis situation the Core Crisis Team will communicate to staff, faculty and cadets via email or meetings in the Chapel of St. Cornelius the Centurion. The VFMA Foundation Board of Trustees will be contacted by the Executive Assistant to the President. Parents of cadets will be notified via email by the Director of Parent Relations. If the situation has impact on local

residents, fliers can be distributed and if appropriate, meetings can be arranged with leaders of the neighborhood associations near the campus. The Director of Marketing and Communications will prepare news releases for distribution and handle media inquiries.

It may be necessary to evacuate buildings and/or areas surrounding facilities to protect and ensure the safety of people, and in some cases animals. If such a situation occurs, decisions regarding work space accommodations and/or leave requirements for faculty and staff, as well as class schedules and possibly temporary housing accommodations for students will be implemented.

## **Valley Forge Military Academy & College**

### **Title IX Grievance Procedures**

#### **SY 2019-2020**

Valley Forge Military Academy & College (VFMAC) is committed to providing a learning, living, and working environment that is free from sexual harassment, sexual assault, and sexual discrimination. We are dedicated to ensuring a safe campus climate for all our students and the entire institutional community. Through a comprehensive compliance, investigative, and adjudication program, we promote fundamental rights, individual and institutional integrity and uphold the aims of Title IX legislation.

This outlines VFMAC's commitment and efforts to comply with Title IX regulatory requirements by leveraging a myriad of campus resources dedicated to educational excellence. Current information is available through our institutional website which serves as a focal point for students, faculty, and staff who may need Title IX assistance.

#### **I. PURPOSE AND SCOPE**

It is the policy of VFMAC not to discriminate on the basis of sex in its educational programs and activities as required by Title IX of the Education Amendments of 1972. Title IX provides that "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance." Gender discrimination includes sexual harassment and sexual assault. This policy shall apply to all students, staff, faculty, contractors, vendors, and/or visitors to VFMAC.

As a student of VFMAC you are protected from sex discrimination including, but not limited to:

- Admission to schools/colleges

- Access to enrollment in courses

- Access to and use of school facilities

- Counseling and guidance materials, tests and practices

- Vocational education

- Physical education

- Competitive athletics

- Graduation requirements

- Student rules, regulations and benefits

Housing

Financial assistance

Health services

School-sponsored extracurricular activities

As an employee you are protected from sex discrimination including, but not limited to:

Employment, evaluation, wages, advancement, assigned duties and shifts

    Career advancement

    Other terms and conditions of employment

## **II. DEFINITIONS**

### **A. Gender Discrimination.**

Sex discrimination can occur when conduct is directed at a specific individual or a group of identifiable individuals that adversely affects the education or employment of the individual or group because of sex. Sex-based discrimination or harassment may include acts of verbal, nonverbal, or physical aggression, intimidation or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

Conduct that may be sex-based discrimination include, but are not limited to:

- Exclusion from educational resources or activities because of one's sex
- Subjection to jokes or derogatory comments about one's sex; or
- Being held to different standards or requirements on the basis of one's sex

### **B. Sexual Harassment.**

In general terms, sexual harassment is unwelcome, sex or gender-based verbal or physical conduct that is sufficiently severe, persistent, or pervasive that it interferes with, denies, or limits an individual's ability to participate in or benefit from the institution's educational mission, programs, or activities.

Sexual Harassment can take two forms: quid pro quo and hostile environment

- Quid pro quo sexual harassment exists when:
  - o There are unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature; and
  - o Submission to such conduct is made explicitly or implicitly a term or condition of an individual's academic status or employment; or
  - o Submission to or rejection of such conduct by an individual is used as the basis for academic decisions, employment conditions or status that adversely affects such individual.

For example: An employee of the institution causes a student to believe that the employee will make an educational decision based on whether or not the student submits to unwelcome sexual conduct.

- Hostile Environment sexual harassment exists when:
  - o Unwelcome conduct of a sexual nature is sufficiently serious that it affects a student's ability to participate in or benefit from an education program or activity, or creates an intimidating, threatening or abusive educational environment. A hostile environment can be created by a school employee, another student, or even someone visiting the school, such as a student or employee from another school.
  - o In an employment context, hostile environment includes any situation in which there is harassing conduct that is sufficiently severe, persistent, or pervasive that it unreasonably interferes with an individual's work performance, or creates an intimidating, hostile or offensive work environment.

The determination of whether an environment is considered hostile is based on a totality of circumstances which may include, but is not limited to, the degree to which the conduct interfered with the complainant's educational or work performance; the type, severity, frequency, and duration of the conduct; the effect of the conduct on the complainant's mental or emotional state; and whether the speech or conduct deserves the protection of academic freedom or the first amendment.

A single or isolated incident of sexual harassment may be severe enough to create a hostile environment.

Examples could include references to an individual's body; use of sexually degrading words to describe an individual; offensive comments; off-color language or jokes; innuendoes; and sexually suggestive objects or behavior, books, magazines, photographs, cartoons or pictures

**C. Sexual Violence.**

Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to reasons including, but not limited to an individual's age, use of drugs or alcohol, or because an intellectual or other disability prevents the individual from having the capacity to give consent. A number of acts fall into the category of sexual violence including rape, sexual assault, sexual battery and sexual coercion.

Further defined within the Pennsylvania Criminal Code, sexual assault is a non-consensual act involving psychological manipulation, physical force, or coercion by an individual through forcible sodomy, forcible sexual penetration, however slight, of another person's mouth, anal or genital opening with any object. These acts must be committed without the victim's consent either by force, threat of force or violence, intimidation or through the use of the victim's mental or physical helplessness of which the accused was aware or should have been aware

**III. NOTICE OF TITLE IX COORDINATOR/DEPUTY COORDINATORS**

Contact information for all VFMAC IX Coordinators can also be found on the VFMAC website.

**Title IX Coordinator for VFMAC:**

Dr. Jesse Phillips

Dean of College Services, Medenbach Hall

Phone: (610) 989-1467; Email: [jphillips@vfmac.edu](mailto:jphillips@vfmac.edu)

**Title IX Deputy Coordinator for VFMAC:**

Mr. Aaron Barkley

Associate Dean of the Academy

Valley Forge Academy, Shannon Hall

Phone: (610) 989-1382

Email: [abarkley@vfmac.edu](mailto:abarkley@vfmac.edu)

In addition, VFMAC retains identified staff members, trained in Title IX regulatory guidance, to assist the Title IX coordination team in responding to and administering Title IX complaints.

The Title IX Coordinator(s) core responsibilities include coordinating the institution's compliance with Title IX, to include oversight of Title IX reports and complaints, and identifying and addressing any patterns or systemic problems revealed by such reports and complaints. This includes, but is not limited to, the coordination of training, education, communications, and administration of grievance procedures for faculty, staff, students and other members of the campus community.

The Title IX Coordinator and Deputy Coordinators are responsible for Title IX compliance for matters involving students, including training, education, communication, and administration of the grievance procedure for all complaints filed against VFMAC students. If a Title IX complaint is initiated against a VFMAC employee, visitor, or contractor, the Title IX Deputy Coordinator, dual-hatted as the Director of Human Resources, will generally be the individual who will respond to and administer the complaint.

#### **IV. REPORTING A TITLE IX COMPLAINT**

VFMAC encourages any student, employee or visitor who thinks that they have been subjected to sex discrimination, sexual harassment, or sexual violence by another student, member of the faculty or staff, campus visitor or contractor, to report that action immediately to VFMAC's Title IX Coordinator or Deputy Coordinator.

If the incident occurs after-hours or off campus, contact VFMAC Safety Office at (610) 989-1258 or local law enforcement in the case of sexual violence immediately. The VFMAC Campus Safety Office will in-turn notify the Title IX Coordinator.

Individuals who are survivors of sexual violence are strongly encouraged to report the incident to local law enforcement. Reporting an incident of sexual violence to law enforcement provides the opportunity for collection of evidence helpful in the Title IX investigation, in addition to facilitating a myriad of off-campus support services available to the survivor.

In accordance with Title IX regulatory guidance, a responsible employee of the institution must report incidents of sexual discrimination, sexual harassment, or sexual violence to the Title IX Coordinator or Deputy Coordinators. A responsible employee is defined as a member of the institution's administration, academic dean, department head, director, supervisor, Tactical Officer, or a member of the general faculty or staff.

By Title IX legislation, professional and pastoral counselors and members of the Heath Center are not required to report any information regarding an incident of alleged sexual violence to the Title IX coordinator or other appropriate school designee without the complainant's consent. In these cases, the employee should inform the complainant of their right to file a Title IX complaint with the school and a separate complaint with local law enforcement.

Reporting a Title IX incident should be accomplished in writing, preferably, although not required, using the Title IX incident report located on the VFAMC website or by contacting the Title IX Coordinator.

## **V. TITLE IX GRIEVANCE PROCESS**

### **A. Receipt of a Complaint**

Upon receipt of a Title IX complaint, the Title IX Coordinator or Deputy Title IX Coordinator will meet with the individual filing the action, identified as the Complainant, to review VFAMC's Title IX grievance procedures, discuss the specific incident, and determine the Complainant's desire to proceed with a formal or informal resolution.

If the Complainant elects to proceed with an informal resolution, the Coordinator will contact the individual(s), identified as the Respondent, against whom the complaint is filed, in accordance with the informal resolution section below.

If the Complainant desires to proceed directly with a formal Title IX complaint, the Respondent declines to participate in an informal resolution, or if attempts to resolve the complaint through informal procedures are unsuccessful, the Title IX Coordinator or Deputy Title IX Coordinator will evaluate the complaint in accordance with the formal resolution section outlined in a later section.

### **B. Informal Resolution Procedures**

If the Complainant requests to proceed informally with the complaint, the Complainant should request the Title IX Coordinator or a Deputy Title IX Coordinator to intervene. Students are encouraged not to rely upon other students or individuals who are not familiar with VFAMC policy to intervene on their behalf when discussing concerns with the person whose behavior is unwelcome and/or offensive. The Title IX Coordinator to whom a request to proceed informally is made will initially evaluate the request to determine whether an informal resolution is appropriate given the severity of the allegations involved. However, in cases involving allegations of sexual violence or sexual assault, informal resolution or mediation is not appropriate, even on a voluntary basis.

In the event that the Title IX Coordinator determines that an informal resolution is appropriate, the allegation may, but need not, be preliminarily investigated by the Title IX Coordinator, or the Deputy Title IX Coordinator to the extent necessary to resolve any factual conflicts between the parties. The allegation(s) will be considered resolved and the matter closed when all parties agree to a written resolution that is approved by the Title IX Coordinator or the Deputy Title IX Coordinator.

The Complainant has the right to end the informal resolution process at any time and begin the formal resolution process.

If the informal resolution process does not result in a mutually-acceptable resolution, the matter will be resolved pursuant to the formal resolution procedures established in a later section of this policy.

Supervisors or administrators, including faculty, should contact the Title IX Coordinator or a Deputy Coordinator before attempting to resolve any complaints

### **C. Formal Resolution Proceedings: Filing and Accepting a Complaint**

Any individual may initiate formal complaint procedures by filing a complaint with the Title IX Coordinator or Deputy Coordinator whether or not that individual has attempted resolution through informal procedures. The individual who files the complaint is referred to as the “Complainant”. The individual against whom the complaint is filed is referred to as the “Respondent”. Collectively these individuals are referred to as the “parties”.

VFMAC will work to investigate all complaints as quickly and professionally as possible. When investigations confirm sex discrimination and/or sex harassment and/or sexual violence allegations, appropriate corrective action will be taken to prevent the recurrence of any discrimination or harassment.

Upon the: 1) the Title IX Coordinator’s receipt of the complaint; 2) the Coordinator’s initial meeting with the Complainant; or 3) the Coordinator’s determination that an informal resolution of the Complainant’s complaint is no longer feasible—whichever is later—the Title IX Coordinator shall decide whether the complaint states a potential Title IX Complaint and shall notify the Complainant in writing of her/his determination.

If the Title IX Coordinator determines that the allegations of the complaint state a potential violation, the Title IX Coordinator will notify the Complainant that the complaint has been accepted and will thereafter provide written notice to the Respondent of the complaint’s allegations. In addition to notice of the complaint being provided to the Respondent, the Title IX Coordinator shall provide notice to the Respondent’s immediate supervisor (non-student) or the Commandant’s Office (in the case of a student), as the case may be.

If the Title IX Coordinator determines that the allegations of the complaint do not state a violation of VFMAC policy or federal or state laws, the Title IX Coordinator will provide written notice of that decision to the Complainant. The notice shall explain why the complaint does not state such a violation.

#### **D. Complaint Investigation**

All complaints will be investigated to assure a resolution that is consistent with the facts discovered. The term investigation refers to the process that VFMAC uses to resolve Title IX complaints. This includes all fact-finding actions and other processes to determine whether the conduct occurred, and what measures will be undertaken to address the hostile environment, or prevent its recurrence, which may include imposing sanctions on the perpetrator, and/or providing remedies for the Complainant or the broader campus community.

VFMAC's investigation will be adequate, reliable, impartial, and prompt and will include the opportunity for both parties (Complainant and Respondent) to present witnesses and other evidence. The investigation may include, but is not limited to, conducting interviews with the Complainant, Respondent, and additional witnesses; reviewing law enforcement investigation documents; reviewing student/employee personnel files if applicable, and gathering and examining other relevant documents or evidence.

All interviews will be documented. Parties and witnesses will be informed that their statements will remain confidential to the extent allowed by law. The Complainant and Respondent will not be allowed to personally question or cross-examine each other during the investigation, or any subsequent disciplinary proceedings.

All evidence will be reviewed using a preponderance of the evidence standard (e.g. is it more likely than not that a violation of VFMAC policy and/or federal or state law has occurred).

#### **E. Report of Findings and Recommendation – Complaints Against Non-students**

The investigation and final report of Title IX complaints by employees against employees will ordinarily be investigated and handled by the HR Department, and these procedures will not ordinarily apply. The investigation and final report of Title IX complaints by students or cadets against non-employees will ordinarily be handled by the Title IX Coordinator or Deputy Coordinator pursuant to these Title IX procedures. An investigation and Report in either scenario will normally be concluded within fifty (50) days by the Title IX Coordinator or a Deputy Title IX Coordinator. The investigation and the issuance of the draft report shall normally be concluded within forty (40) days of the filing of the written complaint, at which time the investigating Title IX Coordinator shall issue a draft report of findings and conclusions to the VFMAC Title IX Coordinator/Deputy Coordinators who were not assigned to investigate the complaint.

Within five (5) days, the Title IX Coordinator/Deputy Coordinators who receive the draft Report of findings and conclusions shall ordinarily review and provide comment on the draft Report to the submitting Title IX Coordinator, before the Report is finalized. The investigating Title IX Coordinator shall then ordinarily finalize the Report of findings and conclusions within five (5) days and provide it to the Respondent's supervisor/department head and the Director of Human Resources. The investigating Title IX Coordinator shall also provide written notice of the outcome of the investigation to both the Complainant and the Respondent.

The final Report shall include a summary of the Complainant's allegations, the Respondent's response to the allegations, findings of fact and conclusions, as well as appropriate disciplinary recommendations, if any.

If a complaint is directed against a supervisor/department head who would otherwise act on a complaint, the function assigned to that supervisor/department head will be delegated to the next level supervisor in the Respondent's line of supervision. The final Report shall include a summary of the Complainant's allegations, the Respondent's response to the allegations, findings of fact and conclusions, as well as appropriate disciplinary recommendations, if any.

If the final Report concludes that a violation of VFMAC policy and/or federal or state law occurred, within ten (10) days following receipt of the final Report of findings and recommendation, the Director of Human Resources will determine a disciplinary action that is appropriate for the severity of the conduct. Disciplinary action may include, but is not limited to, sexual harassment, non-retaliation and/or managerial training, a letter of reprimand, a formal letter of apology to the Complainant, a reduction in administrative duties (e.g. removal as chair of department), unpaid suspension and/or termination of employment, which will be taken in accordance with applicable VFMAC policies and procedures.

The supervisor/department head shall communicate the discipline decision in writing to the Title IX Coordinator, and the Title IX Coordinator shall provide written notice to the parties of the outcome of the investigation.

#### **F. Report of Findings and Recommendation – Complaints Against Students**

The investigation ordinarily will be conducted by the Title IX Coordinator or a Deputy Title IX Coordinator. An investigation and Report in either scenario will normally be concluded within fifty (50) days by the Title IX Coordinator or a Deputy Title IX Coordinator. The investigation and the issuance of the draft report shall normally be concluded within forty (40) days of the filing of the written complaint, at which time the investigating Title IX Coordinator shall issue a draft report of findings and conclusions to the VFMAC Title IX Coordinator/Deputy Coordinators who were not assigned to investigate the complaint.

Within five (5) days of their receipt, the Title IX Coordinators/Deputy Coordinators who receive the draft report of findings and conclusions shall ordinarily review and provide comment on the draft report to the investigating Title IX Coordinator before the report is finalized. Following which, the investigating Title IX Coordinator shall finalize the Report and provide the final Report of findings and conclusions to the Commandant of Cadets, the Dean of the College (for College students)/Head of the Academy (for Academy students), while simultaneously transmitting a written notice of the outcome of the investigation to the Complainant and the Respondent. The final Report shall include a summary of the Complainant's allegations, the Respondent's response to the allegations, findings of fact and conclusions, as well as appropriate disciplinary recommendations, if any.

Within three (3) days of receipt of the final Report from the assigned Title IX Coordinator, the Commandant of Cadets shall confer with either the Dean of the College (for College students) pursuant to standards of accreditation or Head of the Academy (for Academy students), regarding the Title IX Coordinator's Report and recommendations to determine what, if any, disciplinary sanction should be imposed upon the Respondent. The Commandant of Cadets shall be required to confer with the Dean of the College if the investigation and/or sanctions involve a College student or the Head of the Academy if involving an Academy student. Additionally, the Commandant shall confer with the US Army Professor of Military Science (PMS) if the investigation and/or sanction involves a student within the Army ROTC or Early Commissioning Program.

The Commandant and the Dean of the College/Head of the Academy/Professor of Military Science must accept as final and non-reviewable the findings of fact and conclusions contained within the Title IX Coordinator's Report as to whether a violation of VFMAC policy or applicable federal/state law has occurred. Disciplinary sanctions may include, but are not limited to, sexual harassment and non-retaliation counseling, formal reprimand, disciplinary probation, suspension and dismissal.

The Commandant shall ordinarily issue a written determination regarding the decision on the imposition of disciplinary sanctions within three (3) days following receipt of the Title IX Coordinator's final Report. The Commandant will simultaneously transmit the disciplinary decision to the Complainant and the Respondent. If the Commandant fails to issue a disciplinary decision within three (3) days of the receipt of the Title IX Coordinator's final Report, the disciplinary recommendation within the Report ordinarily will be deemed approved and shall be implemented.

If the Title IX Coordinator's final Report and/or the Commandant's disciplinary decision results in a recommendation of dismissal, the recommendation shall ordinarily be forwarded to the VFMAC President, who retains final dismissal authority. The President, or his/her designee, shall ordinarily issue a written determination in regard to a dismissal decision within seven (7) days following receipt of the dismissal recommendation.

In the event that the Title IX Coordinator's Report finds that there has been no sex or gender-based harassment, discrimination, or sexual violence, the Commandant of Cadets shall review the final Report for possible violation of other VFMAC policies that have occurred, consistent with the procedures set forth in the Guidon.

VFMAC will take necessary steps to prevent the recurrence of any sexual discrimination or harassment found to exist.

In all disciplinary proceedings initiated pursuant to this Policy, the Complainant will be provided with the same procedural protections provided to the Respondent, including but not limited to the right to:

- a. appeal the determination of the Commandant;
- b. notice of the outcome of the complaint and any appeal.

As required by Federal law, any disclosure of the findings and decision in regards to student disciplinary proceedings will be governed by the provisions of the Family Educational Rights and Privacy Act.

### **G. Appeal Procedure**

Either a Complainant or a Respondent may file an appeal of either the investigative Report of the Title IX Coordinator or the discipline sanction imposed by the Commandant/President by filing a written appeal with the Title IX Coordinator within five (5) days of receipt of the decision being appealed. By way of example, an appeal of the Title IX Coordinator's final Report may be filed prior to the Report being reviewed by the Commandant. Similarly, the disciplinary decision of the Commandant and Dean of the College/Head of the Academy/Professor of Military Science may also be appealed. However, a party may not appeal both the Title IX Coordinator's final Report and the disciplinary sanction imposed by the Commandant/President in one appeal. In the event that no timely appeal is taken to either the Title IX Coordinator's final Report and/or the Commandant's disciplinary decision, those decisions are final and unappealable.

Any appeal taken is limited to the following grounds for appeal, which must be set forth in the written appeal filed with the Title IX Coordinator:

- 1) the Title IX Coordinator or his designee or the Commandant of Cadets, Dean of the College (College students), Head of the Academy (Academy students), Professor of Military Science (ROTC/ECP students) as the case may be, exhibited unfair bias which influenced the decision rendered;
- 2) the discovery of new evidence which (i) was unavailable at the time of the decision being appealed, and (ii) could substantially alter the decision rendered;

- 3) substantial error in the conduct of the investigation or decision of the Commandant of Cadets or the Dean of the College (College students), Head of the Academy (Academy students), Professor of Military Science (ROTC/ECP students) which may have denied fundamental fairness to the appealing party; or
- 4) the sanctions recommended or imposed substantially and materially depart from the standards of VFMAC for the type of offense involved.

The appeal shall be in writing and contain all grounds for the appeal. Upon receipt of an appeal, the Title IX Coordinator shall promptly forward a copy of the appeal to the President of VFMAC. The President of VFMAC may decide the appeal or appoint a designee to hear and decide the appeal. Ordinarily, within ten (10) days of the receipt of the appeal, the President or the President's designee, shall issue a written decision on the appeal to the parties, the Title IX Coordinator, and the Director of Human Resources (non-student appeals) or the Commandant of Cadets (student appeals). The decision shall include the following: (i) a summary of the grounds for appeal, (ii) whether the grounds for appeal are accepted or rejected, (iii) the decision to uphold, reverse, or amend the decision being appealed, along with the grounds for such decision, and (iv) if the decision subject to appeal is reversed, the resolution of the matter. The President's decision shall be final and unappealable.

#### **H. Confidentiality and Complainant Requests**

While students (or parents of minor students) may request that the student's name not be disclosed to the Respondent or that no investigation or disciplinary action be pursued to address the alleged Title IX violation, there are situations that VFMAC in compliance with federal Title IX legislation must override the confidentiality request to fulfill its Title IX obligations.

For Title IX purposes, if a student requests that his or her name not be revealed to the Respondent or that the incident not be investigated or no disciplinary action taken against the Respondent, the Title IX Coordinator will notify the student that honoring their request may limit VFMAC's ability to fully respond to the incident, including pursuing disciplinary action. The Title IX Coordinator will review with the student that Title IX policy includes protections against retaliation, and that VFMAC will not only take steps to prevent retaliation, but will take strong responsive action if it occurs.

VFMAC will, to the extent practicable, limit disclosure of the Title IX incident, investigation, and findings to individuals responsible for handling the school's response or, as applicable, law enforcement authorities. Regardless of any requests for confidentiality, VFMAC will take appropriate steps to protect the Complainant as necessary, to include taking interim measures before the final outcome of the investigation.

## **I. Interim Protective Measures**

At times, the Title IX Coordinator/Deputy Coordinator may deem it necessary to implement protective means before or during an investigation to protect the rights and interests of the Complainant and/or the Respondent. Those measures may be designed to reduce or eliminate contact between the Complainant and Respondent so that both parties feel safe in their work or educational environment. Protective measures may also guard against further actual or perceived discrimination or retaliation.

Interim measures may include, but are not limited to, temporary changes in working conditions (e.g. changes in supervisor, shift, job site, or office location), changes to course schedule or living arrangements, directives to the Complainant and Respondent to avoid personal contact or refrain from such contact without a third party neutral person present, and in severe cases interim suspension.

## **J. Effect of Criminal Proceedings**

Because sexual violence may constitute a violation of Title IX, VFMAC policy, and criminal activity, VFMAC strongly encourages individuals to report alleged incidents of sexual violence to VFMAC authorities and local law enforcement. Criminal investigations may be useful in the gathering of relevant evidence, particularly forensic evidence. Because the standards for finding a violation of criminal law are different from the standards for finding a violation of this Policy, criminal investigations or reports are not determinative of whether sexual violence, for purposes of this Policy, has occurred. In other words, conduct may constitute sexual assault under this Policy even if law enforcement agencies lack sufficient evidence of a crime and therefore decline to prosecute.

The filing of a complaint of sexual violence under this Policy is independent of criminal investigation or proceeding, and except when VFMAC's investigation may be delayed temporarily while criminal investigators are gathering evidence, VFMAC will not wait for the conclusion of any criminal investigation or proceedings to commence its own investigation and may take interim measures to protect the Complainant and the VFMAC Community, if necessary.

## **K. Retaliation or Reprisals is Prohibited**

It is contrary to Title IX, federal and state civil rights laws, and VFMAC policy, to retaliate against any person for asserting his/her civil rights, including filing a claim of discrimination or participating as a witness in an investigation. Retaliation or reprisals against any participant in an investigation will not be tolerated by VFMAC. Retaliation against a person who files a claim of discrimination (including sexual harassment or sexual assault) is grounds for a subsequent claim by that person. If a person believes that he or she has been retaliated against as a result of filing a grievance or participating

in the investigation of a grievance, he or she may pursue a separate complaint charging retaliation.

**L. Filing of False Complaints**

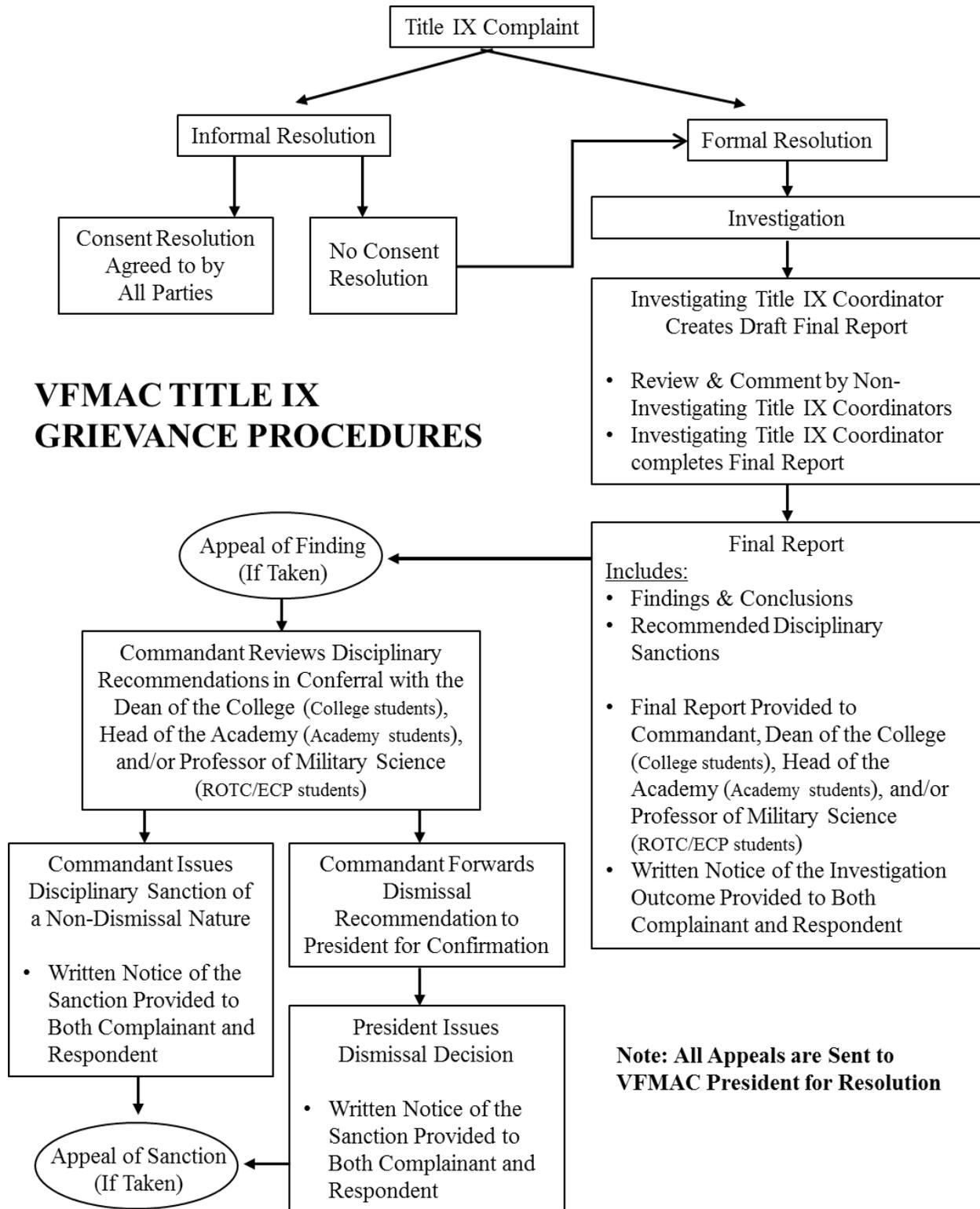
Any employee or student who knowingly and/or intentionally files a false Title IX complaint under this procedure is subject to disciplinary action up to and including dismissal from VFMAC or termination of employment.

**M. Time Frames**

Time frames referenced in these policy may be extended by the Title IX Coordinator for good cause, such as holidays or when classes are not in session, or when it is necessary to complete an investigation due to difficulties reaching witnesses or parties to the complaint. In all cases, extension of timelines will be noted in writing by the Title IX Coordinator.

**N. Title IX Grievance Procedures**

This procedure shall constitute the grievance procedures for complaints alleging unlawful sex discrimination required under Title IX of the Education Amendments of 1972. As used herein, “complaint” is synonymous with “grievance”.



**Valley Forge Military Academy & College**  
**Title IX Grievance Procedures**  
**Effective SY 2020-2021**

**SEXUAL MISCONDUCT POLICY**

**GRC-0005**

**I. POLICY STATEMENT**

Valley Forge Military Academy and College (VFMAC) is committed to maintaining a safe and healthy educational and work environment, in which no member of the VFMAC community is denied the benefits of, or discriminated against, as it relates to any VFMAC program or activity, on the basis of sex, sexual orientation, or gender identity. Gender-based and sexual harassment, including sexual violence, are forms of sex discrimination in that they deny or limit an individual's ability to participate in or benefit from VFMAC programs or activities.

This policy identifies how members of the VFMAC community can report prohibited behavior to the VFMAC officials confidentially, what resources are available both on and off campus to aid them, and the rights of all parties. It identifies VFMAC's Title IX Coordinator and Deputy Coordinators, describes the Coordinator's role in compliance with Title IX, the Clery Act and VAWA, and provides information about how reports of prohibited behavior are assessed, investigated, and resolved.

**II. RATIONALE**

VFMAC is devoted to fostering a climate of respect and security on campus as it relates to preventing, educating, and responding to acts of prohibited behavior and adhering to Clery, Title IX, and VAWA regulations. This policy serves to demonstrate the VFMAC's commitment to:

- Disseminating clear policies, procedures, and processes for responding to prohibited behavior reported to VFMAC officials;
- Delivering prevention, education and awareness programs, as well as ongoing training and public-service campaigns, so that students and employees may identify what behavior constitutes prohibited behavior; understand how to report such misconduct; recognize warning signs of potentially abusive behavior and ways to reduce risks; and learn about 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 prohibited behavior against a person;

Last Updated: Dec 20, 2020

Responsible Office: Title IX Office

Policy Contact: Title IX Coordinator, Dr. Jesse Phillips, [jphillips@VFMAC.edu](mailto:jphillips@VFMAC.edu)

- Engaging in investigative inquiry and resolution of reports that are adequate, reliable, impartial, prompt, fair and equitable;
- Supporting Complainants and Respondents equally and holding persons accountable for established violations of this policy; and
- Providing a written explanation of the rights and procedures regardless if that individual is a Complainant or Respondent.

### **III. ENTITIES AFFECTED BY THIS POLICY**

#### **Jurisdiction**

This policy applies to prohibited behavior that is committed by students (as defined in the Student Handbook or The Guidon), VFMAC-affiliated organizations, faculty, staff, VFMAC appointees, or third parties.

When the Respondent is both a student and an employee: (1) the Title IX Coordinator will determine the appropriate procedures to use based on the facts and circumstances of the situation; and (2) the Respondent may receive sanctions as defined by the Student Handbook and/or Employee Standards of Conduct Policy and Corrective Action Procedures.

#### **Title IX prohibits sexual harassment that occurs in the following locations:**

- on VFMAC property;
- in connection with a VFMAC or VFMAC-Recognized Program or Activity within the United States; or
- any building owned or controlled by a VFMAC-affiliated student organization.

This Policy likewise prohibits sexual harassment and/or sexual misconduct that may have the effect of creating a hostile environment for a member of the VFMAC community regardless of location.

This Policy will identify differences in procedures where Title IX's definition of sexual harassment prohibits the behavior or where this Policy itself prohibits the behavior. Questions related to procedural requirements and/or individual process should be addressed to the Title IX Coordinator.

## **Title IX Team**

The Title IX Coordinator is a designated individual recognized by the VFMAC and is responsible for the oversight of this policy and any procedures related to it. The Title IX Coordinator is responsible for overseeing and resolving all sexual misconduct reports and identifying and addressing any patterns or systemic concerns that arise during the review of such reports.

Responsibilities of the Title IX Coordinator include the following:

- Oversight of a prompt, fair, equitable investigation and resolution process for reports of prohibited behavior at VFMAC.
- Evaluation of trends on campus through the use of information reported and data collected.
- Development of recommendations for campus-wide training and education programs and other remedial actions designated to eliminate prohibited behavior, prevent its recurrence, and address its effects.
- Dissemination of information regarding victim support and other services to any individual reporting prohibited behavior.
- The Title IX Coordinator may identify additional Deputy Coordinators within VFMAC.

Current Deputy Coordinators include:

o Title IX Deputy Coordinator for Faculty and Staff, Ms. Lauren Guardino, lguardino@vfmac.edu

o Title IX Deputy Coordinator for Academy Students, Mr. Aaron Barkley, A Barkley, abarkley@vfmac.edu

The Title IX Coordinator may delegate the authority to take some or all the steps assigned to that position to another member of the Title IX Team. A current list of the Title IX Team members can be found in Appendix A.

## **Confidential Employees**

Confidential employees are VFMAC agents who provide support and assistance without initiating a sexual misconduct report. Confidential employees are not required to reveal an individual's identity or whether an individual has disclosed an incident. Exceptions to confidentiality include:

- The individual gives written consent for its disclosure;
- There is a concern that the individual will likely cause serious physical harm to self or others; or

- The information concerns conduct involving suspected abuse or neglect of a minor under the age of 18.

Confidentiality exists in the context of laws that protect certain relationship including medical and clinical care providers (and those who provide administrative services related to the provisions of medical and clinical care), mental health providers, counselors, and ordained clergy; all of whom may engage in confidential communication under Pennsylvania law.

A list of current confidential employees can be found in Appendix B.

### **Mandatory Reporters**

Mandatory Reporters are required to share any prohibited conduct reported to them or observed by them, including the nature of the incident, date, time, general location, and name of the Complainant or report, if known, to the Title IX Coordinator. VFMAC considers a Mandatory Reporter has the authority to institute corrective measures. While every employee may not be a Mandatory Reporter, all employees are encouraged to notify the Title Coordinator when they learn of an incident and once they have obtained the Complainant's permission. A list of Mandatory Reporters can be found in Appendix C.

### **Public Events**

Public awareness events, protests, candlelight vigils, "survivor speak outs," or other forums in which students, staff, or faculty members disclose incidents of prohibited behavior, are not considered a report or notice to VFMAC of prohibited behavior for purposes of initiating a Formal Complaint. Such events may, however, inform the need for campus-wide education and prevention efforts, and VFMAC will provide information about the Sexual Misconduct Policy and victim rights at such events.

### **Academic Freedom**

VFMAC is firmly committed to free expression and academic freedom and to creating and maintaining a safe, healthy, and harassment-free environment for all members of its community. Sexual misconduct, including any resulting retaliation, are not protected expression nor the proper exercise of academic freedom. VFMAC will consider principles of free expression and academic freedom in the investigation of reports of sexual misconduct or retaliation that involve an individual's statements or speech.

## IV. DEFINITIONS

### Commonly Used Terms

**Administrative Panel for Appeals** is a 3-person panel chosen by the Title IX Coordinator from a pool of VFMAC employees who are appropriately trained in sexual misconduct matters. The panel may include full-time benefits-eligible employees. No students may serve on this panel. In any individual incident, members of this panel shall be different than the individuals who have had prior involvement with the case (including but not limited to investigator and Hearing Officer). This panel shall act as the body determining the outcome of an appeal under this policy.

**Advisor** is a person providing procedural assistance or providing support to the Complainant or Respondent. The Complainant and the Respondent each have the opportunity to be advised by an Advisor of their choice, including legal counsel, at any stage of the process, and to be accompanied by that Advisor at any meeting in which the Complainant or the Respondent is required to be present. An Advisor can consult and advise his or her advisee, and may not speak for the advisee at any meeting. During a hearing, an Advisor is responsible for direct questions to any administrator, party, or witness on behalf of their advisee. Should the Advisor become disruptive during any meeting, the Title IX Coordinator, investigator, or Hearing Officer may remove the Advisor. A parent may serve as an Advisor to the Complainant or Respondent, and in such case, shall be treated as set forth above. A Complainant or Respondent may only utilize one Advisor at a given time.

**Advocate** is a person providing support to the Complainant or the Respondent throughout the process. The Complainant and Respondent have the opportunity to have an Advocate of their choice, including legal counsel, at any stage in the process, and to be accompanied by that Advocate at any meeting in which the Complainant or the Respondent is required to be present. An Advocate can consult with the party, and may not speak on behalf of that individual at any meeting. Should the Advocate become disruptive during any meeting, the Title IX Coordinator, investigator, or Hearing Officer may remove the Advocate. A parent may serve as an Advocate to the Complainant or Respondent, and in such case, shall be treated as set forth above. A Complainant or Respondent may only utilize one Advocate at a given time.

**Affirmative Consent** is informed, freely-given, active permission, through the demonstration of clear words or actions, that a person has indicated permission to engage in mutually agreed-upon sexual activity. Affirmative consent cannot be obtained by force, intimidation, or coercion. Affirmative consent cannot be gained by taking advantage of the incapacitation of another, where the person initiating sexual activity knew or reasonably should have known that the other was incapacitated. Impairment by alcohol and/or other drugs is not a defense to any violation of this Policy. A person who wants to engage in a specific sexual activity is responsible for obtaining consent for that activity. Affirmative consent cannot be obtained or implied by silence or lack of resistance. Lack of protest does not constitute consent. Lack of resistance does not

constitute consent. Silence and/or passivity also do not constitute consent. Relying solely on non-verbal communication before or during sexual activity can lead to misunderstanding and may result in a violation of this Policy. Consent cannot be attained through assumptions. Consent to one form of sexual activity does not, by itself, constitute consent to another form of sexual activity. Affirmative consent may be withdrawn at any time through the use of words or actions. Once consent is withdrawn, the sexual activity must cease immediately. Consent to sexual activity on a prior occasion does not, by itself, constitute consent to future sexual activity. In cases of prior relationships, the manner and nature of prior communications between the parties and the context of the relationship may have a bearing on the presence of consent.

**Amnesty** allows for reporting incidents of sexual misconduct without the fear of disciplinary action of the Alcohol or Drug Policies. The health and safety of every individual at VFMAC is of utmost importance. VFMAC recognizes that individuals who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time sexual misconduct occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. VFMAC strongly encourages individuals to report incidents of sexual misconduct. A witness to or an individual who experiences sexual misconduct, acting in good faith, who discloses any incident of sexual misconduct to VFMAC or law enforcement will not be sanctioned for violations of alcohol and/or drug use policies occurring at or near the time of the incident(s). VFMAC may request the individual attend an approved alcohol or drug education program and without incurring any cost for such program. This amnesty provision also applies to student groups making a report of sexual misconduct. Amnesty does not preclude or prevent action by police or other legal authorities pursuant to relevant state or federal criminal statutes.

**Coercion** is the practice of forcing another party to act in an involuntary manner by use of threats or force. Coercion includes an effort to persuade, entice, or attract another person to act. When a person makes clear a decision not to participate in a particular form of sexual contact or sexual intercourse, a decision to stop, or a decision not to go beyond a certain sexual interaction, continued pressure can constitute coercion.

**Complainant** is an individual who is eligible to file a report and a Formal Complaint of a violation of this policy. It also includes any person who is alleged to be the victim of conduct prohibited by this policy.

**Confidentiality** exists in the context of laws that protect certain relationships including medical and clinical care providers and those who provide administrative services related to the provisions of medical and clinical care, mental health providers, counselors, and ordained clergy, all of whom may engage in confidential communications under Pennsylvania law. Confidentiality allows a Complainant to communicate without any requirement to reveal personally identifying information about an incident to VFMAC without the victim/patient's permission. The Title IX team is not able to provide confidentiality. However, it is committed to protecting the privacy

of all individuals involved in the resolution of a report under this policy. VFMAC also is committed to providing assistance to help students, employees and third parties make informed choices. With respect to any report under this policy, VFMAC will make reasonable efforts to protect the privacy of participants, in accordance with applicable state and federal law.

**Course of Conduct** means two or more acts. The acts, which can be by any action, method, device or means, can be but are not limited to, behavior taken directly, indirectly, or through third parties. Examples include but are not limited to follows, monitors, observes, surveils, threatens, or communicates to or about another person, or interferes with another person's property.

**Employee** is any individual employed at VFMAC.

**Force** means words and/or actions that substantially impairs a person's ability to voluntarily choose whether to take an action or participate in an activity.

**Formal Complaint** is a written request signed by the Complainant or Title IX Coordinator to investigate an allegation of behavior prohibited by this policy.

**Hearing Officer** is an individual appropriately trained in matters of sexual misconduct. This individual is designated to coordinate and supervise a live hearing. A Hearing Officer may be a VFMAC benefits eligible employee or external to VFMAC. A student cannot serve in the capacity of Hearing Officer. In any individual incident, a Hearing Officer shall be different than the individuals who have had prior involvement with the case (including, but not limited to, the investigator). A Hearing Officer will make determinations of responsibility and issue sanctions, as appropriate.

**Hostile Environment** is defined as a situation where an individual's conduct is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefitting from VFMAC's education, employment, or co-curricular programs and/or activities. Conduct must be deemed severe, persistent, or pervasive from both a subjective and an objective perspective.

**Incapacitation** means that a person lacks the ability to make informed, rational judgments about whether or not to engage in sexual activity. A person who is incapacitated is unable, temporarily or permanently, to give consent because of mental or physical helplessness, sleep, unconsciousness, or lack of awareness that sexual activity is taking place. A person may be incapacitated as a result of the consumption of alcohol or other drugs, or due to a temporary or permanent physical or mental health condition.

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

**Physical Assault** is threatening or causing physical harm, or engaging in other behavior that threatens or endangers the health or safety of any person. Physical assault will be addressed under this Policy if it involves sexual or gender-based harassment, Intimate Partner Violence (IPV), or is part of a course of conduct under the stalking definition.

**Privacy** means that information related to a report of prohibited behavior will be shared with a limited circle of VFMAC employees who “need to know” in order to assist in the assessment, investigation and resolution of the report. When implementing protective measures, VFMAC will maintain privacy to the extent that it will not impair VFMAC’s ability to implement such measures. The Title IX Coordinator is prohibited from answering any questions about the investigation or providing any information to any third party including parent(s) or guardian(s) of the Complainant, the Respondent or any witnesses, except in the case of minors. The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act (FERPA). All documentation related to a student’s report, investigation, and resolution are protected by FERPA and will not be released, except as required by law. The Title IX Coordinator may provide only information relating to the process. When required by the Clery Act, non-identifying information about a report will be shared with the Department of Public Safety. A Complainant’s name will never be published in connection with VFMAC’s obligations under the Clery Act.

**Respondent** is an individual responding to an allegation of conduct that could constitute a violation of this policy.

**Rights & Responsibilities** For a list of Rights and Responsibilities, see Appendix D.

**Sexual Contact** is any intentional sexual touching, however slight, with any object or body part, performed by a person upon another person. It includes but is not limited to

- Intentional touching of the breasts, buttocks, groin, or genitals, whether clothed or unclothed;
- Intentionally touching another with any of these body parts; or
- Coercing another person to touch you or themselves with or on any of these body parts.

**Sexual Intercourse** is any penetration, however slight, with any object or body part and performed by a person upon another person. Examples include, but are not limited to:

- Vaginal penetration by a penis, object, tongue, or finger;
- Anal penetration by a penis, object, tongue or finger; and
- Any contact, no matter how slight, between the mouth of one person and the genitalia of another person.

**Substantial Emotional Distress** means significant mental suffering or anguish.

**Supportive Measures** are non-disciplinary, non-punitive individualized services designed to restore or preserve equal access to educational programs or activities. This includes measures designed to protect the safety of the parties, the campus, and its community, or to deter prohibited behavior. Supportive measures will be offered as reasonably available and are without a fee or charge. Supportive measures are available regardless if a Formal Complaint is filed and are available to the Complainant and Respondent. Examples include, but are not limited to, mutual no contact orders, changes in housing assignment for one or both parties, changes in work or housing locations, academic accommodations, changes in supervisor or work location, removal from campus housing or grounds, social restrictions, changes in parking locations, walking escorts, counseling, and emergency removal.

**Threats** are words or actions that would compel a reasonable person to engage in unwanted sexual activity. Examples include, but are not limited to:

- threats to harm a person physically;
- threats to reveal private information to harm a person's reputation; or
- threats to cause personal, academic, or economic harm.

**VFMAC-Recognized Program or Activity** means locations, events, or circumstances over which VFMAC exercises substantial control over both the Respondent and the context in which the alleged prohibited behavior occurs, and also includes any building owned or controlled by a student organization that is officially recognized by VFMAC.

**Violence** means that a person is exerting control over another person through the use of physical force. Examples of violence include but are not limited to: hitting, punching, slapping, kicking, restraining, choking, and brandishing or using any weapon.

### **Prohibited Behavior as defined by Title IX**

Dating Violence is violence committed by an individual who is or has been in a social relationship of a romantic or intimate nature. The existence of such a relationship shall be based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes but is not limited to sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

**Domestic Violence** is a felony or misdemeanor crime of violence committed:

- by a current or former spouse or intimate partner of the victim;
- by a person with whom the victim shares a child in common;
- by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
- By a person similarly situation to a spouse of the Complainant under the domestic or family violence laws of Pennsylvania;
- by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

**Gender Based Harassment** includes harassment based on gender, sexual orientation, gender identity, or gender expression, which may include acts of aggression, intimidation, or hostility, whether verbal or non-verbal, graphic, physical, or otherwise, even if the acts do not involve behavior of a sexual nature, where:

- Submission to or indication of such behavior is made, either explicitly or implicitly, a term or condition of a person's employment, academic standing, or participation in any VFMAC programs and/or activities or is used as the basis for VFMAC decisions affecting the individual (often referred to as "quid pro quo" harassment); or
- Such behavior creates a hostile environment.

**Sexual Assault** is any sexual act directed against another person, without the consent of the person, including instances where the Complainant is incapable of giving consent.

- **Rape:** Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the person.
- **Fondling:** The touching of the private body parts of another person (buttocks, groin, breasts) for the purpose of sexual gratification, without the consent of the victim, including instances where the person is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- **Incest:** Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape:** Non-forcible sexual intercourse with a person who is under the statutory age of consent. Pursuant to Pennsylvania law, persons ages 16 and older can legally consent to sexual activity with anyone they choose, as long as the other person does not have authority over them as defined in Pennsylvania's institutional sexual assault statute, such as professors or coaches. Prohibited interactions between adults and minors is further defined in the VFMAC Minors Policy. Pennsylvania's corruption of minors law also applies to any individual under 18.

**Sexual Harassment** is any unwelcome sexual advance, request for sexual favors, or other unwanted behavior of a sexual nature, whether verbal, non-verbal, graphic, physical, suggestive, or otherwise, where:

- A VFMAC employee conditions the provision of an aid, benefit, or service of VFMAC on an individual's participation;
- Unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access to VFMAC's program or activity; and
- Any instance of sexual assault, dating violence, domestic violence, or stalking.

Examples include but are not limited to:

- Giving someone unwanted gifts of a sexual nature.
- Displaying sexually-suggestive materials or sending notes, email, or jokes to a person that are sexually explicit.
- Touching someone sexually without their consent.
- Massaging someone without permission.
- Brushing up against someone repeatedly.
- Continuing to ask out a person who already has said they are not interested.
- Exposing one's genitalia or breasts to another person.

**Stalking (including Cyberstalking)** occurs when a person engages in a course of conduct directed at a specific person under circumstances that would cause a reasonable person to fear bodily injury or to experience substantial emotional distress.

**Retaliation** means that neither VFMAC nor any individual can intimidate, threaten, coerce, or discriminate against any individual that

- Made a report or Formal Complaint; or
- Participated, assisted, testified, or refused to participate during an investigation, proceeding or hearing.

Retaliation is done so for the purpose of interfering with the rights or procedures within this policy. Retaliation arises out of circumstances in relation to a report or Formal Complaint and may not include additional prohibited behavior contained within this policy. Retaliation may include, but is not limited to, the following:

- Employment actions such as termination, refusal to hire, or denial of promotion.
- Other actions affecting a person's employment or academic or school-related activities such as threats, unjustified negative evaluations, unjustified negative references, or increased surveillance.

- Any other action such as an assault or unfounded civil or criminal charges that are likely to deter reasonable people from pursuing their rights.

### **Prohibited Behavior In Addition To Those Identified By Title IX**

**Sexual Exploitation** is an act or acts committed through non-consensual abuse or exploitation of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit, advantage, or any other non-legitimate purpose. Examples include, but are not limited to, purposely or knowingly doing any of the following:

- Causing the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity.
- Observing another individual's nudity or sexual activity or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved.
- Allowing third parties to observe private sexual activity from a hidden location (e.g., closet) or through electronic means (e.g., Skype or livestreaming of images).
- Engaging in voyeurism (e.g., watching private sexual activity without the consent of the participants or viewing another person's intimate parts (including genitalia, groin, breasts or buttocks) in a place where that person would have a reasonable expectation of privacy).
- Recording or photographing private sexual activity and/or a person's intimate parts (including genitalia, groin, breasts or buttocks) without consent.
- Exposing, disseminating or posting images of private sexual activity and/or a person's intimate parts (including genitalia, groin, breasts or buttocks) without consent.
- Prostituting another person.
- Knowingly exposing another person to a sexually transmitted infection or virus without the other's knowledge.

### **Sexual Misconduct excluded from Title IX by Geography is prohibited behavior as defined by Title IX but does not occur:**

- on the Valley Forge Military Academy and College property;
- in connection with a VFMAC or VFMAC-Recognized Program or Activity within the United States; or
- any building owned or controlled by a VFMAC-affiliated student organization

## **POLICY PROCEDURES**

### **Reporting**

Any person who believes they have been a victim of, have witnessed, or otherwise wishes to report an incident of sexual misconduct, may do so to the Title IX Coordinator or any other Mandatory Reporter. An individual does not have to be a member of the VFMAC community to file a report under this policy. Reporting prohibited behaviors to VFMAC empowers Complainants to obtain support they may need and enables VFMAC to respond appropriately; (including, but not limited to, also offering supportive measures to the Respondent, conducting an investigation, and pursuing disciplinary action against a Respondent). Reporting helps keep the Title IX Coordinator informed of the general extent and nature of prohibited behavior so that the Title IX Coordinator can track patterns, evaluate the scope of behavior, and formulate appropriate campus-wide responses.

Mandatory reporters are required to report all information pertaining to instances of prohibited behavior to the Title IX Coordinator. Complainants are not required to report prohibited behavior if they do not want VFMAC to respond to the incident or assist with supportive measures.

Reports can be submitted by way of the following methods:

- Online reporting form: <https://www.VFMAC.edu/titleix>
- In person: Medenbach Hall
- Phone: 610-989-1467
- Email: [titleix@VFMAC.edu](mailto:titleix@VFMAC.edu)
- Mail: 1001 Eagle Road Wayne, PA 19087

Anonymous reports are accepted. VFMAC will respond promptly and equitably to anonymous reports, but the response may be limited if the report does not include identifying information and/or an adequate description of the facts and circumstances. Individuals who report are encouraged to include identifying information to the Title IX Coordinator and can request anonymity following the assessment of the case. Any person who wishes to submit an anonymous report may do so through the online Sexual Misconduct Reporting Form (<https://www.VFMAC.edu/titleix>). The form can be filled out anonymously by omitting any identifying information.

VFMAC encourages timely reporting of prohibited behavior so that VFMAC can respond promptly and equitably; however, VFMAC does not limit the timeframe for reporting. If the Respondent is not affiliated with VFMAC at the time the report is made, VFMAC will provide reasonably appropriate supportive measures to the Complainant, assist the Complainant in identifying external reporting options, and take other reasonable steps to prevent the recurrence of such behavior and remedy the effects, if appropriate.

Complainants may simultaneously file reports with VFMAC and a law enforcement agency. VFMAC will support Complainants in understanding and assessing their reporting options. It is the Complainant's choice whether to make such a report and they have the right to decline involvement with the police. VFMAC's Office of Public Safety will assist any Complainant in notifying the appropriate law enforcement agency if they so desire.

### **Request for Limited Action**

In the event a Complainant requests limited action from VFMAC, VFMAC must balance the Complainant's requests with VFMAC's requirement to provide a safe and non-discriminatory environment for all VFMAC members. A request for limited action may include the following:

- Request that the report of prohibited behavior or the Complainant's contact with a Title IX

Coordinator not be disclosed to the Respondent;

- Decline to personally identify the Respondent;
- Decline to respond to communications from the Title IX Coordinator; or
- Request that VFMAC not investigate the incident or stop an ongoing investigation that is not substantially complete. By granting a request for limited action, VFMAC may limit its options for responding. Thus the following information is considered when weighing whether to grant a request for limited action:

- The seriousness of the behavior;
- The respective ages and roles of the involved parties;
- Whether VFMAC has received multiple reports of prohibited behavior under this policy involving the Respondent;
- Whether the circumstances suggest there is a risk of the Respondent committing additional acts of prohibited behavior;
- Whether the Respondent has a history of arrests or records indicating a history of violence;
- Whether the Respondent threatened further violence against the Complainant and other individuals involved;
- Whether the reported behavior was committed by multiple individuals;
- Whether the reported behavior was perpetrated with a weapon; and

- Whether VFMAC possesses other means to obtain relevant evidence (e.g., security cameras or personnel, physical evidence).

Where VFMAC is unable to accommodate requests for limited action, VFMAC may seek disciplinary action against a Respondent or a course of action that eliminates or mitigates the effects of the prohibited behavior and prevents its recurrence but does not involve formal disciplinary action.

VFMAC will notify the Complainant of its action, and their options for participation.

### **Intake and Assessment**

Upon receipt of a report of prohibited behavior, the Title IX Coordinator will arrange to meet with the Complainant in an intake meeting as soon as possible and within five (5) business days of receiving the report. At this meeting, the Title IX Coordinator will discuss and explain:

- Title IX process and procedures;
- Complainant resources;
- Complainant rights and responsibilities;
- Supportive measures and how to access them;
- Confidentiality and privacy considerations; and
- Retaliation.

At the intake meeting, the Title IX Coordinator will seek to determine how the Complainant wishes to proceed, which may include, but is not limited to:

- A request for resources or supportive measures;
- Assistance with reporting to law enforcement;
- No further action;
- Informal resolution; and
- Initiation of a Formal Complaint.

At the time a report is made, a Complainant need not decide whether to file a Formal Complaint. VFMAC recognizes that not every individual will be prepared to file a complaint, and individuals are not expected or required to pursue a specific course of action. In instances where the Complainant does not wish any action to be taken, the Title IX Coordinator must assess and make a determination in order to ensure the safety and wellbeing of the Complainant and VFMAC community.

If the report of a violation of the Sexual Misconduct Policy also implicates other potential violations of VFMAC's Code of Student Conduct (in the case of students) or potential violations of other VFMAC policies, the Title IX Coordinator, in consultation with other appropriate VFMAC personnel, will evaluate all reported allegations to determine whether the allegations may be investigated together without unduly delaying resolution. When the Title IX Coordinator determines that a single investigation is appropriate, the investigation and adjudication will be done in accordance with the Sexual Misconduct Policy. Any multi-charge complaint that includes a violation of Title IX will be adjudicated using the Title IX-specific procedures below. A determination of responsibility for the violation of the Student Code of Conduct or violation of VFMAC policy will be evaluated by the Hearing Officer using the applicable policies.

In instances where VFMAC determines the Sexual Misconduct Policy is not applicable, the Title IX Coordinator may refer the report to an alternate office (e.g. Dean of Students, Office of Student Conduct or Human Resources).

### **Supportive Measures**

The Title IX Coordinator, in conjunction with the Deputy Title IX Coordinators, has the discretion to identify, impose, or modify any supportive measure based on available information. VFMAC may implement supportive measures at any point during the Formal Complaint, investigation, or adjudication of the case. A Complainant is not required to submit a Formal Complaint in order to receive supportive measures and supportive measure can be made available to the Complainant and Respondent. VFMAC will maintain the privacy of the parties when implementing supportive measures to the extent practicable and will promptly address any violation of supportive measures.

**Supportive Measures** may include, but are not limited to:

- Mutual no contact orders;
- Changes in housing assignment for one or both parties;
- Academic accommodations;
- Changes in supervisor or work location;
- Removal from campus housing or grounds;
- Social restrictions;
- Changes in parking locations;
- Walking escorts;
- Counseling; and
- Emergency Removal.

## **Emergency Removal**

An emergency removal includes an involuntary removal or suspension of a student or employee. Prior to an emergency removal, the Title IX Coordinator will conduct an individualized analysis for health and safety, and determine the presence of an immediate threat to the physical health or safety.

Once the Respondent is notified, the Respondent is banned from all property and buildings, owned and controlled by VFMAC, and from participating in any VFMAC program or activity until the emergency removal is terminated.

At any point, either party can request a review to have the emergency removal amended or removed. The emergency removal remains in place during the review process. A review of an emergency removal does not delay the investigation or resolution process and can occur concurrently. A review must be made in writing directed to the Title IX Coordinator addressing the appropriateness of the measure.

The decision regarding the review is made within three (3) business days by a member of the Title IX team. The Title IX team member is able to seek additional information from the non-appealing party, Title IX Coordinator, and campus or community stakeholders.

Termination of an emergency removal can occur

- At the conclusion of an appeal;
- As a result of a dismissal of sexual misconduct allegation; or
- At the conclusion of the adjudication procedures.

## **Formal Complaint**

After the Complainant is provided their Rights and Responsibilities, a Complainant may file a Formal Complaint. A Formal Complaint is a signed (including electronic signature) document submitted to the Title IX Coordinator in person, by way of mail, or by email. The Formal Complaint notifies VFMAC of the Complainant's wishes to proceed with adjudication or an alternative resolution process. In the event VFMAC determines that it is necessary to protect the safety and well-being of the community, the Title IX Coordinator reserves the right to sign the Formal Complaint. If VFMAC receives more than one report arising out of the same set of facts or circumstances, the Title IX Coordinator may consolidate reports for the Formal Complaint. VFMAC will notify the Complainant of the prohibited behavior as defined by the Policy, including if the prohibited behavior falls within Title IX.

VFMAC will resolve formal complaints in a prompt time frame. However, with good cause, VFMAC may temporarily delay adjudication. In that event, written notification will be provided to the parties with rationale. Examples of good cause include, but are

not limited to, absence of a party, a party's advisor, or witness; concurrent law enforcement activity; need for language assistance; or accommodations of a disability.

### **Respondent Intake**

Within five (5) business days of receiving the Formal Complaint, the Title IX Coordinator will meet with the Respondent. VFMAC's stance is the Respondent is not responsible for the allegation until a determination of responsibility is reached at the conclusion of the adjudicative process. During the Respondent intake, the Title IX Coordinator will discuss and explain:

- Title IX process and procedures;
- Sufficient details of the alleged prohibited behavior;
  - Identity of involved parties;
  - Date and location of alleged incident; and
  - Identify the prohibited behavior as defined by the Policy, including if the prohibited behavior is defined by Title IX.
- Respondent resources;
- Respondent rights and responsibilities;
- Interim and supportive measures and how to access them;
- Confidentiality and privacy considerations; and
- Retaliation.

### **Dismissal of a Report**

VFMAC is required to investigate each Formal Complaint with the following exceptions.

- the Title IX Coordinator determines that the allegation, if true, would not constitute a violation

of this Policy; or

- The behavior did not occur within the United States.

VFMAC may dismiss a report in the following circumstances:

- A Complainant notifies the Title IX Coordinator in writing requesting to withdraw the Formal

Complaint;

- The Respondent is not enrolled or employed by VFMAC; or
- Circumstances are presented that prevent VFMAC from conducting an investigation.

Within one (1) business day of VFMAC's decision to dismiss a case, the Title IX Coordinator will notify all parties in writing, including a rationale. The dismissal of a case is subject to an appeal.

### **Alternative Resolution**

After receiving a formal complaint and up until a determination of responsibility is made, the prohibited behavior may be resolved through alternative resolution. Under this process, the Complainant and Respondent waive the right to an investigation and adjudication, and the outcome reached may not be described in sanctions. Examples of alternative resolution processes include, but are not limited to, mediation, facilitated dialogue, conflict coaching, and restorative justice. The process of trying to reach an alternative resolution is voluntary and cannot be required by VFMAC as a condition of enrollment or employment. The Alternative Resolution process is not available for an incident where the prohibited behavior is sexual harassment, the Respondent is an employee, and the Complainant is a student. At any time during an alternative resolution process, any of the parties may request that the process cease, and the investigation and adjudication process will continue.

Notification of an Alternative Resolution is a written document that confirms participation in this specific process. Included in the Notification of an Alternative Resolution is information clarifying the procedures, allegations, description of when an alternative resolution can be withdrawn, clarification of expectation on consequences, and record retention and privacy. The Notification of Alternative Resolution must be signed by the Complainant and Respondent.

An Alternative Resolution Agreement is a written agreement that executes the agreement to resolve the allegations developed through an alternative resolution. For a case to be considered closed, an

Alternative Resolution Agreement must be signed by the Respondent and Complainant. Neither party may revoke or appeal an Alternative Resolution Agreement after it is fully executed. If an Alternative Resolution Agreement is not reached, then the formal resolution process will proceed.

### **Investigation**

VFMAC will investigate each Formal Complaint. The Title IX Coordinator will assign an investigator to the complaint. The burden of proof refers to who has the responsibility of showing a violation has occurred. It is the responsibility of VFMAC to satisfy the burden of proof. The parties do not have the burden to prove that a violation did or did not

occur. The investigator will review all evidence discovered and/or presented. VFMAC prohibits knowingly making a false statement or knowingly submitting false information.

Parties have the opportunity to raise the issue of a potential conflict of interest or bias within two business days of being advised of the identity of the investigator. The Title IX Coordinator will determine whether a conflict of interest or bias exists. If conflict of interest or bias is determined to exist, the case will be assigned to a new investigator.

The investigator will request individual interviews with the Complainant, the Respondent, and other witnesses, as appropriate. Written notification will be provided of the date, time, location, participants, and purpose of the interview. Parties have the right to be accompanied by an Advisor and an Advocate of their choosing. Throughout the investigation an Advisor and Advocate may confer quietly with their advisee, exchange notes, and suggest questions to their advisee.

The Advisor and Advocate may not make a presentation or otherwise represent either party during the interview. The initial interviews with the Complainant and the Respondent should be in person, when possible. The purpose of the interviews is to gather and assess information about the incident(s) at issue in the complaint, not to solicit general evidence about either party's character. The investigator may wait to hold the initial interview with the Respondent until after the first meeting with the Complainant. The investigator will interview witnesses provided by both the Complainant and Respondent. Witnesses may be individuals identified by the Complainant, Respondent, a VFMAC representative, other witnesses, and any other persons the investigator considers it beneficial to interview. During the course of the investigation, the Complainant, Respondent, and witnesses can provide supporting evidence, including but not limited to emails, social media posts, direct messages, photographs, and voicemails.

VFMAC cannot access, consider, disclose or use any privileged communication or document (i.e., medical records and mental health records) unless the party voluntarily provides such evidence.

After the collection of additional evidence is complete but prior to the conclusion of the investigation, the investigator may request individual follow-up interviews with the Complainant and Respondent to give each the opportunity to respond to the additional evidence.

In the event an individual has voluntarily or involuntarily consumed drugs or alcohol near the time the alleged sexual misconduct occurred, that individual may be hesitant to report due to fear of potential consequences for their own conduct. When an individual discloses any incident of sexual misconduct to VFMAC or law enforcement, they will not receive VFMAC sanctions for violations of alcohol and/or drug use policies occurring at or near the time of the incident(s).

Amnesty does not preclude or prevent action by police or other legal authorities pursuant to relevant state or federal criminal statutes. In the case where a law enforcement agency is in the process of gathering evidence and at the request of law enforcement or VFMAC general counsel, VFMAC will temporarily suspend the fact-finding aspect of VFMAC investigation. Investigation will proceed again upon notification of the Title IX Coordinator or Investigator by VFMAC general counsel.

After each party has had the opportunity to share evidence with the investigator and to identify witnesses and other potential evidence, the investigator will prepare a preliminary report. The investigator will make the preliminary report available to the parties, which will include an interview summary from each party and witnesses, and supplemental evidence collected. The parties will have ten (10) business days to review the preliminary report and provide a response.

Responses can include comments, feedback, additional evidence, request for additional investigation, new witnesses to interview, or any other evidence they deem relevant. Parties can also pose relevant questions for the other party and witness. The parties' responses will be attached to the final investigative report.

After receiving responses submitted by either party, or after the ten (10) business days has lapsed without comment, the investigator will address any relevant issues identified by the parties. If the investigator anticipates follow up will exceed five (5) business days, the investigator will notify the parties.

The investigator will issue a final investigative report. The investigator's final written report will contain all evidence from the preliminary report, any additional evidence gathered (both relevant and irrelevant), and an analysis of evidence. The investigator's report must be reviewed and approved by the Title IX Coordinator before it is issued. The investigator will provide a notification of the final investigative report to the parties simultaneously. The parties will have a minimum of ten (10) business days to review prior to a hearing date.

### **Hearing for Prohibited Behavior Defined by Title IX Regardless of Geography**

The following Hearing Process applies to the adjudication of all behaviors prohibited by Title IX as well as those occurring outside of the geographic limitations imposed by Title IX but still meeting the Title IX definition of sexual harassment.

Hearings are a live process to seek clarifying information in order to make determinations of responsibilities and sanctions, if appropriate. Parties are notified in writing of the date, time and location of the hearing concurrent to notification of the final investigative report. Separate spaces can be requested by either party. In that event, VFMAC will ensure the hearing occurs in a manner that all parties are able to see and hear the information simultaneously with the use of appropriate synchronous

technology. The hearing will be audio or video recorded. The recording will remain the property of VFMAC. After the hearing, parties can request to view or listen to the recording but will not be provided a copy of the media file.

Prior to a hearing, parties are invited to participate in a pre-hearing meeting. A pre-hearing is a separate meeting to learn of hearing expectations, to have questions answered, and to learn the identity of the Hearing Officer. Parties will be notified simultaneously to schedule a pre-hearing which should occur at least three (3) business days prior to the hearing. Pre-hearings are not required. If any party does not attend a pre-hearing, that party will receive expectations and the Hearing Officer in writing. Parties have the opportunity to raise the issue, through written communication, of a potential conflict of interest within two (2) days of being advised of the identity of the Hearing Officer. The Title IX Coordinator will determine whether a conflict of interest exists. A Hearing Officer with a conflict of interest will not make determinations in a case and will be replaced by another individual that meets the qualifications to serve.

Hearing attendance is limited to only those individuals playing a role in the process including: Respondents, Complainants, Advisors, Advocates, witnesses, Hearing Officer. Throughout the hearing an Advisor and Advocate may confer quietly with their advisee, exchange notes, and suggest questions to their advisee. The Advisor and Advocate may not make a presentation or otherwise represent either party during the hearing. The Advisor has an active role in seeking clarifying information and questioning the other party and witnesses. If a party has not obtained an Advisor, one will be provided by VFMAC at no cost to the party.

During the hearing, the Hearing Officer opens with comments and instructions. Each party, if they so choose, has an opportunity to make opening remarks. Ideal content for opening remarks includes a brief summary of the incident, highlighting support or disagreement with the final investigative report. The Complainant and the Respondent do not hold a burden of proof that a violation did or did not occur. Following each opening remark, the Hearing Officer has an opportunity to ask questions of Complainant and Respondent. The parties' Advisors will have an opportunity to ask questions of the other party. The Complainant and the Respondent are prohibited from directly questioning the other party. Witnesses will then be permitted to join the hearing, allowing the Hearing Officer, Advisor of the Complainant and Advisor of the Respondent to ask questions. Once all information has been presented and questions asked, the Complainant and the Respondent will have an opportunity to make a closing statement. Ideal information for a closing statement includes the impact of the incident and, in the event of a responsible finding, sanction and remedy requests.

All parties, including witnesses, are required to participate in order to have their evidence considered in determination of responsibility. Questioning during a hearing is conducted directly, orally, and in real time. All questions must be relevant to the incident. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless 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 if 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. The Hearing Officer cannot access, consider, disclose or use any privileged communication or document (i.e. medical records and mental health records) unless the party voluntarily provides such evidence.

Before the Complainant, the Respondent or a witness answers any question, the Hearing Officer must first determine if the question is relevant. If a question is determined to be irrelevant or must be reworded, the rationale for such determination will be recorded by the Hearing Officer. If a party, including Complainant, Respondent, or witness, is not available or does not participate in questioning, the Hearing Officer cannot rely on any statement presented by that individual to make a determination of responsibility.

The Hearing Officer cannot draw inference about responsibility based solely on a party's or witnesses' absence from the hearing or refusal to answer questions. The Hearing Officer will make findings of fact, applying a preponderance of the evidence standard (i.e., more likely than not), and will determine based on those findings of fact whether a violation of this policy occurred. If the Hearing Officer determines that a violation has occurred, the Hearing Officer shall review a written confidential report regarding the background of the Respondent, any prior incidents of misconduct in which the Respondent has been involved, and a report of sanctions/supportive measures previously applied for offenses of a nature similar to the current case.

The Hearing Officer has five (5) business days from the date of the hearing to issue a written letter to the Title IX Coordinator with the following:

- Summary of allegation;
- Identification of prohibited behavior;
- Procedural steps from receipt of Formal Complaint to hearing;
- Findings of fact;
- Conclusion summarizing how the behavior is applied to the policy;
- Determination of responsibility for each allegation including a rationale;
- Disciplinary sanctions including a rationale;
- Restorative remedies including a rationale; and
- Appeal procedures.

If the report of a violation of the Sexual Misconduct Policy also implicates other potential violations of VFMAC's Code of Student Conduct (in the case of students) or potential violations of other VFMAC policies and the decision has been made to address them as one case (see Intake and Assessment), and the Respondent is found to be not in

violation of the Sexual Misconduct Policy, but that violations of other VFMAC policies may have occurred, the Hearing Officer will make determinations of responsibility and sanctions for the remaining policies.

If the Respondent is found to be responsible for both the Sexual Misconduct Policy and violations of other VFMAC policies, the Hearing Officer will make determinations for sanctions. The Title IX Coordinator will then relay the information simultaneously to the Complainant and to the Respondent, along with the procedures to appeal the decisions.

### **Hearings For All Other Sexual Misconduct**

Hearings are a live process to seek clarifying information in order to make determinations of responsibilities and sanctions, if appropriate. Parties are notified in writing of the date, time and location of hearing concurrent to notification of the final investigative report. Separate spaces can be requested by either party. In that event, VFMAC will ensure the hearing occurs in a manner that all parties to see and hear the information simultaneously with the use of appropriate synchronous technology. The hearing will be audio or video recorded. The recording will remain the property of VFMAC. After the hearing, parties can request to view or listen to the recording but will not be provided a copy of the media file.

Prior to a hearing, parties are invited to participate in a pre-hearing meeting. A pre-hearing is a separate meeting to learn of hearing expectations, to have questions answered and to learn the identity of the Hearing Officer. Initial cross-examination questions of the other party and witnesses must be submitted during the pre-hearing. Parties will be notified simultaneously to schedule a pre-hearing which must occur at least three (3) business days prior to the hearing. Parties have the opportunity to raise the issue, through written communication, of a potential conflict of interest within two (2) days of being advised of the identity of the Hearing Officer.

The Title IX Coordinator will determine whether a conflict of interest exists. A Hearing Officer with a conflict of interest will not make determinations in a case and will be replaced by another individual that meets the qualifications to serve.

Hearing attendance is limited to only those individuals playing a role in the process including: Respondents, Complainants, Advisors, Advocates, witnesses, Hearing Officer.

Throughout the hearing an Advisor and Advocate may confer quietly with their advisee, exchange notes, and suggest questions to their advisee. The Advisor and Advocate may not make a presentation or otherwise represent either party during the hearing. During the hearing, the Hearing Officer opens with comments and instructions. Each party, if they so choose, has an opportunity to make an opening remark. Ideal information for opening remarks includes a brief summary of the incident highlighting support or

disagreement with the final investigative report. Parties do not hold a burden of proof that a violation did or did not occur.

Following each opening remark, the Hearing Officer has an opportunity to ask questions of Complainant and Respondent. The parties' will have an opportunity to ask follow-up cross examination questions of the other party or witnesses, not initially submitted during pre-hearing. All follow-up cross examination questions by the parties must be in writing and are submitted to the Hearing Officer to ask. Witnesses will then be permitted to join the hearing allowing the Hearing Officer, Advisor of the Complainant and Advisor of the Respondent to ask questions.

Once all information has been presented and questions asked, the Complainant and Respondent will have an opportunity to make a closing statement. Ideal information for a closing statement includes, the impact of the incident, and in the event of a responsible finding, sanction and remedy recommendations.

Questioning during a hearing is conducted directly, orally and in real time by the Hearing Officer. All questions must be relevant to the incident. Before the Complainant, Respondent or witness answer any question, the Hearing Officer must first determine if the question is relevant. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless 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 if 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.

The Hearing Officer cannot access, consider, disclose or use any privileged communication or document (i.e. medical records and mental health records) unless the party voluntarily provides such evidence. If a question is determined to be irrelevant or must be reworded, the rationale for such determination will be recorded by the Hearing Officer. The Hearing Officer cannot draw inference about responsibility based solely on a party's or witnesses' absence from the hearing or refusal to answer questions.

The Hearing Officer will make findings of fact, applying a preponderance of the evidence standard (i.e., more likely than not), and will determine based on those findings of fact whether a violation of this policy occurred. If the Hearing Officer determines that a violation has occurred, the Hearing Officer shall review a written confidential report regarding the background of the Respondent, any prior incidents of misconduct in which the Respondent has been involved, and a report of sanctions/supportive measures previously applied for offenses of a nature similar to the current case.

The Hearing Officer has five (5) business days from the date of the hearing to issue a written letter to the Title IX Coordinator with the following:

- Summary of allegation;
- Identification of prohibited behavior;
- Procedural steps from receipt of Formal Complaint to hearing;
- Findings of fact;
- Conclusion summarizing how the behavior is applied to the policy;
- Determination of responsibility for each allegation including a rationale;
- Disciplinary sanctions including a rationale;
- Restorative remedies including a rationale; and
- Appeal procedures.

If the report of a violation of the Sexual Misconduct Policy also implicates other potential violations of VFMAC's Code of Student Conduct (in the case of students) or potential violations of other VFMAC policies, and the decision has been made address them as one case (see Intake and Assessment), and the Respondent is found to be not in violation of the Sexual Misconduct Policy, but violations of other VFMAC policies may have occurred, the Hearing Officer will make determinations of responsibility and sanctions for the remaining policies. If the Respondent is found to be responsible for both the Sexual Misconduct Policy and violations of VFMAC policies, the Hearing Officer will make determinations for sanctions.

The Title IX Coordinator will then relay the information simultaneously to the Complainant and to the Respondent, along with the procedures to appeal the decisions.

## **Appeals**

Following the dismissal of a case or at the conclusion of a hearing, an appeal may be made by any party based only on the following criteria:

- A substantive violation of the procedures set forth in this policy has occurred which, in the context of the case, is likely to have the effect of changing the outcome; or
- The appellant has substantive and relevant new information that was not available at the time of the dismissal or hearing that may change the outcome; or
- Any person in the resolution of the incident had a conflict of interest or bias that affected the outcome; or
- The appellant believes the sanctions are not commensurate with the violation.

An appeal will be accepted by the Title IX Coordinator in writing for five (5) business days following the notification of dismal or Hearing Officer's findings. Upon receipt of an appeal, the Title IX Coordinator will notify the other parties in writing. Upon request, all parties may review appeals submitted by any party.

The Title IX Coordinator, having received the appeal, will convene an Administrative Panel for

Appeals, a 3-person panel of appropriately trained faculty and staff, for review of the appeal. Parties have the opportunity to raise the issue of a potential conflict of interest or bias within two (2) days of being advised of the identity of the Administrative Panel. The Title IX Coordinator will determine whether a conflict of interest or bias exists. The Administrative Panel member will not make determinations in a case in which they have a conflict of interest or bias.

The Title IX Coordinator will forward the final investigative report, any evidence submitted during the hearing, and the hearing letter to the Appeals Panel. The Appeal Panel will have access to the documents a minimum of five (5) business days prior to issuing a finding on the appeal. The Administrative Panel must make a determination regarding the appeal within fifteen (15) days of notification of dismissal or notification of hearing outcome.

The Appeals Panel may request clarification on the facts from the Hearing Officer, investigator, Title IX Coordinator or any party. The Appeals Panel will first make a determination of merit for the appeal.

If no merit is found, the Appeals Panel will notify the Title IX Coordinator that the appeal will not move forward.

If merit is found for the appeal, the Appeals Panel will make a determination on the next course of action:

- Modify the outcome;
- Remand for rehearing;
- Affirm the original findings and sanctions imposed.

Upon determination by the Appeals Panel, the Title IX Coordinator will immediately be notified. Both parties will simultaneously be sent written notification of the appeal decision including a rationale for the decision. Any change made by the Administrative Panel for Appeals as a result of a hearing is final, and not subject to further appeal. If appeal is as a result of a dismissal and the Administrative Panel for Appeals modifies the outcome, the parties maintain the right to appeal at the conclusion of a hearing. Findings and/or sanctions of this Policy cannot be grieved through the applicable Grievance Policy.

All materials including supportive measures, investigative report, audio recording, appeals and official correspondence will be maintained for a period of seven (7) years.

## **V. SANCTIONS**

### **Student Sanctions**

Detailed descriptions are available in the Student Handbook under the Student Conduct Policy.

- Written reprimand
- Completion of educational program(s)/workshop(s)
- Participation in psychological, physical, or substance abuse evaluations and/or counseling
- Conduct probation: Loss of ability to participate in co-curricular activities
- Educational reflection paper
- Fines and restitution
- Housing Probation
- Housing Reassignment
- Housing Suspension (deferred)
- Housing Suspension
- Housing Termination
- Loss of Privileges
- Parental Notification
- Revocation of admission and/or degree
- Service requirement
- VFMAC Suspension (deferred)
- VFMAC Suspension (up to two years)
- Expulsion.

### **Employee Sanctions**

Detailed descriptions are available in the Employee Progressive Discipline Policy. In addition to the Sanctions identified in the Employee Progressive Discipline Policy, the following may also apply:

- Required participation in non-credit educational programs
- Required participation in psychological, physical, or substance abuse evaluations
- Restitution.

### **VI. RELATED DOCUMENTS**

- Annual Security and Fire Safety Report
- Employee Handbook
- Faculty Service Information
- Formal Complaint Form
- Mandatory Training Policy/Matrix
- Notification of Complainant’s Rights
- Notification of Respondent’s Rights
- Student Handbook
- Employee Progressive Discipline Policy
- Administrative Leave Policy.

APPENDIX A – List of Title IX Team

APPENDIX B – List of Confidential Employees

APPENDIX C– List of Mandatory Reporters

APPENDIX D – Rights & Responsibilities

APPENDIX E – Resources

APPENDIX F – Third Party Vendors

### **VII. SIGNATURE OF APPROVAL**

VFMC Provost: Dr. Robert Smith

Approval Date: December 29, 2020 (Revised Policy)

**APPENDIX A**

**TITLE IX TEAM**

Title IX Coordinator for VFMAC:

Dr. Jesse Phillips

Dean of College Services, Medenbach Hall

Phone: (610) 989-1467; Email: [jphillips@vfmac.edu](mailto:jphillips@vfmac.edu)

Title IX Deputy Coordinator for VFMAC:

Mr. Aaron Barkley

Associate Dean of the Academy

Shannon Hall

Phone: (610) 989-1382

Email: [abarkley@vfmac.edu](mailto:abarkley@vfmac.edu)

Title IX Deputy Coordinator for VFMAC (SY 21-22)

Ms. Lauren Guardino

Human Resources Specialist

Mellon Hall

Phone: (610) 989-1240

Email: [lguardino@vfmac.edu](mailto:lguardino@vfmac.edu)

Title IX Deputy Coordinator for VFMAC (SY 22-23)

Ms. Penny Vander Wielen

Human Resources Director

Mellon Hall

Phone: (610) 989-1244

Email: [pvanderwielen@vfmac.edu](mailto:pvanderwielen@vfmac.edu)

**APPENDIX B**

**CONFIDENTIAL RESOURCES**

<b><u>Resource</u></b>	<b><u>Responsible Employee</u></b>	<b><u>Contact Number</u></b>
Director of the Cadet Health Center	Ms. Deborah Hammer	610-989-1519
Cadet Health Center	Nursing Staff	610-989-1515/1518
Cadet Counseling Staff	Dr. Dorothy Lowery	DLowery@vfmac.edu

**APPENDIX C**

**MANDATORY REPORTERS**

Department Position

All Academic Deans

Associate Deans

Assistant Directors

Dean of Students

Human Resources Director

Senior Managers

International & Non-Traditional Students -All

President

Provost

Campus Safety - All

Commandant

TAC Officers - All

Student Conduct & Grievances - All

Student Life - All

Chief Financial Officer

Chief Operating Officer

Athletic Coaches

## **APPENDIX D**

### **RIGHTS AND RESPONSIBILITIES**

**PRIVACY AND CONFIDENTIALITY** - VFMAC is committed to protecting the privacy of all individuals involved in the resolution of a report under this policy. VFMAC also is committed to providing assistance to help students, employees and third parties make informed choices. With respect to any report under this policy, VFMAC will make reasonable efforts to protect the privacy of participants, in accordance with applicable state and federal law, while balancing the need to gather information to assess the report and to take steps to eliminate prohibited conduct, prevent its recurrence, and remedy its effects. Information related to a report of prohibited conduct will be shared with a limited circle of VFMAC employees who “need to know” in order to assist in the assessment, investigation and resolution of the report.

**ADVISORS** - Both the Complainant and Respondent have the opportunity to be advised by an advisor of their choice (including legal counsel, at their expense) at any stage of the process. The advisor can accompany the parties at any meeting or hearing in which the parties are requested to be present. VFMAC will communicate directly with the parties, and will not engage with an advisor. An advisor may not speak for either party but may advise in private. Any information or communication shared with an advisor will come from the parties and not VFMAC.

**RETALIATION** - VFMAC prohibits any form of retaliation. Retaliation is any adverse action taken against a person for making a good faith report of prohibited conduct or participating in any proceeding under this Policy. Retaliation includes threatening, intimidating, harassing, coercing or any other conduct that would discourage a reasonable person from engaging in activity protected under this policy. Retaliation may be present even where there is a finding of “no responsibility” on the allegations of prohibited conduct. Retaliation does not include good faith actions lawfully pursued in response to a report of prohibited conduct. Information about any incident of retaliation should be reported to the Title IX Coordinator (Dr. Jesse Phillips or [titleix@VFMAC.edu](mailto:titleix@VFMAC.edu))

**CRIMINAL REPORTS** - Conduct may be reported to law enforcement, separate and apart from any report made to VFMAC. VFMAC’s investigation and resolution process is independent of any criminal investigation or proceeding. Conduct may violate VFMAC’s Sexual Misconduct Policy even if it does not violate the law. A respondent who is found to be in violation of the Sexual Misconduct Policy may also be subject to criminal charges.

**APPEAL** - Parties will be informed of their appeal rights under VFMAC’s investigation and complaint resolution process.

**OPTIONS** - The Complainant is not required to decide how to proceed at the time a report is made.

Possible options include:

- Receive resources both on campus and in the community.
  - Counseling services
  - Victim Advocacy
  - Medical
  - Legal
- Report the incident to law enforcement at any time.
  - Upon request, VFMAC will assist in doing so.
  - If the incident occurred on or near the main part of campus, the Radnor Township Police Department can be reached at 911 for emergencies or 610-688-0503 for non-emergencies.
  - If the incident occurring on VFMAC property near the apartment buildings, General Parking Lot, Equitation Center, Motor Pool, athletic fields or Athletic Field House, the Tredyffrin Township Police Department can be reached at 911 for emergencies and 610-64-3221 for non-emergencies.
- Report the incident to the Title IX Coordinator or any responsible employee.
- Investigate and adjudicate the incident using VFMAC's Sexual Misconduct Policy, including an informal adjudication (i.e. mediation or restorative justice).
  - VFMAC may need to investigate and take action even if the Complainant does not wish to proceed with the investigation and adjudicative process.
- Receive interim or supportive measures. Interim measures include but are not limited to:
  - Adjustment of course schedules;
  - Adjustments for assignment or tests;
  - Change of living or working arrangements;
  - No-contact orders; and
  - Campus Safety Officer escort
- Complainant may withdraw a complaint prior to the conclusion of an investigation.
- None of the above listed options

**APPENDIX E**

**ON CAMPUS RESOURCES**

<b><u>OFFICE/DEPARTMENT</u></b>	<b><u>CONTACT</u></b>	<b><u>PHONE</u></b>
College Administration	Dr. Robert Smith Provost & Chief Academic Officer	610-989-1458
	Dr. Jesse Phillips Dean of College Services/ Title IX Coordinator	610-989-1467
Commandant's Department	GSM William Mott Welsh Guards (ret) Commandant of Cadets	610-989-1471
	COL Kenneth Seitz, VFMAC Quartermaster	610-989-1254
	CPT Ian Brooks, USAR Lead College TAC Officer	610-989-1422
Cadet Health Center	Ms. Deborah Hammer Director of the Health Center	610-989-1519
Safety & Security	Mr. Anthony Felicetti Chief Campus Safety Officer	610-989-1258
Cadet Counseling Staff	Dr. Dorothy Lowery	DLowery@vfmac.edu
Human Resources	Ms. Penny Vander Wielen	610-989-1244
Academy Associate Dean	Mr. Aaron Barkley Title IX Co-Coordinator	610-989-1382

**OFF CAMPUS RESOURCES**

**Emergency Response 911**

<b><u>LOCATION</u></b>	<b><u>CONTACT</u></b>	<b><u>PHONE</u></b>
Radnor Police Department 301 Iven Avenue Wayne, PA 19087	Business	610-688-0503
	Emergency	911
Pennsylvania State Police 342 W. Baltimore Pike Media, PA 19063		484-840-1000
Bryn Mawr Hospital		484-337-3000
Delaware County District Attorney's Office		610-891-4225
Delaware County Women Against Rape	Business HOTLINE	610-566-5866 610-566-4342
Domestic Abuse Project of Delaware County		610-565-6272
National Sexual Assault Hotline		1-800-656-4673
Pennsylvania Coalition Against Rape		610-566-4342
Men's Resource Center		215-564-0488

## **APPENDIX F**

### **Third Party Vendors**

Sexual Misconduct can impact the entire VFMAC community and therefore is also applicable to third parties vendors and their employees. A third party vendor is contracted to provide a service for VFMAC. Third party employees are the individual employed by the third party vendor and provide that service for VFMAC. For additional information regarding applicable behavior, review the Sexual Misconduct Policy including the “Entities Affected by the Policy” section. An incident may be addressed by a third party vendor’s policy as well as VFMAC’s Sexual Misconduct Policy. All third party employees should be familiar with the applicable polices of VFMAC and their employer.

### **Reporting**

Any member of the VFMAC community, including third party employees, who is aware of an incident of sexual misconduct can report to the Title IX Coordinator. Instructions on how to submit a report, including an option to report anonymously, are available at [www.VFMAC.edu/titleix](http://www.VFMAC.edu/titleix).

### **Rights & Procedures**

When the Complainant or Respondent is a third party, VFMAC will uphold the “Rights and Responsibilities” identified in Appendix D. VFMAC will follow procedures as outlined in the Sexual Misconduct Policy. The Title IX Coordinator or a member of the Title IX Team will notify the point of contact with the third party vendor upon receipt of a Formal Complaint. The Title IX Coordinator or a member of the Title IX Team may seek the assistance of the third party vendor to implement supportive measures, case resolution, and sanctions. In the event, a Complainant does not file a Formal Complaint or requests limited action, VFMAC may disclose relevant information with the third party vendor regarding the Complainant and Respondent, using the following criteria:

- The seriousness of the behavior;
- The respective ages and roles of the involved parties;
- Whether VFMAC has received multiple reports of prohibited behavior under this policy involving the Respondent;
- Whether the circumstances suggest there is a risk of the Respondent committing additional acts of prohibited behavior;
- Whether the Respondent has a history of arrests or records indicating a history of violence;
- Whether the Respondent threatened further violence against the Complainant and other individuals involved;
- Whether the reported behavior was committed by multiple individuals;

- Whether the reported behavior was perpetrated with a weapon; and
- Whether VFMAC possesses other means to obtain relevant evidence (e.g., security cameras or personnel, physical evidence).

The Sexual Misconduct Policy does not negate a third-party vendor’s policies and procedures and can be implemented concurrently.

## CONCLUSION

The College is committed to the safety of all employees, cadets and visitors to the campus. As such, cadets and visitors are strictly prohibited from bringing weapons of any kind on campus. In addition, each applicant is screened during the admission process for any prior criminal history and the College performs a standard background check on all prospective employees, including utilizing Pennsylvania’s “Criminal History Records Information Act.” Dissemination of information and programs concerning safety issues including crime prevention and alcohol and drug abuse prevention are provided through various methods including Bulletins and Staff Memoranda. Cadet disciplinary procedures are fully set forth in The Student Handbook and The Guidon.

The information contained in this report is compiled and provided in accordance with the Higher Education Security Information Act and the Clery Act. A new report is generated each year and is distributed to all cadets and employees by October 1st.

A paper copy of this report will be provided upon request by contacting the Commandant’s Office in Wayne Hall at 610-989-1471 or the Clery Compliance Coordinator at 610-989-1254. The report is also available online.

For further information, please contact:

Fire and Ambulance	(610) 687-3245 (Business) 911 (Emergency)
Commandant	(610) 989-1471
College Provost & Chief Academic Officer	(610) 989-1438
Radnor Police	(610) 688-0503 911 (Emergency)
Tredyffrin Police	(610) 644-3221 (Business) (610) 647-1440 (Dispatch) 911 (Emergency)
Bryn Mawr Hospital	(610) 526-3100
Cadet Health Center	(610) 989-1515/1518/1519
Campus Safety Office	(610) 989-1258