2026–2027 SEXUAL MISCONDUCT AND TITLE IX POLICY AND PROCEDURES

Status: This document replaces the operative language of the supplied 2022–2024 policy

- Approving authority and adoption/effective date: Office of Legal Affairs, July 1, 2026
- Title IX Coordinator: Brent A. Jackson, Vice President of Legal Affairs. Email as provided: bjackson@vuu.edu; 804-257-5835.
- Campus police location and emergency/(911)/nonemergency numbers: listed 804-257-5777)
- Resource directory and hearing personnel: see Appendix B.
- Institutional choice of evidentiary standard: preponderance of evidence.

ARTICLE I. PURPOSE, SCOPE, AND DEFINITIONS

1.1 Statement of policy

Virginia Union University (University) prohibits sex discrimination, sexual harassment, sexual assault, dating violence, domestic violence, stalking, sexual exploitation, and retaliation as defined by applicable law and University policy. The University responds promptly and equitably to reports and provides appropriate supportive measures. This policy applies to students, employees, and others participating in University education programs and activities, subject to the jurisdictional distinctions below.

1.2 Two procedural tracks

Track A governs formal complaints of sexual harassment within Title IX jurisdiction under 34 C.F.R. §§ 106.30, 106.44 and 106.45 (2020 regulatory framework restored in 2026). Track B governs other alleged sexual misconduct prohibited by University policy that falls outside Track A. The University may respond under Track B when Title IX dismissal is required, subject to applicable law, notice, and fair process. A Title IX dismissal does not necessarily dismiss a complaint under another University policy.

1.3 Title IX jurisdiction

Track A applies to conduct alleged to occur in the United States in the University education program or activity, including locations, events, or circumstances over which the University exercised substantial control over both respondent and context, and buildings owned or controlled by officially recognized student organizations. At the time of filing a formal Title IX complaint, the complainant must be participating in or attempting to participate in the University education program or activity. The University will assess jurisdiction on the facts and governing law.

1.4 Federal Title IX sexual harassment definition

For Track A, sexual harassment means (a) a University employee conditioning aid, benefit, or service on participation in unwelcome sexual conduct; (b) unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the education program or activity; or (c) sexual assault, dating violence, domestic violence, or stalking as defined in the applicable federal regulations and incorporated federal statutes. Other misconduct may remain prohibited by University policy even when it does not satisfy this federal definition.

1.5 Consent and other defined terms

Consent means a knowing, voluntary, clear, and mutually understandable agreement to engage in specific sexual activity. Silence, lack of resistance, a prior relationship, or prior consent does not itself establish consent. Consent can be withdrawn. A person incapacitated by alcohol, drugs, unconsciousness, sleep, disability, or other condition cannot consent when unable to make or communicate an informed choice. The University shall publish consistent definitions of sexual assault, dating violence, domestic violence, stalking, retaliation, complainant, respondent, formal complaint, and supportive measures.

1.6 Non-discrimination and retaliation

Retaliation, intimidation, threats, coercion, or discrimination against anyone for reporting, participating, refusing to participate, or exercising rights under this policy is prohibited. A knowingly false statement may be addressed through a separate process; a determination of no responsibility alone does not establish a knowingly false report.

ARTICLE II. REPORTING, SUPPORT, AND VIRGINIA REPORTING LAW

2.1 How to report

Any person may report sex discrimination or sexual harassment to the Title IX Coordinator in person, by mail, telephone, email, or other means that result in receipt of a verbal or written report, including outside business hours. Reports may be made by persons other than the affected individual. In an emergency call 911 or campus police. Reporting to law enforcement and reporting to the University are distinct options, subject to mandatory reporting law.

2.2 University response

Upon actual knowledge of sexual harassment in its education program or activity against a person in the United States, the University will respond in a manner that is not deliberately indifferent. The Title IX Coordinator will promptly contact the complainant to discuss supportive measures, consider wishes, explain availability with or without a formal complaint, and explain the formal complaint process. The University will document the response.

2.3 Supportive measures

Supportive measures are individualized, reasonably available, non-disciplinary and non-punitive services, without fee or charge, designed to restore or preserve equal access, protect safety, or deter sexual harassment. Examples include counseling referrals, deadline extensions, academic or work adjustments, escorts, mutual restrictions on contact, housing changes, and increased security. Measures will not unreasonably burden either party. Privacy will be maintained to the extent practicable.

2.4 Employee reporting and confidential resources

All non-student employees other than properly designated confidential resources and resident assistants are expected under University policy to report suspected sexual misconduct to the Title IX Coordinator as soon as practicable. Virginia statutory responsible-employee reporting obligations apply independently under Va. Code § 23.1-806. Licensed professionals, clergy, attorneys, and other privileged/confidential personnel are governed by applicable confidentiality and statutory exceptions. The University shall publish an accurate current list of confidential resources.

2.5 Virginia sexual violence review committee

Under Va. Code § 23.1-806, the University shall maintain a review committee of at least three persons including the Title IX Coordinator/designee, a law-enforcement or campus-security representative as applicable, and a student affairs representative. The Title IX Coordinator shall promptly transmit reports required by law, including personally identifiable information, to that committee. The committee shall meet within 72 hours of receipt of covered information and thereafter as needed. Its review must comply with FERPA and other privacy law.

2.6 Virginia disclosures and prosecutorial consultation

Where the committee or, absent consensus, its law-enforcement representative determines disclosure is necessary to protect health or safety under FERPA emergency provisions, the law-enforcement representative shall immediately disclose information to the responsible law-enforcement agency and the Title IX Coordinator/designee shall notify the victim. For covered alleged felony sexual offenses, the law-enforcement representative shall consult with the Commonwealth's Attorney or responsible prosecutor within 24 hours and provide information without personally identifiable information unless disclosure is otherwise authorized as specified in Va. Code § 23.1-806. All statutory exceptions and documentation requirements apply.

2.7 Virginia victim information and immunity

The University will advise persons reporting sexual violence of medical care, evidence preservation, protective orders, campus and criminal options, participation choices, confidentiality, and campus/community support resources. Pursuant to Va. Code § 23.1-808, the University grants immunity from disciplinary action for curfew violations and personal consumption of alcohol or drugs disclosed in conjunction with a good-faith

report of sexual violence. This immunity does not bar action for other misconduct or measures necessary for safety.

2.8 Minors and Clery/VAWA

Suspected child abuse or neglect shall be reported as required by Va. Code §§ 63.2-1509 and 63.2-1510, independently of this policy. Campus security authorities shall fulfill applicable Clery Act reporting, timely warning, emergency notification, and VAWA rights and prevention obligations, while protecting confidential identifying information as required by law.

ARTICLE III. FORMAL TITLE IX COMPLAINTS AND DISMISSALS

3.1 Formal complaint

A formal complaint is a document filed by a complainant or signed by the Title IX Coordinator alleging Title IX sexual harassment against a respondent and requesting an investigation. It may be submitted physically or electronically with a signature or other indication of authorship. A Title IX Coordinator signature does not make the Coordinator a complainant or party.

3.2 Initial assessment and notice

The Coordinator will assess supportive measures, jurisdiction, potential consolidation, conflicts, and whether dismissal is mandatory or permissive. Upon receipt of a formal complaint, the University will provide written notice to known parties of allegations, identities if known, date/location if known, grievance procedures, presumption of nonresponsibility, right to advisor, evidence review, and rules against knowingly false statements, with sufficient time to prepare before initial interviews. Supplemental allegations require supplemental notice.

3.3 Mandatory dismissal

For Track A, the University must dismiss allegations for Title IX purposes if alleged conduct would not constitute federal Title IX sexual harassment even if proved, did not occur in its education program or activity, or did not occur against a person in the United States. Such dismissal does not preclude action under Track B or other University policies.

3.4 Permissive dismissal and appeal

The University may dismiss a formal complaint or allegations if the complainant notifies the Coordinator in writing of a desire to withdraw, the respondent is no longer enrolled or employed, or specific circumstances prevent gathering evidence sufficient to reach a determination. The University shall give both parties simultaneous written notice of dismissal and reasons and offer the appeals required under § 106.45.

3.5 Emergency removal and employee leave

Before emergency removal of a respondent from education programs or activities, the University must conduct an individualized safety and risk analysis, determine an

immediate threat to physical health or safety arising from the allegations, and give notice and an opportunity to challenge immediately after removal. This does not modify applicable rights under disability law. The University may place a non-student employee respondent on administrative leave during the process, subject to applicable law and employment protections.

ARTICLE IV. INVESTIGATION AND EVIDENCE

4.1 Impartial personnel and burden

The University bears the burden of proof and gathering evidence sufficient to reach a determination. The Title IX Coordinator, investigator, hearing decision-maker, informal resolution facilitator, and appeal officer must be trained and free from conflicts or bias. The hearing decision-maker cannot be the Title IX Coordinator or investigator. The respondent is presumed not responsible until the conclusion of the grievance process.

4.2 Equal participation

Both parties have equal opportunities to identify witnesses, including experts, and present inculpatory and exculpatory evidence. Neither party may be restricted from discussing allegations or gathering relevant evidence. Both may have an advisor of choice, including an attorney, at any meeting or proceeding. Reasonable equal limits on advisor participation may apply except as required for hearing cross-examination.

4.3 Evidence disclosure

Before the investigative report is completed, each party and advisor, if any, will receive in electronic or hard-copy form all evidence obtained that is directly related to allegations, including evidence not intended to be relied upon, and at least ten calendar days to submit a written response. The investigator shall consider responses before finalizing the report. Privileged material and treatment records are protected as required by § 106.45.

4.4 Investigative report

The investigator will prepare a report fairly summarizing relevant evidence and send it to each party and advisor at least ten calendar days before the live hearing, for review and written response. Parties shall have access to relevant evidence at the hearing. The University will provide reasonable written notices of interviews and meetings.

ARTICLE V. LIVE HEARING, FINDINGS, AND REMEDIES

5.1 Live hearing and advisor questions

Track A complaints at this postsecondary institution shall receive a live hearing before impartial decision-maker(s). Each party’s advisor, not the party personally, may directly, orally, and in real time ask the other party and witnesses relevant questions and follow-up questions, including credibility questions. The decision-maker rules on relevance before

an answer and explains exclusions. If a party has no advisor at the hearing, the University shall provide one without charge for questioning; the advisor need not be an attorney.

5.2 Hearing arrangements and recording

At either party's request, the live hearing will occur with parties in separate rooms using technology allowing participants to see and hear one another simultaneously. Remote participation may be allowed. The University will create an audio or audiovisual recording or transcript and make it available to both parties for inspection and review.

5.3 Evidence and standard

The University adopts the preponderance of evidence standard for Track A, uniformly for student and employee respondents and all Title IX sexual harassment formal complaints. Credibility shall not be based on status as complainant, respondent, or witness. Questions about complainant sexual predisposition or prior sexual behavior are generally irrelevant, subject to the narrow federal exceptions. The University shall follow current controlling law regarding the effect of a party's or witness's nonparticipation.

5.4 Written determination

The decision-maker shall simultaneously issue to both parties a written determination identifying allegations, procedural history, factual findings, policy conclusions, rationale for each responsibility finding, sanctions if any, whether remedies will be provided, and appeal procedures. The Coordinator oversees implementation of remedies. A determination becomes final after appeal resolution or expiration of the appeal deadline.

5.5 Sanctions and remedies

Possible sanctions for students include warning, probation, restrictions, suspension, or expulsion; for employees, warning, reassignment, suspension, or termination, consistent with applicable contracts and policies. Remedies may include counseling, academic or work accommodations, safety restrictions, and other measures designed to restore or preserve equal access. Sanctions are imposed only after the applicable grievance process, except lawful emergency removal or employee administrative leave.

ARTICLE VI. INFORMAL RESOLUTION

6.1 Eligibility and consent

After a formal Title IX complaint and before responsibility determination, the University may offer voluntary informal resolution with written notice describing allegations, process, confidentiality/records, consequences, and right to withdraw before agreement. Both parties must provide voluntary written consent. Informal resolution shall not be offered for allegations that an employee sexually harassed a student. No party may be compelled to waive formal procedures as a condition of enrollment, employment, or any benefit.

6.2 Facilitator and outcome

An impartial trained facilitator will document the process and any signed agreement. If no agreement is reached or a party withdraws before agreement, the formal process resumes. Supportive measures remain available.

ARTICLE VII. APPEALS

7.1 Grounds

Both parties may appeal a Title IX responsibility determination or dismissal based on (a) procedural irregularity affecting outcome, (b) new evidence not reasonably available at the time that could affect outcome, or (c) conflict of interest or bias by Coordinator, investigator, or decision-maker affecting outcome.

7.2 Process

A written appeal must be submitted within five business days of notice of the determination or dismissal. The University shall notify the other party, permit each a reasonable equal opportunity to submit written statements, assign an impartial trained appeal officer who did not serve as Coordinator, investigator, or original decision-maker, and issue a reasoned written decision simultaneously to both parties. The University may extend deadlines for good cause with written notice to both parties.

ARTICLE VIII. OTHER MISCONDUCT, RECORDS, AND GOVERNANCE

8.1 Track B: conduct outside Title IX jurisdiction

Conduct outside Track A may be addressed under a separate University sexual misconduct or student/employee conduct procedure. Track B shall provide written notice, an impartial investigation, reasonable evidence access, opportunity to respond, an impartial determination under a stated evidentiary standard, proportionate sanctions, and appeal rights. Track B shall not be used to evade Track A safeguards where Title IX applies. The University must approve and publish the full Track B procedure and identify the applicable decision-makers before using it.

8.2 Confidentiality and privacy

The University will protect identities and information to the extent permitted by FERPA, Title IX, Virginia law, and legitimate investigative and safety needs. No confidentiality provision shall bar lawful reporting, evidence gathering, protected speech, or disclosures required by law. Records will be accessible only to authorized persons, except as law requires.

8.3 Records and training

The University will retain Title IX investigations, determinations, hearing recordings/transcripts, sanctions, remedies, appeals, informal resolutions, response documentation, and training materials for at least seven years under § 106.45. Required

Title IX training materials will be publicly available on the University website. Other retention obligations or litigation holds may require longer preservation.

8.4 Training, annual review, and publication

The University will train relevant personnel on Title IX definitions, jurisdiction, impartiality, hearings, relevance, trauma-informed practices consistent with fairness, reporting, and Virginia review committee duties. By October 31 annually, the University shall certify to SCHEV that it reviewed and appropriately updated its sexual violence policy under Va. Code § 23.1-808. This policy and current coordinator information shall be readily accessible to students and employees.

8.5 Non-conflict and effective date

If law changes, controlling law governs, and the University shall promptly amend affected provisions. Nothing in this policy limits rights under applicable federal or Virginia law. This draft becomes operative only after formal University approval, confirmation of institutional roles and contacts, publication, and appropriate training. Pending matters require a separate transition and applicability review.

APPENDIX A. LEGAL AUTHORITIES

- Title IX, 20 U.S.C. § 1681 et seq.; 34 C.F.R. Part 106, especially §§ 106.8, 106.30, 106.44, 106.45 (2020 framework restored September 2026).
- Federal Register, 91 Fed. Reg., September 29, 2026, final rule restoring the 2020 regulatory text.
- Va. Code §§ 23.1-806 and 23.1-808 (2026); Va. Code §§ 63.2-1509 and 63.2-1510.
- FERPA, 20 U.S.C. § 1232g; 34 C.F.R. Part 99; Clery Act, 20 U.S.C. § 1092(f), and 34 C.F.R. § 668.46.

Source basis: VUU 2022–2024 Sexual Misconduct Policy and Procedures (45-page uploaded PDF); updated legal provisions from cited federal and Virginia authorities.

APPENDIX B. RESOURCE DIRECTORY AND PERSONNEL CROSSWALK

Title IX Coordinator

Brent A. Jackson; Vice President of Legal Affairs; email as dictated: bjackson@buu.edu C.D. King Hall Room 100

Confidential resources identified in prior policy

University Counselor; Office of Health Services; University Pastor. These roles as strictly confidential, subject to legal exceptions.

Counseling Services

Current VUU public resource directory: Henderson Student Center, 804-237-5451.

University Pastor

Current VUU Pastor, Dr. RD Waller, Interim Dean of Chapel, C.D. King. RDWaller@vuu.edu

University health services

Office of Total Wellness and Life Services / Office of Student Health Services. 804-237-5451

University Police

Pickford Hall G-7 (Basement) 804-257-5777, 24/7.

Human Resources

C.D. King Hall Room 200, 804-257-5841 (Benefits) and 804-257-5834 and askhr@vuu.edu; C.D. King, Room 200.

VCU Medical Center

1250 East Marshall Street, Richmond, VA 23298; emergency department 804-828-5250.

YWCA of Richmond

6 North 5th Street, Richmond, VA 23219; 804-643-6761; 24-hour hotline 804-612-6126. Reconfirm provider name, location and hotline.

Virginia Sexual & Domestic Violence Action Alliance

118 W. Main Street, Richmond, VA 23220; 804-377-0335.

Richmond Behavioral Health Authority crisis services

804-819-4100. 24-hour crisis contact.

Emergency services

911 for immediate threats or medical emergencies.

Disability accommodations / services

Prior policy Article IV § IV.10 provides disability accommodations. Contact Dean of Students, Jordan Brooks. Email – jhbrooks@vuu.edu

Hearing personnel

Due to confidential nature of the work performed by these personnel said names are not published; but may be access through the office of Legal Affairs- Gabriel Herrera – Gherrera@vuu.edu.

Source and update status

Historical: VUU 2022–2024 Sexual Misconduct Policy, Article III and Exhibit A. Current public directory: https://www.vuu.edu/about-union/resource-directory ; HR: https://www.vuu.edu/about-union/administration/human-resources. Update and due diligence review of legal precedent by Office of Legal Affairs in 2026.