

Lord Fairfax Community College
College Annual Security Report

October 1, 2012

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**As Required by the Jeanne Clery Disclosure of Campus Security Policy
And Campus Crime Statistics Act**

Lord Fairfax Community College does not discriminate on the basis of race, sex, color, national origin, religion, sexual orientation, age, veteran status, political affiliation or disability in its programs or activities.

Lord Fairfax Community College is accredited by the Commission on College of the Southern Association of Colleges and Schools to award associate degrees. Contact the Commission on Colleges at 1866 Southern Lane, Decatur, Georgia 30033-4097 or call 404-679-4500 for questions about the accreditation of Lord Fairfax Community College

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INTRODUCTION: THE ANNUAL DISCLOSURE OF CRIME STATISTICS

Lord Fairfax Community College (LFCC) is required by the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* (the "Act") to disclose campus security policy and crime statistics annually. This report is prepared by the Campus Police Department to remain in compliance with the Act. The statistics in this report were acquired from Campus Police and Security Incident reports, the Office of Student Success and with the cooperation of local law enforcement agencies surrounding all LFCC locations. These are statistics of all Clery reportable crimes without revealing the identity of victims/witnesses making confidential reports. This report contains policies, procedures and programs relating to crime prevention along with crime statistics collected during the 2010 calendar year.

The policy statements address the school's policies, procedures and programs concerning safety and security, for example, policies for responding to emergency situations and sexual offenses. Three years' worth of statistics are included for certain types of crimes that were reported to have occurred on campus.

A copy of this report can be found at the campus police and security desk on either the Middletown or Fauquier Campus and with the Luray Page/County Center Manager. Employees can also receive a copy from Human Resources in room 310 at the Middletown campus and with campus police in room 169. Students and employees are notified of the report via e-mail, message boards and college website. The website to access the Annual Security Report and Clery reportable crimes for LFCC is <http://lfcc.edu/crimestats>. Crime statistics are also available through the Office of Post-Secondary Education at <http://oppe.ed.gov/security/>.

Communication and Timely Warnings

Lord Fairfax Community College is committed to delivering a "Timely Warning" when an incident, that, the Chief of Police or designee concludes, is an immediate or ongoing threat to the safety and security of the college community. The timely warning notification will include threats either on or off campus. LFCC Alert will deliver the warning through e-mail, cell phone, pager and or Smartphone/PDA (Blackberry, Treo & other handhelds). LFCC Alert is a free service offered by Lord Fairfax Community College. New users may register via the college website located at lfcc.edu or by sending a text message to 411911, keyword: FAIRFAX.

In situations that pose an immediate threat, a notice will be posted on the plasma screen bulletin boards throughout the college and sent via Informacast (phone-top messaging) into all classrooms and offices. A notice will also be placed on the College website immediately accessible by computer and will be updated as the situation changes. The "timely warning" may be delayed if the notification would hinder or put at risk the safety of law enforcement or emergency medical/fire personnel or the on-going investigation and apprehension of suspects. The College also has a campus wide P/A system for notification if necessary.

Campus Police will work closely with the Crisis Communication Team to deliver a Timely Warning Notification of any Clery Act crime that is reported to Campus Police and Security and is considered to represent a serious

or continuing threat to students and employees, unless such communication, in the judgment of responsible authorities, will put at a risk the efforts to respond to the emergency or assist victims. The following persons are responsible for delivering this notification:

- Information Coordinator
- Web Master
- Director of Technology Services
- Chief of Police

Anyone having information that would necessitate a "timely warning" should contact Campus Police and Security by phone at 540-868-SAFE (7233) for the Middletown campus and Luray/Page County Center or 540-351-1555 for the Fauquier campus. Reports can also be made in person at the Security Desk.

Reporting Crimes

The Campus Police Department encourages victims and witnesses of crimes to make a report to Campus Police in a timely manner. To report a crime, call or contact campus police and security at 540-868-SAFE (7233) for the Middletown Campus or the Luray Page County Center and 540-351-1555 for the Fauquier Campus for non-emergency crime reporting. Call 911 for emergencies only, and then call Campus Police and Security. Anyone wishing to report a non-emergency crime or suspicious activity can also send an email to SAFE@LFCC.EDU. Additionally, a report of crime may be made to any designated college official (Campus Security Authority) listed below:

- Campus Police and Security
- Vice President of Financial and Administrative Services
- Vice President of Academic and Student Affairs
- Dean of Students - Middletown Campus
- Dean of Students - Fauquier Campus
- Director, Human Resources
- Director, Technology Services
- Coordinator of Counseling, Advising and Career Services- Middletown
- Director of Learning Resources
- Director of Instructional Technology
- Coordinator of Student Life - Middletown

All college officials, except designated professional counselors, receiving information of a *Clery* reportable crime must contact Campus Police and Security to ensure the "timely warning" requirement is met to further protect the college community from a potentially dangerous threat.

Reporting Procedures of Professional Counselors

LFCC Campus Police strongly encourages all members of the campus community to immediately report criminal activity and suspicious persons to Campus Police and Security or local law enforcement. Professional counselors are encouraged to inform persons being counseled of the procedures for reporting crimes voluntarily and confidentially. However, counselors are exempt from the reporting requirements.

Confidential Reporting

If requested, a confidential report may be made to the Chief of Police or designee without revealing the identity of a victim. A confidential report will allow Campus police and Security to notify others of potential danger and collect crucial information about a crime with regard to location, description of suspects and methods used without releasing victim/witness identity. Confidential reports of crimes may be made by phone to 540-868-SAFE (7233) for the Middletown campus and Luray/Page County Center or 540-351-1555 at the Fauquier campus, in person at the Campus Police Office, Security Desk or by sending an e-mail to SAFE@LFCC.EDU.

Help is always available upon request and those willing to make a report of a crime to Campus Police and Security may, at a minimum, receive counseling and referral information.

Access to Campus Facilities

Lord Fairfax Community College is an open access facility during normal business hours for staff, students, parents, guests and contractors. Authority to hold exterior door keys outside of normal business hours will be limited to Campus Police, Security, maintenance/custodial personnel who routinely have a need to enter and unlock/lock all exterior doors. Exterior door keys to buildings will be limited to technicians, and administrators having a frequent official need for access outside of normal business hours. All others requiring specific access to buildings will call security at 540-868-7233 for the Middletown campus and 540-351-1555 at the Fauquier campus to arrange access. The Luray/Page County Center will be accessed by key only, if issued. There is no residential housing on any of the LFCC campuses.

The Chief of Police continually reviews issues such as lighting, locks, landscaping, camera surveillance, alarms and communication to maintain a safe and secure environment. Furthermore the Safety Committee meets quarterly to address areas that have been identified as problematic and assign necessary action steps for resolution. This team is made up of staff, faculty and administrators from each campus with representatives from Campus Police, Buildings and Grounds, Student Success, Learning and Human Resources.

Campus Security Authority

The Campus Police and Security team is committed to maintaining a safe and secure learning environment for all students, employees, visitors and community members. The team strives to provide courteous and

professional service while remaining vigilant to protect the life and property of those who come to LFCC's campus locations. Campus police officers may exercise the powers and duties conferred by law upon police officers of cities, towns, or counties according to Va. Code § 23-234 including, but not limited to, enforcing criminal and traffic laws of the Code of Virginia, making arrests, issuing traffic summonses and conducting criminal investigations. Campus police officers are required to comply with the standards set forth by the Department of Criminal Justice Services. Campus security officers do not have arrest power.

Police and Security Officers assist with emergencies, evacuations, and drills, as well as vehicle battery re-charge and escorts to parking lots. LFCC's Security Officers are certified by the Virginia Department of Criminal Justice Services as Campus Security Officers. They are also trained and certified in CPR and with the use of an AED (automatic emergency defibrillator).

LFCC Campus Police and Security has a well-established professional relationship with the Middletown Police, Frederick County Sheriff, Fauquier County Sheriff, Warrenton Police, Luray Police, Page County Sheriff and State Police. Campus police have requested cooperation from local police to notify the institution about situations that may warrant an emergency response or crimes reported to them that may warrant a timely warning. Crimes should be reported to Campus Police and Security to assure a "timely warning" is given.

Procedures for Emergency Response and Evacuation

Key members of the Financial and Administrative Services Team, Emergency Response Coordinators, and Campus Police will serve as members of the Emergency Response Team (ERT). They are first responders for ALL campus emergencies and are responsible for identifying significant emergencies or dangerous situations and determining which segment of the campus community to notify and the content of the notification.

LFCC Emergency Response Team:

- Chief of Police
- Vice President of Administrative & Financial Services
- Director of Information Technology
- Director of Facilities
- Director of Technology Services
- Trades Tech II (Buildings & Grounds Supervisor-Middletown)
- Trades Tech III (Buildings & Grounds – Fauquier)
- Print & Web Communications Manager

ERT Response:

1. Assess the emergency
2. Contact appropriate authorities

3. Contact appropriate LFCC Administration through Chain of Command
4. Proceed to emergency location
5. Provide basic emergency response direction
6. Implement Crisis Communication Plan
7. Stay at location until emergency is completely resolved.

Emergency Response Coordinators

An Emergency Response Coordinator is a key member of the College who will assist College Administrators, Campus Police and Security Officers and the Emergency Response Team in the event of an emergency. The role of an ERC is to assist in emergency situations, evacuations, crowd control and other safety-related situations at Lord Fairfax Community College.

Effective communication is critical to the proper handling of emergency situations. The Emergency Response Team (ERT) at Lord Fairfax Community College has established the following systems in order to communicate quickly and effectively with the staff, faculty, and students during an emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus:

Notifications:

- Email
- ERC/ERT
- Plasma Screen (Visual/Sound Warning)
- LFCC Alert (Text messages: e-mail, cell phones, pagers)
- Public Address System/Megaphone
- Radio
- Contact Trees
- Informacast (Phone Top Messaging)

Visual Aids:

- Classroom guides for Emergency Routes/Safe Haven
- Threat level Reference Guides (Procedures)
- ADA Compliant Devices (Flashing Lights)

Emergency Action Instructions:

- LFCC Crisis Communication Plan
- LFCC Continuity of Operations Plan
- Guide for Emergency Action Response

In the event of an actual emergency, the ERT will work closely with the Crisis Communication Team to deliver without delay information internally and externally, taking into account the safety of the community, unless such communication, in the judgment of responsible authorities, will put at risk the efforts to respond to the emergency or assist victims. The following persons are responsible for delivering this notification:

- Coordinator of Public Information
- Web Master
- Director of Technology Services
- Chief of Police

The ERT and ERC will annually test emergency response procedures using the following procedures. These procedures are published in the Guide for Emergency Action Response and posted in all offices and classroom on an emergency response guide (flipchart).

An evacuation drill was conducted by the ERT and ERCs on April 7, 2011. The Drill was unannounced to the staff, faculty and students. The fire alarm was activated and the buildings were successfully evacuated with an all clear being given through the campus wide P/A system. The following procedures were used to conduct the drill.

An audible fire alarm or an in-person message to evacuate by a designated LFCC employee will mark emergency situations that call for evacuation of classrooms and buildings.

Emergency Response Coordinators will assist in the evacuation procedure for their assigned area.

Treat all alarms as genuine emergencies;

1. USE APPROPRIATE EXITS. Exit the building following the posted routes that are displayed next to each exit door in the classroom and/or office complex. Maps are located in the appendix.
2. ASSIST SPECIAL NEED INDIVIDUALS. All persons should be alert and responsive to individuals with special needs
3. EMERGENCY RESPONSE COORDINATORS: CHECK ALL AREAS IN YOUR ZONE. All employees are expected to help in assuring all areas, including the student lounge and restrooms, are evacuated.
4. Persons who do not have a class group or laboratory to help evacuate should be particularly alert to the need to assist in clearing all areas. As zones are cleared, coordinators report to the Administrator in Command.
5. CLOSE WINDOWS AND DOORS: Remember that closed windows and doors reduce the spread of fire as well as helping to keep the building secure. *(In case of a bomb threat, all classroom and office doors should be left open.)*
6. TURN OFF LABORATORY GASES, EXHAUST FANS, ETC.: Turn off all sources of fuel and oxygen that might feed a fire.

7. DO NOT DELAY: Do not take time to turn off computers, lights, or lock doors.
8. For onsite evacuations, walk to designated evacuation areas. Do not stand near or between buildings.
9. All designated evacuation areas should be 100 feet from the building.
10. Certain evacuations may require special actions that may require an evacuation off the college premises.

This communication will be made via megaphone and P/A system.

A successful Virginia Dept. of Emergency Management (VDEM) Community College Tabletop Severe Weather Exercise was conducted on August 4, 2011, using the following established procedures.

Shelter-in-Place

When an emergency occurs where evacuation is not an option, the College can offer limited sheltering. For example, there may be circumstances in the regional area that would discourage/prohibit travel, such as an external environmental emergency or the threat of severe weather. The College is equipped to shelter-in-place for only short periods of less than 24 hours due to inadequate sanitary and health facilities necessary for longer sheltering periods.

The following are instructions on what to do when a severe weather warning has been issued for the College or whenever a severe weather threatens:

- Campus police and security, in conjunction with the ERT, will monitor weather conditions and may evacuate outlying buildings and activity areas as a precautionary step.
- Three blasts from an air horn will signal that a tornado is imminent.
- Go to interior rooms and halls on the lowest floor – See Safe Havens.
- Stay away from glass enclosed places or areas with wide-span roofs, such as auditoriums and warehouses.
- Crouch down and cover your head.
- No one should leave safe havens until Campus Police and Security have given the official “all-clear”. There may have been damage to other campus areas that will require the assessment of emergency professionals.

Note: Coordinators for outdoor activities should always have an “Engenius” phone on hand in order to send or receive emergency information.

SAFETY/SECURITY AWARENESS PROGRAMS

Lord Fairfax Community College is dedicated to educating the college community about safety procedures, crime prevention, substance abuse and sexual assault prevention. Campus Police and Security are committed to protecting life and property on campus and informs the college community of the individual responsibility to take necessary steps to protect themselves including:

- ✓ Lock your car and remove valuables from plain view.
- ✓ Have your keys ready when you approach your car.
- ✓ Take a moment to look in your car before entering.
- ✓ Be aware of events that may affect your safety on campus.
- ✓ Observe posted speed limits and be aware of pedestrian traffic.
- ✓ Walk with a friend or a group, or call 540-868-7233 for an escort.
- ✓ Take notice of your surroundings.
- ✓ Take notice of the locations of building exits.
- ✓ Protect your identity. Keep paperwork, identification cards, credit cards and passwords confidential.
- ✓ Report suspicious activity or make suggestions concerning safety to the LFCC Police Chief

These general safety tips are posted the college website:

<http://www.lfcc.edu/about-the-college/office-of-financial-and-administrative-services/safety-and-security/general-safety-tips/index.html>.

Student Success Activities

Student Success holds two New Student Welcome Days on the Middletown and Fauquier Campus in August and January of each year. This event is open to all new LFCC students and we average an attendance of 600 students for August and 300 for January. During the event the Campus Police and Security Team provided handouts about safety on campus as well as conduct information sessions that explain safety and security procedures at LFCC. Additionally students and employees receive information on safety/crime prevention tips via the plasma screen information boards.

From January 2011 – December 2011, the LFCC Student Activities Office, in partnership with the LFCC Violence Prevention Team, hosted the following events for students, faculty and staff.

- Feb. 9 Campus Safety Presentation
- Feb. 17 Domestic Violence Presentation
- Feb. 18 RAD Training
- Mar. 10 Wellness Presentation
- Mar. 11 Healthy Relationships Presentation
- Apr. 7 Health & Wellness Fair
- July 21 Safety on Campus Presentation
- Oct. 13 Substance Abuse Awareness Event
- Oct. 19 Healthy Relationships Presentation
- Nov. 18 "Our Broken Peaces" Play

Student Success and Campus Police lead the R.A.D. Program (Rape Aggression Defense). RAD is taught each semester on the Middletown and Fauquier campuses.

R.A.D. is a program that is designed to help women overcome the effects of sexual harassment and sexual violence on campus by teaching assertiveness, awareness, risk reduction, risk recognition, avoidance and physical defense strategies, since it has been well established that sexual harassment and sexual violence on campus are forms of sexual discrimination prohibited by Title IX.

For more information about R.A.D. visit www.rad-systems.com.

Anti-drug and alcohol abuse posters are distributed throughout the college along with flyers warning participants of the dangers of drug and alcohol abuse.

Accessing Registered Sex Offender Information

In accordance with the Federal Campus Sex Crimes Prevention Act, the College community is advised that the following, Virginia State Police Web site, may be accessed to obtain information on registered sex offenders in the area surrounding Lord Fairfax Community College, as well as anywhere in Virginia:

www.vsp.state.va.us

STUDENT DRUG AND ALCOHOL POLICY

Students shall not possess, use, distribute or manufacture illegal drugs and alcohol (defined as neither prescription nor OTC) on school property including buildings, facilities, grounds, property controlled by the College, as part of College activities on or off campus, while serving as a representative of the College at off-campus meetings, in any state-owned, controlled or leased property or at a site where state work is performed.

A disciplinary hearing will occur for those students not adhering to the policy.

Depending on the severity of the violation and the results of a disciplinary hearing, one or more of the following penalties can be imposed: admonition, warning probation, disciplinary probation, restitution, suspension or expulsion.

Individuals in violation of this policy may also be subject to legal sanctions under local, state or federal law regarding the unlawful possession or distribution of illegal drugs and alcohol. Illegal distribution of prescription drugs and medications is also prohibited in these venues. Students that are inebriated or otherwise under the influence of drugs or alcohol according to the subjective standards of a College official are not allowed in LFCC classrooms at any point.

Lord Fairfax Community College students experiencing a problem with drug or alcohol abuse or dependency are encouraged to seek counseling services. Counselors in the Office of Student Success can provide referral to an appropriate community agency that will assist with private confidential counseling or information.

Ethical Standards for Professional Relationships and Sexual Misconduct Policy and Procedures

The purpose of this policy is to provide all Lord Fairfax Community College students, administrators, faculty and classified staff with a method for addressing complaints of sexual harassment and sexual assault. A further purpose is to communicate the intent of the College to create a campus environment free of such behavior. A college is a community of learners in which strong emphasis is placed on self-awareness and consideration for the lives and feelings of others. In a setting of this kind, there is no place for conduct that diminishes, humiliates or abuses another person. Such conduct subverts the mission of the College and threatens the careers, the quality of educational experience and the well-being of students, faculty and staff. For these reasons sexual harassment of any kind is unacceptable at Lord Fairfax Community College. The policy applies to all members of the College community; specifically, administration, faculty, classified staff and students and includes mechanisms for addressing student-to-student problems, employee-to-employee problems and employee-to-student or student-to-employee problems.

Ethical Standards

Lord Fairfax Community College endorses in principle the American Association of University Professors (AAUP) Statement on Professional Ethics as an appropriate basis for general norms of professional conduct. Part II of the ethics statement relates to avoidance of exploitation, harassment or discriminatory treatment of students. Sexual relationships that might be appropriate in their circumstances are inappropriate when they occur between a faculty member/administrator and a student or a supervisor and an employee with whom that person has an authority relationship. Because of the difference in power between professors and students and supervisors and employees, all faculty, administrators and staff are expected to maintain appropriate professional boundaries at all times. In addition, consenting romantic and sexual relationships between faculty and any student are deemed very unwise and are not encouraged. A faculty member who enters into a sexual relationship with a student or a supervisor who does so with an employee where a professional power differential exists must realize that, if a charge of sexual harassment is subsequently lodged, it may prove difficult to successfully claim consent as a defense. To implement the general norms of the Statement of Professional Ethics, the related standards and procedures shall be operable within the institution. Unethical conduct may be subject to sanctions which range from a warning to dismissal depending upon the severity and/or frequency of the conduct. This policy is in accordance with VCCS policy for employees and students.

Committee on Sexual Misconduct

A committee on sexual misconduct is appointed by the president or the president's designated official. The committee is charged with advising the president or the designated official on matters covered by the policies and procedures governing adjudication of cases of alleged sexual harassment and with assisting both alleged victims of sexual harassment and those accused to deal with College procedures and to locate appropriate resources, while protecting the rights of individuals alleged to have violated the College policy.

¹ 2012-13 LFCC Catalog and Student Handbook, p. 198

Members of the committee receive training regarding the College's sexual misconduct policy and complaint procedures to enable them to carry out their duties and responsibilities.

SEXUAL HARASSMENT POLICY

Sexual harassment in any situation is reprehensible and will not be tolerated. Sexual harassment is a form of sex discrimination prohibited by Title IX (students) of the Educational Amendments of 1972 and Title VII (employees) of the Civil Rights Act of 1964. Sexual harassment of employees and students at Lord Fairfax Community College is defined as any unwelcome sexual advances, unwelcome requests for sexual favors or other unwelcome verbal or physical conduct of a sexual nature. It takes two legal shapes:

Quid pro quo

1. Submission to such conduct is either explicitly or implicitly made a term or condition of an individual's employment or academic performance.
2. Submission to or rejection of such conduct is used as a basis for an employment decision, performance evaluation or academic performance concerning a member of the College community.

Hostile Environment

Hostile environment harassment differs from "quid pro quo" harassment in that no discriminatory effect on grades, wages, job assignments or other tangible benefits is required. Instead, such unwelcome sexist or sexual conduct has one of these purposes or effects:

- A. It is unreasonably interferes with an individual's work or academic performance.
- B. It creates an intimidating, hostile, or offensive work or academic environment.

Direct propositions of a sexual nature, subtle and/or persistent pressure for sexual activity, conversations of a sexist or sexual nature or similar jokes and stories, sexual remarks about a person's clothing, body or sexual relations or the display of sexually explicit materials may constitute harassment if shown to be unwelcome and sufficiently pervasive or severe. Nothing in this policy precludes academically relevant discussions or

presentations concerning gender or sex. The fact that such discussions or presentations may cause some students discomfort does not in itself indicate hostile environment harassment. If relevant to course content, gender and sex are legitimate areas of inquiry. It is important to realize that some physical acts that constitute sexual harassment may also constitute criminal offenses that may be separately prosecuted in court. It is a violation of College policy for any faculty member, administrator, student or staff employee, hereafter referred to as members of the College community, to seek or offer gain, advancement or consideration in return for sexual favors. It is a violation of College policy for any member of the College community to make an intentionally false accusation of sexual harassment. Any deliberately false accusation may be subject to the following: warning, probation, suspension, dismissal or other actions deemed appropriate by the committee, (i.e., counseling, education, referral and also prosecution for libel or slander in the court systems). It is a violation of College policy for any member of the College community to initiate a negative personnel or academic action against an individual in retaliation for reporting an incident or allegation of sexual harassment, except in cases of intentionally false accusations of sexual harassment. In determining whether the alleged conduct constitutes sexual harassment, those charged with such determinations will consider all relevant information including the nature of the alleged sexual conduct and the context in which the alleged conduct occurred. Such determinations will be based on fact and will be made on a case-by-case basis.

Process Governing Cases of Alleged Sexual Harassment

This process is to be used by any member of Lord Fairfax Community College to address complaints alleging sexual harassment where a member of the administration, faculty, classified staff or a student is a party as complainant or accused. The accuser and the accused have a right not to have his or her unrelated past sexual history discussed as part of these proceedings. A member of the College community who believes that he or she is or has been the victim of sexual harassment, as defined by College policy and who wishes to seek a remedy by using the informal or formal procedures discussed below, must contact a member of the sexual misconduct committee as soon as possible, preferably within 30 days from the end of the semester or term during which the alleged sexual harassment occurred.

Consistent with Lord Fairfax Community College's *Code of Student Rights, Responsibilities and Conduct*, the rights of the accused will include the right to an explanation of the charges; the right to be accompanied by a person of his/her choice at the hearing; the right to remain silent; the right to testify on his/her own behalf; the right to be informed in a timely manner of the finding and outcome of the proceedings; and the right to an appeal.

This process is not intended to impair or to limit the right of anyone to seek remedies available under state or federal law. Since federal and state procedures require that complaints be filed within specific deadlines from the onset of the behavior construed as sexual harassment, individuals who pursue the internal complaint procedures described below may fail to meet state and federal guidelines for filing a complaint. A complaint may be filed with an external agency in order to meet state and federal agency deadlines without jeopardizing one's right to a College hearing. However, if relief is sought outside the College, the College is not obliged to continue processing a grievance while the case is being considered by an outside agency or

civil or criminal court.

Step 1 – COMPLAINT AND INFORMAL RESOLUTION PROCEDURES

The purpose of this informal procedure is to provide assistance and guidance to both the individual complaining of sexual harassment and the accused in the functioning of the College's procedures. It provides an opportunity for the complainant and the individual accused of harassment to resolve the problem in an informal manner, without the necessity of disciplinary action or the more formal procedure for processing a complaint. However, use of the informal procedure shall not impair the right of a complainant not satisfied by this procedure to utilize the formal procedure described below.

When a complaint has been initiated, the chair of the sexual misconduct committee or a committee member designated by the chair meets with the complainant to discuss that individual's concern and to clarify the College's policy and internal complaint procedures. Additional information about the federal and state complaint procedures is available from the chair of the sexual misconduct committee. The committee member prepares a brief summary of the meeting. The summary is forwarded to the chair of the committee, or designee, in order for the chair, or designee, to assess the effectiveness of the policy and complaint procedures to this point in the case.

The resolution procedure followed from this point depends upon the complainant's willingness to have her or his identity disclosed to the individual alleged to have committed the unwelcome behavior covered by these procedures.

- A. If the complainant does not agree to the disclosure of her or his identity, the committee member, within a two week period and with the consent of the complainant, meets with the individual alleged to have harassed the complainant. The committee member advises the accused of the College's sexual harassment policy and complaint procedures and affords the accused an opportunity to respond to the allegation. The committee member subsequently contacts the complainant to confirm that the meeting was held and to describe the response of the individual accused of violating College policy. The committee member prepares a written summary report of the complaint procedure followed, without disclosing the identities of the parties involved and files the report with the chair of the committee or designee, within 10 working days after the meeting with the individual accused of violating College policy. The accused may demand the "right to know" his /her accuser in which case Step B, below, may be followed to informally resolve the case. Step 2 may be followed to formally resolve the case, or the accusation(s) may be dropped by the accuser at this point, thereby bringing the case to resolution.
- B. If the complainant agrees to the disclosure of his or her identity, the committee member, within a two-week period and with the consent of the complainant, meets with the accused to discuss the allegations raised by the complainant. The committee member advises the accused of the College's sexual harassment policy and complaint procedures. Based on the information obtained from the complainant and the accused, the committee member prepares a written resolution agreement believed to be acceptable to both parties. The resolution agreement releases the College and all parties from any claims arising from the specific incident or behavior which

prompted the initiation of the complaint procedure. Each party receives a copy of the resolution agreement. A copy is also filed with the chair of the committee, or designee, not later than three working days after the resolution agreement has been signed by both parties.

- C. If the resolution agreement proposed by the committee member is unacceptable to the complainant or to the accused each is advised in writing of that fact by the committee member and of the formal internal procedure for addressing sexual harassment complaints. A copy of this letter is sent also to the chair of the committee, or designee. Upon request, the committee member may assist the complainant in drafting a formal complaint as provided for in the following section.
- D. The written reports and resolution agreements described in this section are not released to any individual or administrative authority at the college, other than the complainant, the accused and the chair of the sexual misconduct committee, or designee. In the event that formal litigation or external complaint procedures require disclosure; however, it may be necessary for the College to comply with formal requests for such records under subpoena. Records will be kept for five years.

Step 2 – COMPLAINT AND FORMAL RESOLUTION PROCEDURES

The purpose of this formal procedure is to provide assistance and guidance to individuals complaining of sexual harassment regarding the formal complaint and resolution procedures governing cases of alleged sexual harassment where a member of the administration, faculty, classified staff or a student is a party. This formal procedure may also be initiated by an individual accused of sexual harassment.

Any member of the College community who believes that she or he is or has been the victim of sexual harassment, as defined by the College policy, and who elects to seek a remedy through formal College procedures must file a written statement with the chair of the sexual misconduct committee within 30 days after the end of the semester or term during which the incident or behavior occurred, or within 30 days after the unsatisfactory outcome of the informal resolution procedure described above, whichever is later. Provisions to safeguard the identity of the complainant outside of the confidential proceedings of the College's disciplinary process will be addressed as outlined and presented in the *Complaint and Informal Resolution Procedures* sections A and B

Within two weeks of receipt of the complaint, the chair or a committee member designated by the chair meets separately with the complainant and the accused to advise them of the College's policy on sexual harassment, the complaint procedures and to determine the facts relevant to the complaint. Within 10 working days of meeting with the accused, the committee member will presents a written statement of findings to the chair, or designee, together with a recommended resolution agreement. A copy of the committee member's report, with the recommended resolution agreement, is sent by the chair to the complainant and to the accused with an invitation to comment on the findings within five days.

Within 10 working days after receipt of notification of a request for a formal hearing, the chair, or designee, convenes a meeting of the sexual misconduct committee (except for the student member) to consider the report of the investigator and any written comments offered by the complainant or the accused. The committee may supplement the substance or procedures of the initial investigation to ensure adequate consideration of the matter and adequate protection of the legal rights of the accused. A written summary

report of the committee's deliberations, together with the chair's, or designee's, initial report, is then transmitted by the chair, or designee, to the appropriate senior level administrator. In matters involving students, the appropriate administrator is the vice president of student success. At the same time, a copy of the summary report of the committee's deliberations is sent to the complainant and the accused.

In findings of fault, sanctions may include a warning, probation, suspension, dismissal, expulsion or other actions deemed appropriate by the committee, (i.e., counseling, education or personal/professional development). When the matter has been resolved, the accuser's supervisor, senior level administrator or the vice president of student success informs the chair, or designee, of the final outcome of the complaint. The chair, or designee, advises the complainant and the accuser. The written complaint and the statement of findings and recommendations are maintained by the EEO/AA for a period of five years from the date received. These records may be considered in the event that other formal complaints are filed against the same individual during that period.

Lord Fairfax Community College is committed to educating the college community on how each person can protect themselves from being victims of Sexual Assault.

SEXUAL ASSAULT POLICY AND PROCEDURES

Sexual Assault Policy

Sexual assault includes sexual intercourse or assault without consent. A person's mental or physical helplessness or impairment shall constitute evidence of the person's inability to give consent. Sexual assault includes (but is not limited to) any intentional touching by the accused, either directly or through the clothing, of the victim's genitals, breasts, thighs or buttocks without the victim's consent. Sexual assault also includes touching or fondling of the accused by the victim when the victim is forced to do so against his or her will. Sexual assault is punishable by penalties ranging from probation to dismissal.

Sexual intercourse without consent, including rape (whether by acquaintance or stranger), sodomy or other forms of sexual penetration is prohibited and is punishable by either suspension or permanent dismissal.

Verbal conduct, without accompanying physical contact as described above, is not defined as sexual assault. Verbal conduct may constitute sexual harassment, which is also prohibited under College regulations.

Procedures for Violations of the Sexual Assault Policy

Alleged incidents of sexual assault will be adjudicated according to the standards set forth in the College's student code of conduct with the following special procedures:

1. Both the accuser and the accused are each entitled to declare whether the hearing will be by the entire sexual misconduct committee (hereafter referred to as the committee) or by two hearing officers. Each will be consulted individually about the preferred type of hearing. If the accuser and the accused do not select the same type of hearing, the vice president of student success, or designee, will determine the type of hearing to be held. The administrator who makes this decision will not hear the case.
2. If the hearing officers' option is selected, the hearing will be conducted by two members of the committee, one male and one female, appointed by the committee chair.
3. The accuser and the accused may have present at the hearing a personal advisor of his/her choosing. The advisor will not participate in the hearing process and will be bound by the rules of confidentiality governing the hearing.
4. The accuser is permitted but not required to be present throughout the hearing. The accuser may present the case in whole or in part, in lieu of the College presenter (vice president of student success or designee). The accuser and College presenter may not ask repetitive questions of any witness. Upon prior consultation, either the accuser or the presenter may make summary comments in the hearing.
5. The accuser and the accused have a right not to have his or her unrelated past sexual history discussed in the hearing. The hearing officers or chair of the committee will make the determination.
6. The accuser and the accused will receive written notification of the verdict of the hearing and any penalty imposed.

Procedures for Reporting Sexual Assault

All victims of sexual assault crimes are encouraged to report the crime immediately to any Campus Security Authority and local or state police. The college will assist victims with notifying law enforcement, if desired, that a sexual assault has taken place.

Steps to take if sexually assaulted:

1. Call 911 or Campus Police and Security immediately
2. Stay with a trusted friend in a safe place
3. Seek emergency medical attention at a hospital right away and ask for a rape kit exam
4. Preserve evidence of the assault in the following ways:
 - Do not wash, bathe or brush your teeth
 - Do not change your clothes

- Write down a description of suspect(s)

Following the above steps is crucial to collecting and preserving evidence for prosecution of suspects, without which identification and prosecution could be more difficult. Although a victim may choose not to prosecute, they are still encouraged to seek medical attention to determine risk of STD's, pregnancy and the possibility of being drugged even if there are no physical injuries.

Victims may receive valuable assistance by contacting victim services at:

- Page County Victim/Witness Program, 116 South Court Street, Suite D, Luray, Va. 22835, 540-743-4951
- Frederick County Victim/Witness Program, 107 North Kent Street, Suite 202, Winchester, Va. 22601, 540-665-6369
- Fauquier County Victim/Witness Program, 40 Culpepper Street, Warrenton, Va. 20186, 540-341-8178
- National Center for Victims of Crime; <http://www.ncvc.org/ncvc/Main.aspx>.
- State Sexual Assault/Rape Crisis Center (will provide direct contact to a local/county agency) Virginians Aligned Against Sexual Assault, 434-979-9002

CODE OF STUDENT RIGHTS, RESPONSIBILITIES, AND CONDUCT

Short Title

These rules shall be known as the Lord Fairfax Community College Code of Conduct.

Bill of Rights

The following enumeration of rights shall not be construed to deny or disparage others retained by students in their capacity as members of the student body or as citizens of the community at large:

- A. Free inquiry, expression, and assembly are guaranteed to all students consistent with the First Amendment to the United States Constitution.
- B. Students are free to pursue their educational goals and appropriate opportunities for learning in the classroom and on the campus shall be provided by the institution.
- C. The right of students to be secure in their persons, papers, and effects against unreasonable searches and seizures consistent with the Fourth Amendment of the United State Constitution.
- D. No disciplinary sanctions may be imposed upon any student without notice to the accused of the nature and cause of the charges and an opportunity for a fair hearing.

The College has the right to set and expect reasonable standards for behavior and conduct that safeguard the College, College property, and all additional components of the educational process.

Definition

When used in this Code:

A. The term "institution" means Lord Fairfax Community College and, collectively, those responsible for its control and operation.

B. The term "student" includes all persons taking courses at the institution both full-time and part-time.

C. The term "instructor" means any person hired by the institution to conduct classroom activities. In certain situations a person may be both "student" and "instructor." Decisions regarding his/her status in a particular situation shall be determined by the surrounding facts.

D. The term "legal compulsion" means a judicial or legislative order which requires some action by the person to whom it is directed.

E. The term "organization" means a number of persons who have complied with the formal requirements of institution recognition as provided in number 10.

F. The term "group" means a number of persons who have not yet complied with the formal requirements for becoming an organization.

G. The term "student press" means either an organization whose primary purpose is to publish and distribute any publication on campus or a regular publication of an organization.

H. The term "administrator" shall refer to any designated employee who has the authority to act on the behalf of the College on the whole.

I. The term "College official" shall refer to any designated employee who has the authority to enforce the parameters of the student code of conduct.

J. The term "vice president" shall mean the vice president of academic and student affairs unless otherwise indicated.

K. The term "shall" is used in the imperative sense.

L. The term "may" is used in the permissive sense.

M. All other terms may have their natural meaning unless the context dictates otherwise.

Access to Higher Education

Within the limits of its facilities, the institution shall be open to all applicants who are qualified according to its admission requirements. Under no circumstances may an applicant be denied admission because of race, ethnicity, religion, sex, age, veteran status, political affiliation, disability or any other irrelevant criterion as defined by case law.

Classroom Expression

Orderly discussion and expression of all views relevant to the subject matter is permitted in the classroom subject to the responsibility of the instructor to maintain order. Information about student views, beliefs, and political associations acquired by professors in the course of their work as instructors, advisors, and counselors, is confidential and is not to be disclosed to others unless under legal compulsion. (Questions relating to intellectual or skills capacity are not subject to this section.)

Campus Expression

Discussion and expression of all views is permitted within the institution subject only to requirements for the maintenance of safety, order, and respect for others' right to privacy, freedom from harassment, and other applicable policies of the institution. Students, groups, and campus organizations may invite and hear any persons of their own choosing subject only to the requirements for use of institutional facilities.

Institutional Governance

All constituents of the institutional community are free, individually and collectively, to express their views on issues of institutional policies affecting academic and student affairs. The role of student government and its responsibilities shall be made explicit. On questions of educational policy, students are entitled to a participatory function.

Protest

The right of peaceful assembly is granted within the institutional community, so long as law and policy are observed and the educational process is not adversely affected.

Orderly assembly and other forms of peaceful gatherings are permitted on institution premises provided that the following stipulations are met:

- A. Interference with ingress to and egress from institution facilities, interruption of classes, or damage to property.
- B. No assembly or demonstration is held in the College building so as to disrupt educational activities.
- C. Demonstrations or assemblies held outside the building, but on College property, are registered with the Vice President of Financial and Administrative Services 48 hours prior to the assembly or demonstration.
- D. All students are restricted from an area within 100 feet of each fire hydrant on the College property during the time of the assembly or demonstration.

Publications

A student, group, or organization may distribute pre-approved written material on campus providing such distribution does not disrupt the operation of the institution. Student activities personnel reserve the right to deny posting of written material for any reason.

The College press is to be free of censorship. The editors and managers shall not be arbitrarily suspended because of student, faculty, administration, alumni, or community disapproval of editorial policy or content. Similar freedom is assured to oral statements of views on an institution controlled and student operated radio or television station. (This editorial freedom entails a corollary obligation under the canons of responsible journalism and applicable regulations of the Federal Communications Commission.)

All student communications shall explicitly state on the editorial page or in broadcast that the opinions expressed are not necessarily those of the institution or its student body.

Proscribed Conduct

The institution may institute its own proceedings against a student who violates a law on campus, which is also a violation of a published institution regulation. Official notices conspicuously displayed on bulletin boards in public areas throughout the campus are considered to be published institutional regulations. It is the responsibility of every student to read all official notices conspicuously posted through the College facilities. In addition, students are held to obey all local, state, and federal laws and violation of said may subject them to punishment by relevant law enforcement authorities. Any violations not listed below are subject to the discretion of the vice president or other College official as designated by the vice president. Consequences for said actions will be determined by the vice president (or designee).

Alcohol and Drugs

Students shall not possess, use, distribute or manufacture illegal drugs and alcohol (defined as neither prescription nor OTC) on school property including buildings, facilities, grounds, property controlled by the College, as part of College activities on or off campus, while serving as a representative of the College at off-campus meetings, in any state-owned, controlled or leased property or at a site where state work is performed. Individuals in violation of this policy may also be subject to legal sanctions under local, state or federal law regarding the unlawful possession or distribution of illegal drugs and alcohol. Illegal distribution of prescription drugs and medications is also prohibited in these venues. Students that are inebriated or otherwise under the influence of drugs or alcohol according to the subjective standards of a College official are not allowed in LFCC classrooms at any point.

Camping

Camping on College property is not permitted without a *written* permit signed by student activities personnel. Camping is defined as overnight visitation on campus grounds. Overnight parking may also be punished by relevant law enforcement authorities.

Computer Misuse--Information Technology Student/Patron Acceptable Use Agreement

As a user of the Virginia Community College

System's local and shared computer systems students must understand and agree to abide by the following acceptable use agreement terms. These terms govern your access to and use of the information technology applications, services and resources of the VCCS and the information they generate.

The College has granted access to students as a necessary privilege in order to perform authorized functions at the institution where they are currently enrolled. Students will not knowingly permit use of their entrusted access control mechanism for any purposed other than those required to perform authorized functions related to their status as a student. These include logon identification, password, workstation identification, user identification, digital certificates or 2-factor authentication mechanisms.

Students will not disclose any information concerning any access control mechanism unless properly authorized to do so by their enrolling college. Students will not use any access mechanism that the College has not expressly assigned to you. Students will treat all information maintained on the College computer systems as strictly confidential and will not release information to any unauthorized person.

Computer software, databases, and electronic documents are protected by copyright law. A copyright is a work of authorship in a tangible medium. Copyright owners have the sole right to reproduce their work, prepare derivatives or adaptations of it, distribute it for sale, rent, license lease, or lending and/or to perform or display it. A student must either have an express or implied license to use copyrighted material or data, or be able to prove fair use. Students and other users of College computers are responsible for understanding how copyright law applies to their electronic transactions. Students may not violate the copyright protection of any information, software, or data with which they come into contact through the College computing resources. Downloading or distributing copyrighted materials such as documents, movies, music, etc. without the permission of the rightful owner may be considered copyright infringement, which is illegal under federal and state copyright law. Use of the College's network resources to commit acts of copyright infringement may be subject to prosecution and disciplinary action.

The penalties for infringing copyright law can be found under the U.S. Copyright Act, 17 U.S.C. §§ 501-513 (<http://www.copyright.gov/title17/92chap5.html>) and in the US Copyright Office's summary of the Digital Millennium Copyright Act (<http://www.copyright.gov/legislation/dmca.pdf>).

Students must agree to abide by all applicable state, federal, VCCS, and College policies, procedures and standards that relate to the Virginia Department of Human Resource Management Policy 1.75—Use of Internet and Electronic Communication Systems, VCCS Information Security Standard and the VCCS Information Technology Acceptable Use Standard. These include, but are not limited to:

- Attempting to gain access to information owned by the College or by its authorized users without the permission of the owners of that information;

- Accessing, downloading, printing, or storing information with sexually explicit content as prohibited by law or policy;
- Downloading or transmitting fraudulent, threatening, obscene, intimidating, defamatory, harassing, discriminatory, or otherwise unlawful messages or images;
- Installing or downloading copyrighter materials or proprietary agency information contrary to policy;
- Sending e-mail using another's identity, an assumed name, or anonymously;
- Attempting to intercept or read messages not intended for them;
- Intentionally developing or experimenting with malicious programs (viruses, worms, spy-ware, keystroke loggers, phishing software, Trojan horses, etc.) on any College-owned computer;
- Knowingly propagating malicious programs;
- Changing administrator rights on any College-owned computer, or the equivalent on non-Microsoft Windows based systems;
- Using College computing resources to support any commercial venture or for personal financial gain.

Students must follow any special rules that are posted or communicated to them by responsible staff members, whenever they use the College computing laboratories, classrooms, and computers in the Learning Resource Centers. They shall do nothing intentionally that degrades or disrupts the computer systems or interferes with systems and equipment that support the work of others. Problems with College computing resources should be reported to the staff in charge or to the Information Technology Help Desk.

If students observe any incidents of non-compliance with the terms of this agreement, they are responsible for reporting them to the Information Security Office and/or management of the College.

Students must understand that they must use only those computer resources that they have the authority to use. They must not provide false or misleading information to gain access to computing resources. The VCCS may regard these actions as criminal acts and may treat them accordingly. Students must not use VCCS IT resources to gain unauthorized access to computing resources of other institutions, organizations, individuals, etc.

The Systems Office and colleges reserve the right (with or without cause) to monitor, access, and disclose all data created, sent, received, processed, or stored on VCCS systems to ensure compliance with VCCS policies and federal, state, or local regulations, College or System Office officials will have the right to review and/or confiscate (as needed) any equipment (COV owned or personal) connected to a COV owned device or network.

Students must understand that it is their responsibility to read and abide by this agreement, even if they do not agree with it. If you have any questions about the VCCS Information Technology Acceptable Use Agreement, you need to contact the College Information Security Officer or appropriate College official.

By acknowledging this agreement you hereby certify that you understand the preceding terms and provisions and that you accept responsibility of adhering to the same. You further acknowledge that should you violate this agreement, you will be subject to disciplinary action.

Dangerous Practices

Use of fireworks or firecrackers on campus is prohibited. Candles and other forms of fire are also prohibited. (Cigarettes lighters or matches used to light tobacco products in a designated smoking area are the only exception). Disabling exit doors or blocking handicap access ramps is not permitted. Violations of any conduct prohibited herein may also be punishable by relevant law enforcement authorities.

Disorderly Conduct

No student shall cause or incite any disturbance (including excessive noise) in or near any campus building. This restriction extends to any activity which interrupts the standard safe and orderly operation of the College.

Disruption of Educational Process

Generally, institutional discipline should be limited to conduct which adversely affects the institutional community's pursuit of its educational objectives. Disruptive misconduct is subject to disciplinary action, in addition to possible relevant law enforcement action. Examples of this conduct include, but are not limited to:

- A. All forms of dishonesty including cheating, plagiarism, and knowingly furnishing false information to the institution, and forgery, alteration or use of institutional documents or instruments, or identification with intent to defraud.
- B. Intentional disruption or obstruction of teaching, research, administration, disciplinary proceedings, or other College activities.
- C. Damaging, defacing, stealing, or destroying College property or property of a member of the College community or campus visitor.
- D. Violation of published institutional regulations including those relating to entry and use of institutional facilities, the rules in this Code of Conduct, and any other regulations which may be enacted.
- E. Violation of law on institutional premises in a way that affects the institutional community's pursuit of its proper educational purposes.

Failure to Comply with a College Official

No student shall fail to comply with a request or order from a College official. Violations of this policy include failure to properly follow through with any disciplinary measure imposed upon a student.

Falsification of Official Information

No student shall misrepresent him/ herself in any way while interacting with a College official, including holding him/ herself out as a college official.

Fire Safety

All students are expected to maintain appropriate fire safety measures. Examples of non-compliance would include: failure to evacuate during a fire alarm, falsely pulling a fire alarm, and/or misusing fire safety equipment. Violations of these prohibitions may also be punished by relevant law enforcement authorities.

Gambling

In Virginia, gambling events and activities are unauthorized by law, except with special permit. LFCC cannot authorize gambling without proper state waiver.

Hazing

Hazing, defined as any action which leads to physical or mental discomfort for any member of the shared community, is prohibited on campus. Violations of this prohibition may also be punished by relevant law enforcement authorities.

Obscene Conduct

Students are expected not to engage in any type of lewd or obscene conduct while in a College building, on campus (or at a center), or at a College-sponsored off-site activity. This violation extends to include possessing, producing, or distributing illegal or inappropriate sexual materials as well as any and all forms of inappropriate touching. Note: Certain types of information may be distributed due to the learning nature of our collegiate environment; perceived obscenities based on expected academic goals may be exempt from this policy.

Projectiles

No student shall cause any object to be projected (via throwing or any other method) through the air in any indoor campus environment. Projectiles are permitted in outdoor areas, as long as no formal College event is being conducted in that space. Violations of this prohibition may also be punishable by relevant law enforcement authorities.

Unauthorized Use of College Property or Documents

No official LFCC documentation or property should be used for any purpose by a student not authorized to do so.

- Examples of property include: College buildings, parking lots and vehicles, in addition to College computers, lab equipment and furniture.
- Examples of documents include: Logos, letterhead, forms and websites.

This prohibition may also be enforced by relevant legal action pursuant to state and federal law.

Digital Copyright and File Sharing

Downloading or distributing copyrighted materials such as documents, movies, music, etc. without the permission of the rightful owner is considered copyright infringement and is illegal under federal copyright law. Under no circumstances should the College's network connections be used to violate copyright laws. Use of the College's network resources to commit acts of copyright infringement may be subject to prosecution and potential disciplinary actions.

The College has implemented technology that can detect P2P software running on the campus network. For additional information go to: <http://system.vccs.edu/its/InformationSecurityProgram/docs/P2P>.

Violence to Persons

No students shall engage or attempt to engage in any form of violence directed towards another person, group or self. No student shall threaten anyone else with physical harm, direct obscenities towards them, or engage in any activity that could be reasonably anticipated to provoke a violent reaction from that individual. Behaviors that present a threat or a potential danger to the College community are defined as, but not limited to:

Threatening Behavior (including but not limited to):

- a) Physical actions short of actual contact/injury (i.e., moving closer aggressively, waving arms or fists, raising tone of voice or yelling in an aggressive or threatening manner)
- b) Oral or written threats to harm people or their property (i.e., "you better watch your back" or "I'll get you"), including the use of any electronic means of communication
- c) Implicit threats (i.e. "you'll be sorry" or "this isn't over yet.")

Violent Behavior (including but not limited to):

- a) Intentionally acting in a manner that in any way endangers the safety of others
- b) Any physical assault, with or without weapons
- c) Behavior that a reasonable person would interpret as being physically aggressive (i.e. destruction of property, pounding on a desk or door or throwing objects in a threatening manner)
- d) Specific threats to inflict harm (e.g. a threat to shoot a named individual)
- e) Use of any object to attack or intimidate another person
- f) Interfering with an individual's legal rights of movement or expression

Intimidating Behavior (including but not limited to):

- a) Intimidation of any kind that results in an individual's fear for his/her personal safety
- b) Engaging in stalking behavior
- c) Behavior that is reasonably perceived to be frightening, coercing, or inducing distress to any member of the College community

Disruptive Behavior (including but not limited to):

- a) Verbally intimidating, threatening, or abusing any person or persons in the College environment
- b) Physically intimidating, threatening, abusing or assaulting others
- c) Disorderly or abusive behavior that interferes with the rights of others or obstructs the teaching or learning environment or business of the
- d) Making inappropriate and incessant demands for time and attention from College employees or students
- e) Inappropriate use of College facilities or resources
- f) Theft or damage to College property.

Violations of these prohibitions may also be punishable by relevant law enforcement authorities.

Weapons

No student shall keep, use, possess, display or carry any rifle, shotgun, handgun, knife, other edged weapon, or other lethal or dangerous instrument capable of maiming and/or casting a projectile by air, gas, explosion, or mechanical means on any property owned or operated by the College. This violation extends to include any realistic facsimiles of a weapon. These conditions are met if the weapon is on one's person or in their vehicle. Note: Possession of a weapon on campus based on expected academic experiences (enrollment in a gun safety class) may be exempt from this policy with prior *written* permission from LFCC's security office. Violations of these prohibitions may also be punishable by relevant law enforcement authorities.

Off Campus Student Code of Conduct

Students are accountable for their conduct regardless of where it takes place, on or off the College property. This includes any behavior which reflects badly on the College or its mission including, but not limited to, high-risk use of alcohol, drug use, violent actions, and any behavior which compromises health, safety, and academic success.

Disciplinary Procedures

All students are afforded the right to due process for any violation. This process is defined below:

A. Any academic or administrative official, faculty member, or student may file a complaint against any student* for misconduct. In extraordinary circumstances, the accused student may be indefinitely suspended pending consideration of the case. Such suspension shall not exceed a reasonable time.

*Any administrator, College official, faculty member, or student wishing to file complaints against a College employee must follow a separate protocol as outlined in the human resource policy manual.

B. When the vice president (or designee) receives information that a student has allegedly violated a rule, regulation, policy, or procedure, the vice president (or designee) shall investigate the alleged violation. After completing the preliminary investigation, the vice president (or designee) may:

1. Dismiss the allegation as unfounded or
2. Determine if the severity and nature of the problem necessitates a student conference.

If a conference is deemed necessary, a request will be issued to the student via certified letter to the address contained in the College record. The notification will also be sent to the student's College email address. The notification will inform the student of the alleged violation of the student code of conduct. The notification will instruct the student to respond within ten (10) calendar days of the date of the correspondence. A conference time will be set after consultation with all involved parties; the vice-president (or designee) will have discretion to alter the arrangements of the conference for good cause.

C. The president of the College, vice president (or designee), may take immediate interim disciplinary actions, suspend the right of the student to be present on the campus and to attend classes, or otherwise alter the status of a student for violation of rules, regulations, policies, or procedures when the student is a clear or present danger to himself/herself or others, or if such action is in the best interest of the College. The College reserves the right at all times to take such prompt action as may be needed to preserve the peace, integrity, and safety of the educational process and the College environment.

Disposition of a Violation

As a result of the student conference, the vice president (or designee) may select one of the following as a course of action:

- A. Proceed administratively if it is determined that facts of the alleged violation are not in dispute.
 - B. Proceed administratively if it is determined that the facts of the alleged violation are in dispute and must be further probed by the vice president (or designee); or
 - C. Refer the case to a disciplinary hearing by preparing a formal complaint based on the allegation along with a list of witnesses and documentary evidence supporting the allegations (see "Hearing" section).
- A. When the facts are not in dispute, the vice president (or designee) may administratively dispose of any violation.
1. In administratively disposing of a violation, the vice president (or designee) may impose any disciplinary action authorized under the section entitled "Sanctions."
 2. If a student accepts administrative disposition, he/she will sign a statement that he/she understands the nature of the charges and the penalty imposed. The statement also includes the student's acknowledgement that he/she waives the right to a hearing and the right to appeal.
 3. The vice president (or designee) will prepare a written summary of each administrative disposition of a violation and forward a copy to the student and to other appropriate administrative personnel.
- B. If the facts of the alleged violation are in dispute and require additional probing, the vice president (or designee) may elect to gather additional information concerning the allegation or to administratively dispose of the violation.

1. If the vice president (or designee) elects to gather more information, follow-up with the accused student must occur within ten (10) calendar days of the student conference.
 2. If a student disputes the facts of the charges, but accepts administrative disposition, he/she will sign a statement that he/she understands the nature of the charges and the penalty imposed. The statement also includes the student's acknowledgement that he/she waives the right to a hearing and the right to appeal.
 3. The vice president (or designee) will prepare a written summary of each administrative disposition of a violation and forward a copy to the student and to other appropriate administrative personnel.
 4. A student may refuse administrative disposition of the alleged violation and on refusal is entitled to a hearing. If this is the case, the steps outlined in the following section, titled "Hearing," will be followed.
- C. The vice president (or designee) may refer the case directly to a disciplinary hearing. If this is the case, the steps outlined in the following section, title "Hearing," will be followed.

Hearing

- A. A written request for a hearing must be made to the vice president (or designee) within five (5) calendar days following the administrative disposition.
- B. A standing student discipline ad hoc committee exists at the college. The ad hoc committee for a particular hearing will be randomly selected by the vice president (or designee) from a list of faculty, staff, administrators and students who have volunteered to serve on the committee.
1. The committee will consist of five (5) members (one full-time faculty member, one classified staff representative, one administrator, one student success representative and one student).
 2. The list of names of the eligible persons will be developed at the beginning of each academic year and will be in effect for the duration of that year.
 3. The student requesting the hearing may, if he/she believes one of the selectees will not fairly judge the merits of the alleged violation, request that another person be chosen from the list in that same category. One requested substitution, with written justification, is permitted.
 4. The committee member who is selected for the hearing may request that another person be chosen from the same category of the list if he/she believes they cannot provide a fair judgment based on the merits of the alleged violation.
- C. The student discipline ad hoc committee will elect a chairperson. The chairperson will set the date, time and place for the hearing.
1. The vice president (or designee) will notify the student by certified letter or by hand delivery of information pertaining to the date, time and place of the hearing. The notice of the hearing will be sent within five (5) calendar days following confirmation of the hearing committee membership.
 2. The hearing will take place within ten (10) calendar days of the establishment of the student discipline committee.
 3. The vice-president (or designee) will have discretion to alter the arrangements of the hearing for good cause.
- D. The student discipline ad hoc committee will hold the hearing as scheduled and determine a ruling whether or not the student is present, provided the committee has confirmation that the student received actual notice of the date, time, and place of the hearing.

- E. An accused student has the right to be accompanied by counsel, advisor, or attorney who may come from within or outside the College. Such counselor, advisor, or attorney must restrict his/her participation to advising the accused, and he/she may not participate in the actual proceedings of the hearing such as discussion or cross-examination of the witnesses.
- F. The committee will presume a student innocent of the alleged violation until the facts and information presented support a decision to the contrary. A student will be found in violation when the weight of the evidence indicates that the student has violated this Code of Conduct. Committee members may freely question witnesses at any time. The committee will proceed as follows during the hearing:
1. The vice president (or designee) reads the complaint.
 2. The vice president (or designee) presents the College's case. Any person giving testimony may be questioned, at the completion of the witness's testimony, by the student. The vice president (or designee) has the right to follow up and/or recall witnesses as necessary.
 3. The student presents his/her defense. The committee may not require the student to testify. Any person giving testimony on behalf of the student may also be questioned by the vice president (or designee).
 4. The vice president (or designee) and the student may present rebuttal evidence and argument.
 5. In closed session, the committee will discuss the issue and vote whether or not there has been a violation of this Code of Conduct. If the majority of the committee (at least 3 out of 5 voting members) finds the student violated the Code of Conduct, the committee will select and impose an appropriate sanction from the list detailed below. Determination of the sanction will be met by approval of a simple majority.

The committee chairperson will complete and submit the Committee Findings Form to the vice president (or designee) the same day as the conclusion of the hearing.

The vice president (or designee) will inform the student of the committee's findings and sanctions, as noted on the Committee Findings Form. This notification will be sent via certified letter to the student and will be postmarked within five (5) calendar days of the conclusion of the hearing.

Hearing Records

- A. All evidence will be offered to the committee during the hearing and made part of the hearing record. The hearing record will include
1. A copy of the notice provided to the student;
 2. All documentary and other evidence offered or admitted in evidence;
 3. Written motions, pleas, and any other materials considered by the committee; and
 4. The Committee Findings Form.

B. The hearing record will be forwarded to the vice president (or designee) where it will be securely maintained.

Appeal

- A. The president of the College will automatically review every penalty of expulsion.
- B. A student is entitled to an appeal to the president of the College. To do so, a student must file a written request (via post marked certified letter) for appeal to the president within ten (10) calendar days from the date of the certified letter containing the Committee Findings Form. The written request for appeal must detail what specific issues are being appealed. The president maintains the right to refuse any request for appeal for insufficient cause.
- C. If a notice of appeal is given, the vice president (or designee) will send the hearing record to the president, within five (5) calendar days after the notice is given. The president will review the record and determine whether an in-person meeting is necessary to resolve the appeal.
 1. If an in-person meeting is deemed necessary, the president will set the date, time and place for the appeal and the vice president (or designee) will notify the student by certified letter or by hand delivery of information pertaining to the date, time, and place of the appeal. This notice will be sent as soon as possible and no later than ten (10) calendar days after the appeal request is received. The president will have the discretion to alter the arrangements of the hearing for good cause.
 2. If an in-person meeting is not deemed necessary, the president will move forward with resolution of the appeal as detailed below.
- D. After consideration of the appeal, the president will complete the appeal section on the Committee Findings Form. The president reserves the right to endorse, increase or lower the sanction that was assigned during the hearing.
- E. The vice president (or designee) will notify the student the result of the appeal via certified letter.
- F. The president will take such action as determined to be appropriate at any time during the process, and all decisions made by the president are final.

Sanctions

Violations of the Code of Conduct can result in one or more of the following sanctions as deemed appropriate. The list of sanctions is not a progression.

1. Disciplinary Reprimand - a written reprimand from the vice president (or designee) to the student on whom it is imposed. A disciplinary reprimand is recorded in the student's conduct file.
2. Disciplinary Probation - probation may be imposed for any length of time up to one calendar year and the student will automatically be removed from probation when the imposed period expires. Probation indicates that further violations may result in suspension.
3. Community Service – service-learning hours with an office or department on campus.
4. Character Development – required attendance at an educational workshop, research and writing assignments or participation in a mentorship program.
5. Restitution - reimbursement for damage to or misappropriation of funds or property. This may take the form of appropriate service or other compensation.
6. Fines – fines shall be no less than \$15 and no greater than \$250, depending on the severity of the infraction.

7. Social Restriction – restriction from attending recognized campus social events and being on campus for any purpose other than those directly related to class. Social restriction may require the student to check in and out with security upon arrival and departure from campus.
8. Suspension - exclusion from classes and other privileges or activities as set forth in the notice for a defined period of time.
9. Expulsion - permanent severance from the College. The conditions of readmission, if any, shall be stated in the order of expulsion.
10. Referral to relevant law enforcement authorities.
11. Other appropriate consequences as determined by the disciplinary authority.

Failure to complete sanctions by the designated completion date represents a violation of the Code of Conduct (Failure to Comply with a College Official). Those who do not meet the criteria of their sanctions will begin the judicial process again with a second charge.

All information within the Student Code of Conduct is updated as needed. The most current information pertaining to the Student Code of Conduct can be found on the LFCC Web site at <http://www.lfcc.edu/student-handbook>.

ADDITIONAL POLICIES/PROCEDURES RELATED TO EMPLOYEES

The following policies are reproduced in their entirety and are accessible to College employees on the LFCC intranet which is accessible from the LFCC home page. For questions regarding college policies that affect employees, please contact the Office of Human Resources at 540-868-7226.

<http://www.lfcc.edu/>

Background Screening

Lord Fairfax Community College (LFCC) believes that hiring qualified individuals to fill positions contributes to the overall strategic success of LFCC. Background checks serve as an important part of our selection process. This type of information is collected as a means of promoting a safe and productive work environment for current and future employees. Background checks help LFCC obtain additional applicant related information that helps determine the applicant's overall employability, ensuring the protection of the current employees, students, property, and information of the organization.

This policy applies to all prospective employees (full-time, adjuncts, wage and nursing wage employees, student employees) once a conditional offer of employment has been extended and accepted. Employees who transfer from another VCCS college after January 1, 2008, are covered by this policy. Employees rehired within 18 months of their last assignment are not required to undergo another background check if a check had been previously completed.

Prospective employees and rehires are required to submit to a background screening once a conditional offer of employment has been extended and accepted.

Prospective employees must sign an authorization form authorizing Lord Fairfax Community College and the contract background screening firm to obtain a background or investigative background report as part of the screening process for employment. This authorization form is in compliance with the Fair Credit Reporting Act (FCRA) legislation.

The minimum investigation will always include the following:

1. State and nation-wide and federal criminal history
2. Sexual offender registry check
3. Motor Vehicle history

Additional background checks requirements: Some positions will required additional background investigations based upon the nature or importance of the position to the College and the community. Reasons for additional checks include, but are not limited to, positions that handle financial transactions; security sensitive positions, executive positions and other positions afforded a degree of special trust and confidence. Such checks include the following:

Sensitive positions: In accordance with DHRM policy and Virginia Code, VA Code § 2.2-1201.1., each agency must designate positions which are directly responsible for the health, safety and welfare of the general populace or protection of critical infrastructures. These positions are required to have a Virginia criminal history and Federal Bureau of Investigation database check conducted through the Department of State Police, and this check must also include fingerprinting.

Credit check: Positions that require a credit check are those that have access to material levels of cash or negotiable securities; have responsibility or authority for the execution, approval or commitment of financial resources or transactions; responsibility for creating, collecting, or accounting for material levels of accounts receivables; have significant inventory control responsibilities, including the receipt and release of inventory; have access to, or responsibility for the payroll/personnel or purchasing systems, or privileged access to sensitive data or critical data processing systems; have unsupervised access to college, employee, or student property or master key access to facilities or have access to pharmaceuticals or other controlled drugs.

Fingerprint Checks: Fingerprint checks are required for all designated "sensitive" positions, security positions, and information technology positions designated as security sensitive, consistent with the requirements of Code of Virginia § 2.2-1201.

Medical/Physical Evaluation: A pre-employment, post-offer, or return-to-work physical may be required for positions that require a certain degree of physical exertion based upon the essential functions of the position in question, or medical qualification requirements (if applicable). Such requirements exist to ensure applicants can perform the essential functions of the job with or without reasonable accommodation, or that they possess the minimum abilities necessary for safe and efficient performance of the duties that characterize the position.

Pre-Employment Drug Screening Policy

Substance abuse constitutes a serious threat to Lord Fairfax Community College and its workforce. LFCC strives to provide a safe work environment. A workplace that promotes employee health and well-being and is free from the effects of drugs is essential to the achievement of this goal. This program shall be carried out in accordance with all state rules and regulations of Policy 1.05 published by the Department of Human Resource Management.

This policy applies to all prospective full-time employees, adjuncts, nursing wage and all other wage (part-time) employees once a conditional offer of employment has been extended and accepted. All prospective rehires (full-time, adjuncts, nursing wage and all other wage {part-time} employees) will be subject to a new drug screening if they have been off of LFCC's payroll for three or more consecutive years.

A. All prospective employees and rehires (reference Section 3.0) are required to submit to a drug test once a conditional offer of employment has been extended and accepted. An offer of employment by LFCC is conditioned on the prospective employee testing negative for illegal substances.

B. The human resource department of LFCC shall be responsible for ensuring that all applicants for positions listed in Section 3.0 provide a sample for drug testing before they report for duty.

C. The prospective employee must thoroughly read the LFCC Pre-Employment Drug Screening policy and then must sign a drug test authorization form. The authorization form will allow LFCC and the contract background screening firm to obtain a drug test and the drug results through an approved collection site for each applicant.

D. The prospective employee will report to an approved collection site to have the drug test conducted.

E. The approved sites to do LFCC urine drug collections will follow federal and state laws/guidelines for any collection they conduct. These procedures shall ensure that the sample identified to an applicant actually contains materials from that particular applicant, that the samples are protected from tampering, and that the analysis of the samples is done in accordance with reasonable and accepted collection standards.

F. The following is a list of substances that LFCC tests for on a Pre-Employment drug test: Methadone (MTD), Barbiturates (BAR), Benzodiazepine (BZO), Marijuana (THC), Amphetamine (AMP), Phencyclidine (PCP), Propoxyphene (PPX), Methamphetamine (METH), Opiates (OPI), and Cocaine (COC).

G. LFCC will incur only the expenses of the original specimen testing.

H. A dilute negative specimen result shall result in a violation of this policy and the individual will be denied employment.

I. If the potential employee had a positive test, refused to test, or a confirmed invalid test, they will be denied employment. The prospective employee will be notified by letter from the LFCC human resource manager.

J. The applicant may wish to contest the confirmed positive results of his or her drug screen. This request will not hold up the original specimen result reporting.

K. An employee whose drug test is reported positive will be offered the opportunity to obtain an independent test at the applicant's expense of the remaining portion of the urine specimen that yielded the positive result and be reviewed by a medical review officer (MRO).

Middletown Campus	2009		2010		2011	
	On Campus	Public Property	On Campus	Public Property	On Campus	Public Property
Criminal Offenses						
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0
Sex Offenses/ Forcible:	-	-	2	0	-	-
Forcible Rape	0	0	0	0	0	0
Forcible Sodomy	0	0	0	0	0	0
Sexual Assault with an Object	0	0	0	0	0	0
Forcible Fondling	0	0	0	0	3	0
Sex Offenses/Non-Forcible	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0
Arson	0	0	0	0	0	0
Hate Offenses						
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0
Sex Offenses/ Forcible	0	0	0	0	0	0
Sex Offenses/Non-Forcible	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0
Arson	0	0	0	0	0	0
Larceny/Theft	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0
Property Destruction, Damage, Vandalism	0	0	0	0	0	0
Any other crime involving bodily injury	0	0	0	0	0	0
Arrests						
Illegal Weapons Possession	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	1	0
Liquor Law Violations	0	0	0	0	1	0
Disciplinary Actions						
Illegal Weapons Possession	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0

Fauquier Campus	2009		2010		2011	
	On Campus	Public Property	On Campus	Public Property	On Campus	Public Property
Criminal Offenses						
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0
Sex Offenses/ Forcible	0	0	0	0	0	0
Sex Offenses/Non-Forcible	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0
Arson	0	0	0	0	0	0
Hate Offenses						
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0
Sex Offenses/ Forcible	0	0	0	0	0	0
Sex Offenses/Non-Forcible	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0
Arson	0	0	0	0	0	0
Larceny/Theft	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0
Property Destruction, Damage, Vandalism	0	0	0	0	0	0
Any other crime involving bodily injury	0	0	0	0	0	0
Arrests						
Illegal Weapons Possession	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0
Disciplinary Actions						
Illegal Weapons Possession	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0
Liquor Law Violations	3	0	1	0	0	0

<i>Luray Campus</i>	2009		2010		2011	
Criminal Offenses	On Campus	Public Property	<i>On Campus</i>	<i>Public Property</i>	On Campus	Public Property
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0
Sex Offenses/ Forcible	0	0	0	0	0	0
Sex Offenses/Non-Forcible	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0
Arson	0	0	0	0	0	0
Hate Offenses						
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0
Sex Offenses/ Forcible	0	0	0	0	0	0
Sex Offenses/Non-Forcible	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0
Arson	0	0	0	0	0	0
Larceny/Theft	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0
Property Destruction, Damage, Vandalism	0	0	0	0	0	0
Any other crime involving bodily injury	0	0	0	0	0	0
Arrests						
Illegal Weapons Possession	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0
Disciplinary Actions						
Illegal Weapons Possession	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0