



# DIVINE MERCY UNIVERSITY

INSTITUTE FOR THE PSYCHOLOGICAL SCIENCES | SCHOOL OF COUNSELING

## **Annual Campus Safety and Security Report**

**2023**

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## **Divine Mercy University Annual Security and Fire Safety Report 2023**

This report contains information for reporting and managing emergencies related to safety and security for the Divine Mercy University (DMU) community. It includes campus crime statistics and critical campus safety information such as policies, crime prevention, crime reporting, and resources to promote a safe and security campus and ultimately your own safety and security. Our desire is to promote a safe and secure campus. To that end, each member of the DMU community shares the important responsibilities of using common sense, being aware, informed, and alert, and of reporting suspicious activities so that DMU will remain a safe environment for everyone.

### **The Clery Act**

In 1990, Congress enacted the *Crime Awareness and Campus Security Act of 1990* (Title II of Public Law 101-542), which amended the *Higher Education Act of 1965 (HEA)*. The act was amended in 1992, 1998 and 2000. The 1998 amendments renamed the law the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* in memory of a student who was slain in her dorm room in 1986. It is commonly referred to as the *Clery Act*.

On Aug. 14, 2008, the *Higher Education Opportunity Act* or *HEOA* (Public Law 110-315) reauthorized and expanded the *Higher Education Act of 1965*, as amended. *HEOA* amended the *Clery Act* and created additional safety and security related requirements for institutions. This federal law requires all postsecondary institutions participating in *HEA's* Title IV student financial assistance programs to disclose particular crimes on and around their campuses, develop security and reporting procedures and provide safety and crime information and policies to the campus community. The four principal *Clery Act* requirements are: the identification and training of Campus Security Authorities, the identification and training of a Clery Coordinator, the publication of an Annual Security Report to the campus community by October 1 of each year (for 2020, the federal deadline was moved to December 31), and the issuance of Timely Warnings and emergency notifications as specified by campus policies.

### **Campus Safety**

DMU has a comprehensive Safety and Emergency Plan in place for the purposes of taking reasonable efforts to provide a healthy, safe, and secure environment for all members of the campus community. It is in effect, evaluated regularly, and improved as needed. The effective implementation of the University's environmental health and safety program requires a partnership between the DMU's faculty, staff, students, and the entire campus community.

DMU has designated Emergency Coordinators and Emergency Captains who have administrative responsibility for the University's Safety and Emergency Plan:

### Emergency Coordinators

VP Operations: Antonio Maza, [amaza@divinemeracy.edu](mailto:amaza@divinemeracy.edu) , 571.257.0335

General Building Emergencies: Humberto Barrios, [hbarrios@divinemeracy.edu](mailto:hbarrios@divinemeracy.edu), 703.554.3405

Operations Manager: Beth Kerin [operations@divinemeracy.edu](mailto:operations@divinemeracy.edu) , 571.348.0652

### Emergency Captains

**Area One:** The Library, Classroom 160, Classroom 150, 2nd Floor Bathrooms, 1st Floor Bathroom. Area Captains: Jeff Elliott and Ingrid Hellstrom

**Area Two:** The IPS Center. Area Captains: Ian Masson and Mary Silva

**Area Three:** Student Services Offices, 2nd floor classrooms, Student Cafe, Maintenance office. Area Captains: Merita McCormack and Tony MacDonnell

**Area Four:** 3rd Floor Business Office, President's Office, Admission and Marketing, and the 3rd Floor Conference Room. Area Captains: Ali Meer and Tom Brooks

**Area Five:** 3rd Floor IPS Faculty and School of Counseling, Spiritual Direction Program, Green Cross, 3rd Floor Bathrooms, and Board Room. Area Captains: Mike Kyriazi and Jason Sparks

## **Fire, Police, Medical Emergency: 911**

### **Emergency Alerts**

You may wish to consider registering for *Loudoun Alert*, Loudoun County's emergency notification system that sends important alerts and updates via text message and email. To sign up, visit: [www.loudoun.gov/3145/Alert-Loudoun](http://www.loudoun.gov/3145/Alert-Loudoun).

### **Annual Disclosure of Crime Statistics**

The Office of the VP for Student Support Services prepares this report to comply with the *Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act*. The full text of this report is published on the DMU web site in the student services section:

<https://divinemeracy.edu/student-services/safety-security/>. This report is prepared in cooperation with the local law enforcement agencies surrounding our campus. Each entity provides updated information on their educational efforts and programs to comply with the Clery Act.

Campus crime, arrest, and referral statistics include those reported to the Emergency Coordinators, designated campus officials (including but not limited to the Chief Administrative Officer, Vice Presidents, academic deans and program directors, the Chaplain, and local law enforcement agencies.

The IPS Center for the Psychological Services (IPS Center) staff inform their clients of the procedures to report crimes to the Office of the Chief Administrative Officer on a voluntary or confidential basis, should they feel it is in the best interest of the client. A procedure is in place to anonymously capture crime statistics disclosed confidentially during such a session.

Each year, an email notification is made to all enrolled students, faculty, and staff that provides the web site to access this report. Copies of the report may also be obtained in the Vice President for Academic Affairs, Office 312, or by calling 571.257.4116.

### **Timely Warnings**

In the event that a situation arises, either on or off campus, that, in the judgment of the DMU Operations, constitutes an ongoing or continuing threat, a campus wide “Timely Warning” will be issued. The warning will be issued through the DMU SMS system to students, faculty, and staff.

Depending on the particular circumstances of the crime and in all situations that could pose an immediate threat to the community and individuals, the DMU Operations may also post a notice on the DMU website: <https://divinemercury.edu/student-services/> providing the DMU community with more immediate notification. This web page is immediately accessible via computer and mobile device by all faculty, staff, and students. When such an immediate threat occurs, a copy of the notice will also be posted on the front and back of the door of each campus suite.

Anyone with information warranting a Timely Warning should report the circumstances to the one of the following DMU Emergency Coordinators:

VP Operations: Antonio Maza, [Operations@divinemercury.edu](mailto:Operations@divinemercury.edu) 571.257.0335

General Building Emergencies: Humberto Barrios [hbarrios@divinemercury.edu](mailto:hbarrios@divinemercury.edu) 703.554.3405

Operations Manager: Beth Kern [bkern@divinemercury.edu](mailto:bkern@divinemercury.edu) 571.348.0652

**Crime Statistics**

Crime	On Campus			Public Property			Unfounded Cases		
	2022	2021	2020	2022	2021	2020	2022	2021	2020
Aggravated assault	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Dating violence	0	0	0	0	0	0	0	0	0
Domestic violence	0	0	0	0	0	0	0	0	0
Motor vehicle theft	0	0	0	0	0	0	0	0	0
Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Sex offenses - Forcible									
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Sex offenses - Non-forcible									
Incest	0	0	0	0	0	0	0	0	0
Statutory rape	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0
<b>ARRESTS</b>									
Drug abuse violations	0	0	0	0	0	0	0	0	0
Liquor law violations	0	0	0	0	0	0	0	0	0
Weapons: carrying, possessing, etc.	0	0	0	0	0	0	0	0	0
<b>DISCIPLINARY ACTIONS</b>									
Drug abuse violations	0	0	0	0	0	0	0	0	0
Liquor law violations	0	0	0	0	0	0	0	0	0
Weapons: carrying, possessing, etc.	0	0	0	0	0	0	0	0	0

**Hate Crimes**

There were no hate crimes reported in 2020, 2021, and 2022.

## Incident Reporting and Response

### ***To report a crime:***

- Call 911 for life-threatening emergencies.
- For non-emergencies, contact the Loudoun Sheriff's Office, Eastern Loudoun Station, 571.258.3356, or one of the following DMU Emergency Coordinators:  
VP Operations: Antonio Maza, [Operations@divinemercury.edu](mailto:Operations@divinemercury.edu) 571.257.0335  
General Building Emergencies: Humberto Barrios [hbarrios@divinemercury.edu](mailto:hbarrios@divinemercury.edu) 703.554.3405  
Operations Manager: Beth Kern [bkern@divinemercury.edu](mailto:bkern@divinemercury.edu) 571.348.0652

If you notice any suspicious activity or person seen in the parking garage or lots inside or around the building contact:

- Loudoun Sheriff's Office, Eastern Loudoun Station, 571.258.3356.

### ***Reporting for Victims or Witnesses of Crimes***

DMU encourages anyone who is the victim or witness to any crime to promptly report the incident to the police.

### ***Voluntary Confidential Reporting***

If you are the victim of a crime and do not want to pursue action within DMU, you may still want to consider making a confidential report. Other members of the DMU community, including witnesses, may also report crimes occurring on or near the University. With your permission, the VP for Student Support Services can file an incident report on the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, DMU can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the DMU community about potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics of the institution. However, a confidential report filed in this manner is not considered a Formal Complaint for purposes of Title IX.

DMU will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the results of any disciplinary hearing conducted by DMU against the student who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the crime or offense, DMU will provide the results of the disciplinary hearing to the victim's next of kin, if so requested.

**Limited Voluntary Confidential Reporting for Victims or Witnesses of Crimes**

Because police reports are public records under state law, DMU cannot hold reports of crime in confidence. Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can generally be made to one of the following DMU Emergency Coordinators:

VP Operations: Antonio Maza, [Operations@divinemercury.edu](mailto:Operations@divinemercury.edu) 571.257.0335

General Building Emergencies: Humberto Barrios [hbarrios@divinemercury.edu](mailto:hbarrios@divinemercury.edu) 703.554.3405

Operations Manager: Beth Kern [bkern@divinemercury.edu](mailto:bkern@divinemercury.edu) 571.348.0652

**Security of and access to campus facilities**

DMU offices are open to students, faculty, staff, parents, contractors, guests, and invitees during the hours of 9:00am and 5:00pm. The library publishes its hours of operations on the library web site: <https://divinemercury.libcal.com/hours>, at the entrance to the library, and through email notices of special hours of operations to faculty, staff, and students. The student lounge is open during DMU office hours. Access to DMU offices, the library, and student lounge is accessible outside of those hours by electronic keys issued by DMU.

The campus building is open to the public Monday through Friday between the hours of 9:00am and 5:00 pm (normal business hours). Access outside those hours will be controlled by the use of electronic keys.

In the event of weather-related or other emergencies, faculty, staff and students will be informed in the most expedient manner possible. Notifications will be sent through the DMU SMS system. DMU also lists closings on [www.wtop.com](http://www.wtop.com) under “closings/ delays.” Every effort will be made to send an SMS notification and wtop posting of class cancellations or an emergency closing by 7:00 a.m. on each day impacted by such emergencies.

**Safety Escorts**

To be escorted to your car after hours during winter hours, please contact Humberto Barrios [hbarrios@divinemercury.edu](mailto:hbarrios@divinemercury.edu) 703.554.3405

**Security considerations used in the maintenance of campus facilities**

The Facilities Management department takes security service needs as its highest priority. Facilities Management personnel respond in a timely manner to reports of inoperable doors, burned-out lights, malfunctioning smoke fire alarms, broken windows and screens. To contact Maintenance please email: [hbarrios@divinemercury.edu](mailto:hbarrios@divinemercury.edu)

**Campus law enforcement**

DMU offices have the authority to ask persons for identification and to determine whether individuals have lawful business with DMU. DMU staff do not have arrest power. Criminal incidents are referred to the local police who have jurisdiction on the campus.



All crime victims and witnesses are strongly encouraged to immediately report the crime to the appropriate police agency. Prompt reporting will assure timely warning notices on-campus and timely disclosure of crime statistics.

When necessary, DMU works with Loudoun County Sheriff's Office, and other law enforcement agencies in Virginia. In the case of incidents of the DMU campus that require law enforcement authorities, DMU will fully cooperate when incidents arise that require joint efforts, resources, crime related reports, and exchanges of information. There is no written memorandum of understanding between DMU and any local law enforcement agencies.

### **Encouragement of Accurate and Prompt Crime Reporting**

The DMU students, faculty, staff, and guests are encouraged to report all crimes and public safety related incidents to Loudoun Sheriff's Office, Eastern Loudoun Station, 571.258.3356, in a timely manner. This publication contains information about on-campus and off campus resources. That information is made available to provide the DMU community with specific information about the resources that are available in the event that they become the victim of a crime.

Crimes should be reported to the DMU Emergency Coordinators listed above to ensure inclusion in the annual crime statistics and to aid in providing timely warning notices to the community, when appropriate. For example, a crime that was reported only to a local Rape Crisis Center would not be included in the DMU crime statistics.

### **Counselors and Confidential Crime Reporting**

All reports will be investigated to the extent DMU has sufficient information to do so. Violations of the law will be referred to law enforcement agencies and when appropriate, to the DMU disciplinary process described in the Code of Conduct for review. When a potentially dangerous threat to the DMU community arises, timely warnings will be issued through email announcements, the posting of flyers at local campuses, in-class announcements, or other appropriate means.

### **Safety Programming**

DMU students, faculty, and staff are encouraged to review crime prevention information provided by local law enforcement authorities. During orientation, students are informed of campus safety and procedures for reporting emergencies and other security and safety issues.

DMU encourages awareness and crime prevention for its students, faculty, and staff and to understand their responsibility for their own security and the security of others. Information related to security and safety is disseminated to students, faculty, and staff through emails. This information includes area crime reports and other crime prevention information.

When time is of the essence, information is released to the DMU community through security alerts posted prominently throughout campus, through emails, announced in classes and the library and by verbal communication.

### **Crime Prevention Programming**

Crime prevention programs on personal safety and theft prevention are provided by VP for Student Support.

### **Criminal Activity Off Campus**

Students, faculty, and staff are encouraged to report criminal activity that occurs off campus to the local law enforcement authorities.

### **Off Campus Organizations**

While DMU has no student organizations operating off campus or in non-campus housing facilities, students, faculty, and staff are encouraged to report criminal activity that occurs off campus to the local law enforcement authorities. DMU monitors and records criminal activity on public property with 100 feet of the campus and in the building's designated parking area.

### **Alcohol Use**

It is unlawful to sell, furnish, or provide alcohol to a person under the age of 21. The possession of alcohol by anyone under 21 years of age in a public place or a place open to the public is illegal. It is also a violation of the DMU Drug & Alcohol Policy for anyone to consume or possess alcohol in any public or private area of campus without prior DMU approval. Any individual, group, or organization violating the drug and alcohol policies, or laws may be subject to sanctions by DMU.

### *Penalties*

Penalties for violating DMU's policy may include expulsion from the school and referral for prosecution. A violation of any law regarding alcohol is also a violation of DMU's Student Code of Conduct.

### *Health and Behavioral Risks*

The negative physical and mental effects of the use of alcohol are well documented. Use of alcohol and drugs may cause: blackouts, poisoning and overdose; physical and psychological dependence; damage to vital organs such as the brain, heart and liver; inability to learn and remember information; and psychological problems including depression, psychosis, and severe anxiety. Impaired judgment and coordination resulting from the use of alcohol are associated with a variety of crimes. Individuals concerned about their own health or that of a friend should consult a physician or mental health professional.

**Drug Use**

DMU, thru the DMU Drug & Alcohol Policy, prohibits the unlawful possession, use, or distribution of illegal drugs by students and employees on its property or as part of any of its activities.

*Penalties*

Penalties for violating DMU's policy may include expulsion from the school and referral for prosecution. Federal and state laws also penalize the unlawful manufacturing, possession, use, and distribution of illicit substances. The penalties vary based on many factors, including the type and amount of the drug involved and whether there is intent to distribute. Federal law holds that any person who distributes or possesses with the intent to distribute, or manufactures a controlled substance on or within one thousand feet of an educational facility is subject to doubling of the applicable maximum punishments and fines.

A violation of any law regarding drugs is also a violation of DMU's Student Code of Conduct.

*Health and Behavioral Risks*

The negative physical and mental effects of the use of illegal drugs are well documented. Use of these drugs may cause: blackouts, poisoning and overdose; physical and psychological dependence; damage to vital organs such as the brain, heart and liver; inability to learn and remember information; and psychological problems including depression, psychosis, and severe anxiety. Impaired judgment and coordination resulting from the use of illegal drugs are associated with a variety of crimes. Individuals concerned about their own health or that of a friend should consult a physician or mental health professional.

*Treatment*

Should it be necessary, DMU will refer the student or employee to an appropriate rehabilitation program or drug counselor.

**Substance Abuse Education Programs**

Individuals concerned about their own health or that of a fellow student should consult the VP for Student Support Services office for mental health professionals that are available in their area.

Should it be necessary, DMU will refer the student or employee to an appropriate mental health provider, rehabilitation program, or drug counselor.

### Emergency response and evacuation procedures.

DMU requires everyone (i.e., students, faculty, staff, visitors) physically present on its campus to adhere to emergency response and evaluation requirements. The emergency response and evaluation procedures for the campus are detailed in this section and can be found here:

[https://docs.google.com/document/d/e/2PACX-1vTZj-p6X9DvxT4iKRWn8iWro2YNSHDuXZd8ZXUvRbLkBcVNd\\_HFzjbkqIVayqsZSElcNanwnXU-wdHg/pub#h.l4sfvuhoshev](https://docs.google.com/document/d/e/2PACX-1vTZj-p6X9DvxT4iKRWn8iWro2YNSHDuXZd8ZXUvRbLkBcVNd_HFzjbkqIVayqsZSElcNanwnXU-wdHg/pub#h.l4sfvuhoshev). Emergency kits are also available on each floor of the Campus.

### Training and Preparedness

DMU believes it is critical for the safety of the DMU community that personnel on campus understand emergency procedures. To accomplish this DMU provides:

- Information sessions during faculty, staff and student orientations
- Periodic emergency drills during the year, including exercises involving emergency services
- The distribution of a Safety and Emergency Procedures Manual to students, staff, faculty and the placement of such manual in all classrooms and meeting rooms.

### Emergency Contact Information

- 911
- Humberto Barrios [hbarrios@divinemercury.edu](mailto:hbarrios@divinemercury.edu) 703.554.3405

### Emergency Coordinators and Emergency Captains

The following Emergency Coordinators and Emergency Captains are responsible for coordinating actions in an emergency.

#### Emergency Coordinators

VP Operations: Antonio Maza, [amaza@divinemercury.edu](mailto:amaza@divinemercury.edu) , 571.257.0335

General Building Emergencies: Humberto Barrios, [hbarrios@divinemercury.edu](mailto:hbarrios@divinemercury.edu), 703.554.3405

Operations Manager: Beth Kerin [operations@divinemercury.edu](mailto:operations@divinemercury.edu) , 571.348.0652

#### Emergency Captains

**Area One:** The Library, Classroom 160, Classroom 150, 2nd Floor Bathrooms, 1st Floor Bathroom. Area Captains: Jeff Elliott and Ingrid Hellstrom

**Area Two:** The IPS Center. Area Captains: Ian Masson and Mary Silva

**Area Three:** Student Services Offices, 2nd floor classrooms, Student Cafe, Maintenance office. Area Captains: Merita McCormack and Tony MacDonnell

**Area Four:** 3rd Floor Business Office, President's Office, Admission and Marketing, and the 3rd Floor Conference Room. Area Captains: Ali Meer and Tom Brooks

**Area Five:** 3rd Floor IPS Faculty and School of Counseling, Spiritual Direction Program, Green Cross, 3rd Floor Bathrooms, and Board Room. Area Captains: Mike Kyriazi and Jason Sparks

**Fire, Police, Medical Emergency: 911**

**Fire Safety***In general:*

- Know where the fire alarm pull stations are and how to activate them.
- Know your evacuation routes and keep them clear at all times. Never use the elevator to evacuate.
- Know where the closest fire extinguishers are and review the instructions for their use.

*If fire or smoke is detected:*

- Activate the building alarm system.
- Upon the sound of the fire alarm or a voice command of a faculty or staff member, all students, faculty and staff should leave the building in accordance with the plan already in place for fire drills. Once outside and at the designated meeting place, students, faculty and staff will be advised on where they need to relocate, if necessary.
- Notify others as you leave the building by shouting “fire” and knocking on doors.
- If possible, close doors and windows as you leave to prevent the fire from spreading.
- If there is smoke in the area, get down on the floor and crawl out of the building.
- Feel all doors before opening them. If a door is not hot, open it slowly. If a door is hot, DO NOT open it. Move to a second exit, or if one is not available, stay in place and try to open a window for fresh air.
- If you are unable to evacuate, call 911 and give your location. Try to do something to help identify your location from the outside of the building (e.g. hang a sheet, blanket, or colorful piece of clothing out the window).
- Once you are outdoors, if you know the specific location or cause of the fire, or are aware of someone still inside the building, provide that information to the DMU Emergency Coordinators or other emergency-response personnel.

**Evacuation in Emergencies**

Upon the sound of the fire alarm or a voice command of an emergency captain, all students, faculty and staff should leave the building by the nearest exit. All stairwells may be used for evacuation in an emergency.

**Assistance for Individuals with Disabilities**

Members of the DMU community who have disabilities that could affect their safety in an emergency requiring evacuation, lockdown, or shelter in place must notify the emergency

coordinators upon arrival at DMU (See above list for contact information). Those who have a temporary disability (e.g. a broken leg) should also provide these offices with information about when the disability begins and ends. The emergency coordinators will work with individuals to determine the most effective and efficient emergency plan for them.

### **Dating Violence, Domestic Violence, Sexual Assault, and Stalking**

DMU prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking. Divine Mercy University does not tolerate sexual misconduct or abuse, such as sexual assault, rape, dating violence, domestic violence, sexual assault and stalking or any other forms of nonconsensual sexual activity. Sexual misconduct in any form violates the Student Code of Conduct, University policies, and may violate federal and state laws. Violations are subject to disciplinary sanctions.

DMU has the following policy in place to insure the safety of our students regarding sexual misconduct:

Consistent with Title IX of the Education Amendments Act of 1972, DMU does not discriminate against students, faculty or staff based on sex in any of its programs or activities, including but not limited to educational programs, employment, and admission. Sexual harassment, including sexual violence, is a kind of sex discrimination and is prohibited by Title IX and by the University.

DMU also complies with the Commonwealth of Virginia laws that protect individuals from discrimination on the basis of sexual orientation, as well as on the basis of gender identity. DMU is committed to compliance in a manner that is consistent with DMU's religious mission and Statement of Identity. Questions or concerns about possible discrimination based on sexual orientation and/or gender identity under state law may also be directed to a School or Unit Title IX Coordinator, or to the University's Title IX Office.

Title IX is a federal civil rights law passed as part of the Education Amendments of 1972. This law protects people from discrimination based on sex in education programs or activities that receive Federal financial assistance. Title IX states that:

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

Title IX applies to any institution receiving federal financial assistance from the Department of Education, including state and local educational agencies. Educational programs and activities that receive federal funds from the Department of Education must operate in a nondiscriminatory manner. Also, a recipient may not retaliate against any person for opposing an unlawful educational practice or policy, or because a person made charges, testified or participated in any complaint action under Title IX.

The University is committed to responding promptly and effectively when it learns of any form of possible discrimination based on sex. The University responds to reports of sexual harassment, including sexual violence, as part of its efforts to stop the harassment and prevent the recurrence of possible sex discrimination. An individual who has questions or concerns regarding possible discrimination based on sex should contact the institution's [Title IX Coordinator](#). An individual also may contact the U.S. Department of Education, Office for Civil Rights ("OCR").

DMU encourages individuals to report incidents involving Prohibited Conduct and other potential violations of this Policy. DMU does not limit the timeframe for reporting an incident regardless of when the incident occurred. However, the University encourages individuals to report as soon as practical, as memories may fade and evidence may be lost over time. Individuals may also notify the Title IX Coordinator if they believe someone else may have experienced conduct that would be a violation of this Policy, in which case the Title IX Coordinator will reach out to the Complainant to gather additional information. Reports of potential violations of this Policy may be made to the Title IX Coordinator, Jody Shipper, [titleix@divinemercury.edu](mailto:titleix@divinemercury.edu).

In order to proceed to a Resolution Method, a Formal Complaint must be filed and signed by either the Complainant (the individual directly impacted by the act of sexual misconduct, also referred to as the victim), or the Title IX Coordinator. It is an individual's choice to file a Formal Complaint. A Formal Complaint has a very specific definition under this Policy and differs from solely making a report to the Title IX Coordinator. Filing a Formal Complaint will result in written notification to the Respondent and the commencement of a Resolution Method.

At the time of filing a Formal Complaint, the Complainant must be participating in or attempting to participate in a University program or activity. A Formal Complaint may not be filed anonymously. Anyone who wishes to discuss their options with the Title IX Coordinator prior to filing a Formal Complaint is encouraged to do so.

A Formal Complaint may be made by:

- a) requesting a form by email from the Title IX Coordinator; or,
- b) by emailing the Title IX Coordinator, [titleix@divinemercury.edu](mailto:titleix@divinemercury.edu).

Complaints may be resolved through an Informal Resolution process, or a formal Investigation and Hearing process. With either resolution method, the individual accused (the respondent) and the complainant will receive written notice with information regarding the allegations, as well as information regarding the investigation process and the parties' right to an advisor of choice. The Investigator will interview all Parties and relevant witnesses and gather relevant documentary evidence provided by the Parties and any identified witnesses. Each Party will be provided with an opportunity to offer relevant witnesses and evidence. The Investigator will consider all relevant evidence. At the conclusion of all interviews and fact gathering, and when the evidence has been gathered, the Investigator will provide each Party, and their Advisor, the

opportunity to review all of the evidence gathered that is directly related to the allegation(s). This will include both inculpatory and exculpatory evidence. Each Party may respond to the evidence gathered. Each Party will have ten (10) days in which to respond to the evidence. Upon receipt of each Party's response to the evidence reviewed, the Investigator will determine if any additional investigation is needed. In addition, either Party may offer new witnesses or other new evidence. The Investigator will take into account the responses provided, will pose questions to Parties or witnesses as appropriate, and interview new relevant witnesses, and accept new, relevant, evidence.

The Investigator will then prepare a written report summarizing all of the relevant evidence gathered and all investigative steps taken to date. For those cases in which there are allegations of other University policies, the Investigator will also make preliminary factual findings if requested to do so by the Title IX Coordinator. Each Party, as well as their Advisor, will be provided with a copy of the written report and will have 10 days to provide a response.

Following the investigation, a hearing officer will be assigned to conduct a hearing, with live cross examination conducted by each party's advisor. If a party does not have an advisor of their own choosing, an advisor will be provided, free of charge. Detailed information regarding the hearing process can be found in the Divine Mercy Title IX Policy. Following any determinations, both parties have an equal right to appeal.

### **Definitions**

**Dating violence** is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition

- dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- dating violence does not include acts covered under the definition of domestic violence.

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

- by a current or former spouse or intimate partner of the victim.
- by a person with whom the victim shares a child in common.
- by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner.
- by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;



- by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

**Stalking** is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to

- fear for the person's safety or the safety of others; or
- suffer substantial emotional distress.

**Sexual Assault** is defined as an offense that meets the definition of Rape, Fondling, Incest or Statutory Rape as used in the FBI's UCR program and included in Appendix A of 34 CFR Part 668.

**Bystander intervention** is defined as safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes

- recognizing situations of potential harm;
- understanding institutional structures and cultural conditions that facilitate violence (this might include fraternity or sports cultures at some institutions);
- overcoming barriers to intervening;
- identifying safe and effective intervention options; and
- taking action to intervene.

**Consent** is the voluntary and freely given agreement, through words and/or actions, to participate in mutually agreed-upon sexual acts. Consensual sexual activity happens when each person willingly affirms that they choose to participate. In evaluating whether consent has been voluntary and freely given, the DMU will consider the presence of any force, threat of force, or coercion; whether the individual had the capacity to give consent; and whether the communication (through words and/or actions) between the Parties would be interpreted by a reasonable person (under similar circumstances and with a similar identity) as willingness to engage in a particular sexual act.

- Consent cannot be obtained from another in situations involving physical force or a reasonable belief of the threat of physical force upon another person, when one person overcomes the physical limitations of another person, or when the other person is incapacitated.
- Consent to one act does not constitute consent to another act;
- Consent on a prior occasion does not constitute consent on a subsequent occasion;
- Consent to an act with one person does not constitute consent to any act with another person;
- The existence of a prior or current sexual relationship does not, by itself, constitute consent to any sexual act; even in the context of a sexual relationship, there must be mutual consent to each sexual act;
- Consent can be affirmatively withdrawn or modified at any time, and sexual contact must cease immediately once consent is withdrawn through words and/or action; and

- Consent cannot be reasonably inferred from mere silence, mere passivity, mere lack of movement or mere lack of resistance.

**Personally identifying information** is defined in Section 40002(a) of the Violence Against Women Act of 1994 as individually identifying information for or about an individual, including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault or stalking, regardless of whether the information is encoded, encrypted, hashed or otherwise protected, including

- a first and last name;
- a home or other physical address;
- contact information (including a postal, e-mail or Internet protocol address, or telephone or facsimile number);
- a social security number, driver's license number, passport number or student identification number; and
- any other information, including date of birth, racial or ethnic background, or religious affiliation that would serve to identify any individual.

**Proceeding** is defined as all activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, factfinding investigations, formal or informal meetings, and hearings. Proceeding does not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim.

**Result** is defined as any initial, interim and final decision by any official or entity authorized to resolve disciplinary matters within the institution. The result must include any sanctions imposed by the institution. Notwithstanding section 444 of the General Education Provisions Act (20 U.S.C. 1232g), commonly referred to as the Family Educational Rights and Privacy Act (FERPA), the result must also include the rationale for the result and the sanctions

**Risk reduction** is defined as options designed to

- decrease perpetration and bystander inaction;
- increase empowerment for victims in order to promote safety; and
- help individuals and communities address conditions that facilitate violence.

### **Prevention and Awareness Programs**

DMU provides students, faculty, and staff with programs aimed to prevent and promote awareness of dating violence, domestic violence, sexual assault, and stalking. The primary prevention programs are intended to stop dating violence, domestic violence, sexual assault and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions. Awareness programs are coordinated by multiple offices, including the Title IX Office, VP for Student Support Services, Human Resources, Student Life Committee, and other DMU offices

and departments. These efforts include initiatives and strategies designed to increase audience knowledge, and share information and resources to prevent violence, promote safety and reduce perpetration. Prevention and awareness programs describe positive options for, and strategies to encourage, bystander intervention as well as information on risk reduction. The initial prevention and awareness program is presented to new students and new employees.

Ongoing prevention and awareness programs occur at the beginning of the academic year's orientation required of all faculty and students as well as during the year through Canvas and in faculty and staff meetings.

### **Victim reporting dating violence, domestic violence, sexual assault, or stalking**

A person who has been a victim may report dating violence, domestic violence, sexual assault, or stalking to local law enforcement and seek medical attention as soon as possible following an incident. The counseling and mental health resources provided in Canvas includes off-campus community-based confidential resources.

Emergency medical assistance and law enforcement assistance are available in Loudon County. Victims are encouraged to contact law enforcement and/or seek medical treatment as soon as possible following an incident that may pose a threat to safety or physical well-being and following a potential criminal offense. Victims should preserve evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order. Forensic examinations can be conducted at a hospital when the victim states to the attending hospital staff that they are a victim of a violent crime. Completing a forensic examination is not require the victim to file a police officer report but will help preserve evidence in case the victim decides at a later date to file a police report.

### **Reporting alleged dating violence, domestic violence, sexual assault or stalking**

When a student or employee reports to the institution that the student or employee has been a victim of dating violence, domestic violence, sexual assault or stalking, whether the offense occurred on or off campus, the institution will provide the student or employee a written explanation of their rights and options. Students and employees may report allegations of dating violence, domestic violence, sexual assault or stalking to the following, or to the Title IX Coordinator. Any report made to the emergency coordinators or any faculty or staff will be forwarded to the Title IX Coordinator.

DMU will protect a victim's confidentiality from public disclosure. Any personally identifying information about the victim will not be included in any publicly available recordkeeping, including Clery Act reporting and disclosures such as the annual security report. The institution will maintain records about the alleged crime in sufficient detail such as dates and locations and, where appropriate, personally identifying information, including name and contact information if available. This is important for law enforcement purposes to ensure that all crimes are counted and to avoid double counting crimes.

The institution may need to disclose some information about a victim to a third party to provide necessary accommodations or protective measures. The Title IX Coordinator is responsible for determining what information about a victim should be disclosed and to whom this information will be disclosed, as may be required. In all cases, the institution will disclose only information that is necessary to provide the accommodations or supportive measures in a timely manner. The victim will be informed which information will be shared, with whom it will be shared, and why.

DMU provides all students and employees with existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims. A complete list of available resources is also included on the student, faculty, and staff resources in Canvas.

National Suicide Prevention Lifeline

<https://suicidepreventionlifeline.org/>

Call: 1-800-273-TALK (8255) or 988

Text: "START" to 741-741.

ULifeline - A Division of the Jed Foundation

<http://www.ulifeline.org/DMU/>

Psychology Today's Therapist Finder

<https://www.psychologytoday.com/us/therapists>

Catholic Therapists.com

<http://www.catholictherapists.com>

Divine Mercy University's Alumni Directory

<https://divinemercy.edu/alumni/alumni-directory/>

Faithful Counseling.com

[www.faithfulcounseling.com](http://www.faithfulcounseling.com)

Catholic Psych Institute

<https://catholicpsych.com/online-therapy/>

Better Help.com

[www.betterhelp.com](http://www.betterhelp.com)

Talkspace.com

[www.talkspace.com](http://www.talkspace.com)

Christian Care Connect, a division of The American Association of Christian Counselors

[https://connect.aacc.net/?search\\_type=distance](https://connect.aacc.net/?search_type=distance)

Network Therapy.com

[www.networktherapy.com](http://www.networktherapy.com)

Your Health Insurance Provider

Contact your health insurance provider and ask for their mental health related resources, such as a list of therapists and counselors in your local area. You can also get a list that you know will be covered by your insurance as your plan permits. This phone call or contact with your provider is also a great opportunity to clarify what services are covered in your plan and what services you may be required to pay for out of pocket.

Community resources for victims of sexual misconduct include:

Alexandria Sexual Assault Center

<https://www.alexandriava.gov/SexualViolence>

703.683.7273

Alexandria Domestic Violence Shelter

<https://www.alexandriava.gov/DomesticViolence>

703.746.4911

Fairfax County Office of Domestic and Sexual Violence Services

<https://www.fairfaxcounty.gov/familyservices/domestic-sexual-violence>

703.360.7273

Stafford County Family Violence and Sexual Assault Hotline

540.373.9373

Domestic Violence Hotline

<https://www.thehotline.org/>

1.800.799.SAFE (7233) TTY: 1.800.787.3224

Prince William Domestic Violence Intervention ACTS/Turning Points, Prince William

<https://www.actspwc.org/>

703.221.4951

Alexandria Women's Shelter

<https://www.womenshelters.org/cit/va-alexandria>

703.838.4911

Arlington Doorways for Women & Families (formerly TACTS) Safe House

<https://www.doorwaysva.org/about-us/>

703.237.0881

Bethany House of Northern Virginia (Alexandria)

<https://www.bhmv.org/>

703.658.9500; TTY: 1.800.828.1120

Fairfax County Emergency Shelter

703-360-7273; TTY 711

Artemis House

703.435.4940; TTY: 703.435.1235 (24/7)

Loudoun Abused Women's Shelter & Legal Services (LAWS)

<http://www.lcsj.org/laws-legal-services/>

703.777.6552

My Sister's Place DC

<https://mysistersplacedc.org/es/home/>

202.529.5991

Shelter House

<https://shelterhouse.org/>

703.536.2155

### **Supportive Measures**

The institution will provide written notification to victims about options for, available assistance in, and how to request changes to academic, living, transportation and working situations or protective measures, regardless of whether the victim chooses to report the crime to local law enforcement.

In the Commonwealth of Virginia, you can get a protective order if you have been abused by a family or household member.

### **Preservation of evidence**

After an incident of sexual assault, it is important to seek medical attention as soon as possible. It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours so that evidence of criminal wrongdoing may be preserved. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries, and take steps to address concerns of pregnancy and/or sexually transmitted infections/diseases.

Inova Fairfax Hospital's Forensic Assessment and Consultant Team (FACT) provides medical and forensic examinations. At a victim's request, a member of FACT will contact the Fairfax Hospital's 24-hour Domestic and Sexual Violence Hotline, 703-360-7273, upon your arrival to request accompaniment services, or you may call them directly. There is no charge for a SANE (forensic) examination. SANE exams must be conducted within 96-120 hours after a sexual assault. Victims have the right to accept or decline any part of the SANE exam process.

Victims of sexual assault, domestic violence, dating violence, and stalking are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs, or other copies of documents, if they have any, that would be useful to law enforcement. Although the University strongly encourages all members of its community to report violations to law enforcement, it is the victim's choice whether or not to make such a report, and victims have the right to decline involvement with the police. Whether a victim reports the crime to the police or not, if the alleged offender is a member of the University community, the victim has a right to proceed to seek discipline against the offender.

#### **Disciplinary action in cases of alleged dating violence, domestic violence, sexual assault or stalking**

The institution follows its published disciplinary procedures for investigating allegations of dating violence, domestic violence, sexual assault, or stalking. These procedures include the possible sanctions that the institution may impose following the results of any institutional disciplinary proceeding for an allegation of dating violence, domestic violence, sexual assault or stalking. Such sanctions may include

- Warning

- Censure

- Behavioral Contract

- Demotion or Change in Employment Status

- Probation

- Restrictions on Access or Duties

- Restitution

- Termination of Employment

- Suspension

- Expulsion

- Withholding Degree

Other: Other sanctions may be imposed instead of, or in addition to, those specified here. Service, education, or research projects may also be assigned.

Multiple Disciplinary Actions: More than one of the actions listed above may be imposed for any single violation.

**Fair and impartial process**

The proceedings will follow a prompt, fair and impartial process from the initial investigation to the final result and will:

- be completed within reasonably prompt timeframes designated by the institution's policy, typically 60 days from date reported, and include a process that allows for the extension of timeframes for good cause, with written notice to the accused and the accused of the delay and the reason for the delay;
- be conducted consistent with the institution's policies and transparent to the accuser and the accused;
- include timely notice of meetings at which the accuser or accused, or both, may be present; and
- provide timely and equal access to the accuser, the accused, and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings;
- provide the accuser and the accused with the same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice;
- not limit the choice of advisor or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding; however, the institution may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties; and
- conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused and receive annual training on the issues related to dating violence, domestic violence, sexual assault and stalking and on how to conduct an investigation and hearing process that protects the safety of the victims and promotes accountability;
- the accused and accuser will be provided, in writing, the results of any institutional disciplinary proceedings that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking; they will also be notified of any changes in the results of any disciplinary proceeding;
- both parties have an equal right to appeal the results of any disciplinary process.

**Standard of review**

The standard of review that will be used during any institutional disciplinary proceeding arising from an allegation of dating violence, domestic violence, sexual assault, or stalking is the "preponderance of evidence" standard.

**Protective Measures**

A range of protective measures may be offered to the victim following an allegation of dating violence, domestic violence, sexual assault or stalking including:



- Orders of protection, including no-contact orders, restraining orders, or similar lawful orders issued by a criminal, civil or tribal court, or by the institution;
- Transportation assistance or security escorts;
- Modifications to academic requirements or class schedules; and/or
- Changes in working situations.

### **Resources**

Resources will be provided to DMU community members in response to reports of prohibited conduct, regardless of whether the incident occurred on campus or off.

### **Disclosure of Disciplinary proceeding results for violent crime or non-forcible sex offense disclosed to the alleged victim upon written request.**

When a student or employee reports to the institution that the student or employee has been a victim any violent crime or non-forcible sex offense (Incest or Statutory Rape), DMU will provide the student or employee a written explanation of the student's or employee's right and options.

DMU will protect the confidentiality of victims and other necessary parties including personally identifying information about the victim to the extent that maintaining such confidentiality would not impair the ability of the institution to perform required recordkeeping, reporting, and disclosures.

DMU will maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

DMU provides written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community.

DMU will provide written notification to victims about options for, available assistance in, and how to request changes to academic and working situations or protective measures.

DMU is required under federal law to disclose results upon written request to a victim's next of kin in cases where the crime resulted in the victim's death.

DMU will, upon written request, disclose to the alleged victim of a crime of violence (as that term is defined in section 16 of title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is

deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

**Sex Offenders**

The Campus Sex Crimes Prevention Act requires institutions of higher education to advise the campus community where information on the identity and location of registered sex offenders may be obtained. Information about the sex offender registry can be found at <http://sex-offender.vsp.virginia.gov/sor/schoolSearch.html>.