



# DIVINE MERCY UNIVERSITY

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INSTITUTE FOR THE PSYCHOLOGICAL SCIENCES | SCHOOL OF COUNSELING

## Annual Security Report 2024

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## Divine Mercy University Annual Security Report 2024

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 secure campus, and ultimately enhance your own safety and security. 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. This report is prepared in compliance with the Clery Act as amended by the Violence Against Women Act.

### Campus Safety

DMU has a comprehensive Safety and Emergency Plan in place to take reasonable efforts to provide a healthy, safe, and secure environment for all campus community members. 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

#### 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 Parris Johnson

**Area Two:** The IPS Center. Area Captains: Ian Masson and Anthony Flores

**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 Bradley Cypher

**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 Eric Bowles

### 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://divinemercy.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. In addition to current safety policies, the Annual Security Report includes statistics of Clery Act crimes that occur within DMU geography in the previous three calendar years. The Clery Act crimes and Clery Act geography are defined later in this Annual Security Report.

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, Title IX, the Chaplain, and local law enforcement agencies.

Students, employees, and other members of the Divine Mercy University community are encouraged to report all crimes to any of the Emergency Coordinators. Listed above is a Campus Security Authority under the Clery Act, meaning that a report to any of them will not only result in a review and potential response, but it will also be reviewed for a Timely Warning (and in certain cases an Emergency Notification) if the standards are met for such a notification. Reporting to any of the officials listed above will result in the crime being included in the annual statistics described in this Annual Security Report.

## Response to Reports

Upon receipt of a report, DMU will provide written notification to reporting parties about their rights, options for resolution, available assistance both confidentially and non-confidentially, and how to request changes to academic, living, transportation, and working situations or protective measures. DMU will make such accommodations or provide such supportive measures if the harmed person requests them and if they are reasonably available, regardless of whether the person chooses to report the crime to campus police or local law enforcement.

## Resources Exempt from Reporting Under the Clery Act

The Clery Act exempts pastoral and professional counselors from bringing forward information about Clery Act crimes reported to them in their role as a pastoral or professional counselor and not otherwise subject to an exception (such as a threat of a future crime of violence). A pastoral counselor is an employee associated with a religious order or denomination and recognized by that religious order or denomination as someone who provides confidential counseling. A professional counselor is an employee whose official responsibilities include providing psychological counseling to members of the DMU community.

While they may decline to bring forward a disclosure of a crime, consistent with their obligations, DMU encourages pastoral and professional counselors, if and when they deem it appropriate, to inform the person they are counseling of voluntary and confidential reporting options where the statistic of the crime could be included in federal reporting under the Clery Act. Note that the response may be limited for anonymous reports that do not include enough information to investigate.

## **What is a Campus Security Authority?**

The term Campus Security Authority describes the University officials required to bring forward to DMU the statistics of Clery Act crimes that occur within DMU Clery geography. Not every DMU employee is a Campus Security Authority. Some are confidential employees (such as pastoral and professional counselors) exempt from providing this information. Other employees do not qualify as Campus Security Authority under the Clery Act.

## **Who is a Campus Security Authority?**

There are several types of Campus Security Authorities: Campus Security as well as any contracted safety official [DMU does not have contracted security]; those to whom DMU instructs that crimes should be reported to, such as the Emergency Coordinators listed here; and DMU officials who have significant responsibility for student and campus activities.

DMU encourages anyone who is a victim of crime, witnesses or learns about a crime, or who would like information on whether what they witnessed or learned about is a crime to contact any Emergency Coordinator using the contact information above and provide accurate and prompt information about all crimes.

Those who experience sexual and/or interpersonal violence or harassment are encouraged to contact the Title IX Office using the contact information in this document.

In addition, DMU has designated certain personnel as Campus Security Authorities. In general, this includes the VP for Operations and the President of the University in the VP of Operations absence.

DMU does not maintain a campus security or law enforcement office or unit. Therefore, DMU is not required to maintain a Crime Log under the Clery Act. DMU does not have staff with arrest powers and relies on municipal law enforcement for investigations, arrests, and other criminal justice duties.

If you are unsure whether the person to whom you are about to disclose information about a crime is a Campus Security Authority, a confidential resource, or neither, you can ask them. You can also contact any Emergency Coordinator or the Title IX Office with questions.

The IPS Center for the Psychological Services (IPS Center) staff inform their clients of the procedures to report crimes to the VP for Operations 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. Victims or witnesses may also report crimes on a voluntary, confidential basis even if they do not see the IPS Center.

While the University encourages victims of crime to seek assistance with any Emergency Coordinator and/or off campus law enforcement agencies, DMU employees will notify law enforcement when the victim of the crime elects to or is unable to notify. Per the Clery Act and University Policy, the victim of a crime has the right to:

- Notify University and/or local law enforcement;
- Be assisted by the University in notifying law enforcement if they choose to do so; or
- Decline to notify law enforcement.

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 Office of the Vice President for Academic Affairs for Digital Learning Room 312 or by calling 703.677.8858.

### **Timely Warnings and Emergency Notifications**

DMU issues Timely Warnings and Emergency Notifications in specific situations established in the Clery Act, to provide critical information to members of the community in a manner that is timely that withholds the name of the victim as confidential, and that will aid in the prevention of similar crimes.

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 Kerin [bkerin@divinemercury.edu](mailto:bkerin@divinemercury.edu) 571.348.0652

The University will immediately notify the campus community upon confirmation of an emergency or dangerous situation that poses an immediate threat to the health or safety of students or employees on campus. An emergency notification will be issued utilizing the DMU SMS system to students, faculty, and staff. Other notifications may include a banner on the University homepage.

If there is an immediate threat to the health or safety of students or employees occurring on campus, the University will follow its emergency notification procedures and adequate follow-up information will be provided to the community, as needed. In cases that qualify for both an Emergency Notification and Timely Warning, DMU may only issue an Emergency Notification and not issue a duplicative Timely Warning.

The University will send timely warnings of Clery Act crimes occurring in Clery Act geography and reported to a Campus Security Authority or local law enforcement that represents an ongoing threat to students and employees. The University may not send a Timely Warning for crimes that are disclosed to pastoral and professional counselors.

The University may issue Community Safety Advisories for incidents or dangers that do not meet Clery Act standards but for which the University would like to raise awareness, though not required to do so by federal law. Clery Act geography is described in this Report, below.

Depending on the circumstances of the crime and emergency, 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.

### **Types of Notifications**

#### **Timely Warning**

Timely warnings are notifications about Clery Act crimes that may have already occurred but represent an ongoing threat and apply to crimes that occur within University Clery Act geography. Such warnings may include, but are not limited to the following information:

- Type of crime or incident
- Date, time, and location of crime
- Description of suspect(s)
- Public safety reminders

### Emergency Notification

An emergency notification informs recipients about an event that is currently occurring or imminently threatening the campus. Such warnings may include, but are not limited to the following information:

- Type of emergency
- Date, time, and location of crime/incident
- Immediate action being recommended
- Public safety reminders

In certain cases, an Emergency Notification may be sent to the entire community, while in other cases, it may be sent to a smaller segment of the community. The DMU Emergency Coordinators will determine what appropriate segment an Emergency Notification should be distributed to.

DMU will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

### Community Safety Advisory

A “Community Safety Advisory” may be issued in other circumstances when an emergency notification or timely warning is not required, but the University deems the information important for the safety and well-being of the University community.

### Emergency Alert Procedures

Assessment of emergencies and crimes for notifications and warnings is conducted by the DMU Emergency Coordinators listed above. If they determine that standards are met to issue either an emergency or a notification, they will craft an appropriate message that meets the standard of the Clery Act, and the message will be sent to the community through the Click Send SMS System.

In certain cases, DMU Emergency Coordinators will provide information about the emergency to the local community through WTOP Radio for Weather related events.

Each year, DMU will test the emergency alert system using at least one announced or unannounced test, and it will publicize the results of that test on the DMU website. DMU will document, for each test, a description of the exercise, the date, time, and whether it was announced or unannounced.

### Emergency Response and Evacuation Procedures

In some emergency situations, such as severe weather, utility failures, etc., an evacuation of the campus may be ordered. A campus evacuation or closure is an organized withdrawal from campus facilities where the time of return is determined by the circumstances of the emergency event. When such action is warranted, the campus community will be appropriately advised.



### How to Evacuate in an Emergency or Fire

- When you hear a fire alarm, leave the building immediately.
- Alert others as you leave and ask if they need help. Prepare to evacuate by putting on shoes and a coat, if necessary.
- Feel the doorknob and the door. If they are hot, do not open the door. If they are cool, open slowly, if heat or heavy smoke rushes in, close the door immediately and remain inside.
- When leaving your room, be sure to take your key and/or key card in case it is necessary to return to the room should conditions in the corridor deteriorate. Make sure to close the door and any windows tightly when evacuating.
- When exiting in smoky conditions keep your hand on the wall and crawl to the nearest exit. Always know more than one path out of your location and the number of doors between your room and the exit.
- When leaving your room, be sure to take your key and/or key card in case it is necessary to return to the room should conditions in the corridor deteriorate. Make sure to close the door and any windows tightly when evacuating.
- Be prepared to signal from windows but do not break the glass unless necessary. Smoke from outside the building could be drawn in. If necessary, open a window a few inches to get fresh air.
- Hang a brightly colored cloth or bed sheet out the window to draw attention to your location. If you have a flashlight, use it to signal at night.
- DO NOT USE ELEVATORS. Elevator shafts may fill with smoke, or the power may fail, leaving you trapped. Elevators have features that recall and deactivate the elevator during an alarm. Standing and waiting for an elevator wastes valuable time.

### Things to Watch For

- Watch for people who need help, particularly people with limited mobility or physical disabilities.
- Activate an alarm if told to do so by police or emergency workers.
- Remain at an emergency assembly point. A head count may be taken, and emergency workers may have additional instructions.
- Do not go back into a building until firefighters, police or University officials say it is safe.

### How to Prepare for an Emergency

- Know your building's floor plan. Remember where the stairs, fire extinguishers and emergency exits are located.
- If you regularly visit the same location within a building, know exactly how many doors you will pass along your evacuation route before you reach the nearest exit.
- When exiting in smoky conditions keep your hand on the wall and crawl to the nearest exit. Always know more than one path out of your location and the number of doors between your room and the exit.

### How to Prepare to Leave Campus

- If the campus is evacuated, or you choose to seek shelter with family or friends, plan ahead.
- Tell your family and friends what your plan is, what route you will take, what means of transportation you use and when you expect to arrive.
- If you have a vehicle, ensure that it is in good condition and keep at least half a tank of gas in the vehicle. If you do not have a car, plan for alternative means of transportation.



- Take an emergency kit with you.
- Leave a note telling others when you left and where you are going.
- Be sure to keep your campus ID and vehicle registration with you. Access to the campus may be restricted by closing gates and staffing the gatehouses.

### Shelter in Place Procedures

In the event of a natural disaster, or a chemical or biological attack, the order to “shelter-in-place” may be given.

To shelter-in-place:

- On the first floor, move to the IPS Center Conference Room. On the second floor move to the Student Lounge (area behind the Student Lockers). On the third floor move to the open area in the PSYD side of the building.
- On your way to the sheltered space, close doors to the best of your ability.
- Emergency kits are located in the shelter-in-place areas listed above. They contain basic first aid supplies, a flashlight, an AM/FM radio, instructions on communication and sheltering in place, and other necessary items. Each box is sealed; it is a violation of DMU policy to break the seal on an emergency supply kit, if no emergency has occurred.
- Remain indoors until you are advised that it is safe to leave. Shelter-in-place would likely be needed for no more than a few hours.

### Severe Weather

In general

- In the event of severe weather or other unusual conditions, DMU may delay or cancel classes, or close altogether.
- Information about delays, cancellations, and closings will be made available as soon as possible once a decision is made. All students, faculty and staff will be notified by text message. In addition, delays, closings and cancellations are posted at WTOP (wtop.com)
- Power outages may occur during severe weather. To reduce the potential for injury and/or damage, please refer to the instructions under “Power Outage.”

If a Tornado/Hurricane Warning Is Issued

- Immediately move into a windowless area (hallway, bathroom, kitchen where applicable).
- Stay away from windows, doors, and outside walls.
- Do not evacuate the building unless a fire begins or the building structure is unsafe.
- If you are outside in your vehicle and see a tornado approaching, do not remain in your car.
- If there is a sturdy building nearby, go to the lowest level of that structure for protection. If you are out in the open, lay in as low an area as possible, away from cars.

In case of flood

- Evacuate to higher ground.
- If you see any possibility of a flash flood occurring, immediately move to higher ground and do not wait for instructions to move.  
Do not walk or drive through flood waters.
- Stay away from dangerous areas, e.g., contaminated flood waters, unstable structures and electrical hazards.
- Remain in a safe location until told to move by DMU Emergency Coordinators.

### In case of earthquake if indoors

- Drop to the ground, take cover by getting under something sturdy, hold on until the shaking stops. If nothing sturdy is available, cover your face and head with your arms and crouch in an inside corner of the building.
- Stay away from glass, windows, outside doors and walls, and anything that could fall.
- Do not use a doorway unless it is a load bearing doorway and close to you.
- Stay inside until the shaking stops and it is safe to go outside.
- Do not use elevators.
- Be aware that electricity may go out or the sprinkler systems or fire alarms may turn on.
- In case of earthquake if outdoors
- Stay there, but move away from buildings, streetlights, and utility wires.
- Once in the open, stay there until the shaking stops. Most earthquake-related casualties result from collapsing walls, flying glass, and falling objects, not the earth movement.

### Chemical Contamination

- In the event of a biological, chemical, or radioactive spill, or if an odor of gas or a noxious substance is detected in your area, leave the area immediately and notify the Campus Emergency Number (703) 554-3405.
- If possible, secure the area to prevent others from entering.
- If the hazard is thought to place all building occupants at risk (e.g. the odor of natural gas), pull the fire alarm to evacuate the building.
- Do not re-enter the building/area until it is determined safe by emergency responders.

### Active Shooter or Armed Intruder

Do not shelter in a hallway or common space (ie: student cafe); go to an office, classroom, or conference room that can be locked. Turn off room lights, stay away from windows and doors, and remain quiet. No one should enter or exit the lockdown area until the “all clear” has been Sounded.

If you are outdoors when a lockdown is announced, take shelter in a nearby building. If a specific area is known to be unsafe at a given time, instructions to evacuate/avoid those areas will be given by DMU Emergency Floor Captains, Coordinators or a public safety official.

### If you can exit the building

- Exit the building immediately if you may do so safely. When exiting the building, do not have anything in your hands. This includes cell phones, wallets or any other item that may be confused with being a weapon.
- Notify anyone you may encounter to exit the building immediately.

### If you cannot exit the building

- Go to the nearest room or office and close and lock or barricade the door.
- Call 911 immediately. If possible, call the DMU Emergency Number: (703) 554-3405.
- Cover the door windows and turn out the lights.
- Keep quiet and act as if no one is in the room.
- DO NOT answer the door.
- Wait for law enforcement personnel to assist you out of the building.

If you can call 911, try to provide the following information

- caller's name
- location of the incident (as specific as possible)
- number of shooters (if known)
- identification or description of shooter
- number of persons who may be involved
- caller's location
- if anyone is injured

Note: Police are trained to respond to an active shooting incident by entering the building as soon as possible and proceeding to the area of the shooter(s). They will move quickly and directly. Early on in an incident, they may not be able to rescue people because their main goal is to get to the shooter(s). People need to try to remain calm and patient during this time, so as not to interfere with police operations. Normally, a rescue team is formed shortly after the first responding officers enter the building. They will be the officers who will search for injured parties and get everyone safely out of the building

### Aircraft Crash

The DMU campus is in the direct flight path for the Dulles International Airport. In the event of an aircraft crash on or near the university, the following actions should be taken:

- Explosions and fires, as well as falling debris, pose a serious risk to individuals on the ground. All members of the campus community are encouraged to move away from the crash site and seek shelter in a safe location. If it is not possible to immediately move away then – to protect yourself against blast damage – drop, cover and hold.
- If you are inside, and the building is not damaged, remain inside. Stay away from windows. Faculty should try to keep their classes together as a unit.
- If an evacuation is ordered, follow the instructions of DMU Emergency Floor Captains. Relocation of occupants will be determined after the situation has been assessed.
- Those members of the campus community who are trained in first aid are encouraged to provide care for the injured, provided it is safe to be in the area.
- Untrained individuals should not enter the crash site. If you are aware of places where people may be trapped, inform the nearest emergency responder as fast as possible so that trained and properly equipped personnel can affect a rescue effort.
- If the incident has resulted in the evacuation of part or all of a campus building(s) then those areas will remain closed until the university determines:
  - the area is safe to occupy
  - all immediate fire, police and rescue activity has been completed
  - any and all investigations have been completed.
  - there is no longer a need to keep the area closed.

**Crime Statistics**

Crime	On Campus			Public Property			Unfounded Cases		
	2023	2022	2021	2023	2022	2021	2023	2022	2021
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
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Sex offenses - Rape	0	0	0	0	0	0	0	0	0
Fondling	1	0	0	0	0	0	0	0	0
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 2021, 2022, and 2023.

### **Unfounded Crimes**

There were no unfounded crimes reported in 2021, 2022, and 2023.

The table above includes statistics of Clery Act crimes in DMU Clery geography when provided by local law enforcement.

### **Clery Act Geography**

The Clery Act specifically defines the geography of the University which is used to report crimes and in certain cases arrests and referrals for discipline.

#### **On Campus.**

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

#### **Non Campus building or property**

- (i) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or
- (ii) Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

#### **Public property**

All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

DMU does not maintain on campus residence halls. At DMU, the specific Clery Act geography is as follows

DMU Campus 45154 Underwood Ln, Sterling, VA 20166

Fairfield Inn (Online Student Residencies) 23000 Indian Creek Drive, Sterling, VA 20166

## **Clery Act Crimes**

The following are definitions of crimes that are reportable under the Clery Act reporting requirements as amended by the Violence Against Women Act.

### **Federal Clery Act Crimes**

#### **Primary Crimes**

##### **Murder and non-negligent manslaughter**

The willful (non-negligent) killing of one human being by another.

##### **Manslaughter by negligence**

The killing of another person through gross negligence.

#### **Sex Offenses**

Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

##### **Rape**

The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

##### **Fondling**

The touching of the private parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.

##### **Incest**

Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

##### **Statutory Rape**

Sexual intercourse with a person who is under the statutory age of consent.

##### **Robbery**

The taking or attempting to take anything of value from the care, custody or control of a person or persons by force or threat of force or violence, and/or by putting the victim in fear.

**Aggravated assault**

An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by a means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)

**Burglary**

The unlawful entry of a structure to commit a felony or a theft. For reporting purposes, this definition includes: unlawful entry with intent to commit a felony; breaking and entering with intent to commit a larceny; housebreaking and safecracking; and all attempts to commit any of the aforementioned acts.

**Motor vehicle theft**

The theft or attempted theft of a motor vehicle. Motor vehicle theft is classified as any case where an automobile is taken by a person not having lawful access, even if the vehicle is later abandoned, including joy riding.

**Arson**

Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

**Drug, Alcohol, and Weapons Violations****Liquor law violations**

The violation of State or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

**Drug abuse violations**

The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of State and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

**Weapon law violations**

The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.



## **Offense Definitions Relating to Hate/Bias-Related Crime**

A hate crime is a criminal offense committed against a person or property that is motivated, in whole or in part, by the offender's bias. Bias is a preformed negative opinion or attitude toward a group of persons based on their actual or perceived race, gender, gender identity, religion, disability, sexual orientation, or ethnicity/national origin.

In addition to the Primary Crime offenses defined above, there are also four additional criminal offenses related to Hate Crimes, they are: larceny-theft, simple assault, intimidation, and destruction/damage/vandalism of property. The following are definitions of Hate/Bias crimes that are reportable under the Clery Reporting Requirements:

### **Larceny-Theft**

The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

### **Simple assault**

An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious, severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

### **Intimidation**

To unlawfully place another person in reasonable fear of bodily harm through threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to physical attack.

### **Destruction/damage/vandalism of property**

To willfully or maliciously destroy, damage, deface or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

## **Violence Against Women Act Crimes**

### **Domestic violence.**

A felony or misdemeanor crime of violence committed—

1. By a current or former spouse or intimate partner of the victim;
2. By a person with whom the victim shares a child in common;
3. By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
4. 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; or
5. By any other person against whom 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.

## Dating violence

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

1. The existence of such a relationship shall be 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.
2. For the purposes of this definition—
  - a. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
  - b. Dating violence does not include acts covered under the definition of domestic violence.

## Stalking

1. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
  - a. Fear for the person's safety or the safety of others; or
  - b. Suffer substantial emotional distress.

For the purposes of this definition—

1. Course of conduct means two or more acts, including, but not limited to, acts that the stalker directly, indirectly or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person's property.
2. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
3. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

## Virginia State Crime Definitions

Conduct that violates DMU's Policies may also constitute a crime under the laws of the jurisdiction in which the incident occurred. The Commonwealth of Virginia criminalizes some forms of Sexual Assault, Intimate Partner Violence, Sexual Exploitation, Stalking and Assault (this description of Virginia law was adopted from the Annual Security Report of Virginia Commonwealth University).

The criminal statutes that may apply in cases of Assault and Intimate Partner Violence are found in various sections of Chapter 4, Articles 1 (Homicide) and 4 (Assault and Bodily Wounding), of Title 18.2 of the Code of Virginia. The following compilation of Virginia criminal statutes is not exhaustive, but is offered to notify the university community that some forms of "Prohibited Conduct" may also constitute crimes under Virginia law, which may subject a person to criminal prosecution and punishment in addition to any sanctions issued.

The criminal statutes relating to Sexual Assault are found in the Code of Virginia §§ 18.2-61 through 18.2-67.10. The Code of Virginia § 18.2-61 states "if any person has sexual intercourse with a complaining witness, whether or not his or her spouse, or causes a complaining witness, whether or not his or her spouse, to engage in sexual intercourse with any other person and such act is accomplished (i) against the complaining witness's will, by force, threat or intimidation of or against the complaining witness or another person; or (ii) through the use of the complaining witness's mental

incapacity or physical helplessness; or (iii) with a child under age 13 as the victim, he or she shall be guilty of rape.”

The Code of Virginia does not define Consent; however, the definition for rape in § 18.2-61 describes the concept of unwillingness in the context of rape, and § 18.2-67.1 describes “mental incapacity” and “physical helplessness” in the context of sexual violence.

The Code of Virginia does not define Dating Violence; however, “Sexual Violence” is defined in § 23.1-806 as “physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent.”

Although the Code of Virginia does not specifically define “Domestic Violence,” § 16.1-228 defines “Family Abuse” as “any act involving violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury and that is committed by a person against such person’s family or household member. Such act includes, but is not limited to, any forceful detention, stalking, criminal sexual assault in violation of Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, or any criminal offense that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury.” The Code further defines “Family or Household Member” (§ 16.1-228) as “(i) the person’s spouse, whether or not he or she resides in the same home with the person, (ii) the person’s former spouse, whether or not he or she resides in the same home with the person, (iii) the person’s parents, stepparents, children, stepchildren, brothers, sisters, half-brothers, half-sisters, grandparents and grandchildren, regardless of whether such persons reside in the same home with the person, (iv) the person’s mother-in-law, father-in-law, sons-in-law, daughters-in-law, brothers-in-law and sisters-in-law who reside in the same home with the person, (v) any individual who has a child in common with the person, whether or not the person and that individual have been married or have resided together at any time, or (vi) any individual who cohabits or who, within the previous 12 months, cohabited with the person, and any children of either of them then residing in the same home with the person.”

Stalking is described in the Code of Virginia § 18.2-60.3 as on more than one occasion engaging in conduct directed at another person with the intent to place, or when he knows or reasonably should know that the conduct places that other person in reasonable fear of death, criminal sexual assault, or bodily injury to that other person or to that other person’s family or household member. If the person contacts or follows or attempts to contact or follow the person at whom the conduct is directed after being given actual notice that the person does not want to be contacted or followed, such actions shall be prima facie evidence that the person intended to place that other person, or reasonably should have known that the other person was placed, in reasonable fear of death, criminal sexual assault, or bodily injury to himself or a family or household member.

The Code of Virginia § 18.2-386.1 and § 18.2-386.2 provide for criminal penalties in some cases of Sexual Exploitation.

## **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:Maza_Operations@divinemercury.edu) 571.257.0335

*Divine Mercy University*

General Building Emergencies: Humberto Barrios [hbarrios@divinemercury.edu](mailto:hbarrios@divinemercury.edu) 703.554.3405  
Operations Manager: Beth Kerin [bkerin@divinemercury.edu](mailto:bkerin@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 has experienced or been witness to any crime to promptly report the incident to the police.

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

If you have experienced 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 victim of a crime of violence, or incest or statutory rape, the results of any disciplinary hearing conducted by DMU against the student who is the alleged perpetrator of the crime or offense. If the 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 Kerin [bkerin@divinemercury.edu](mailto:bkerin@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@divinemercy.edu](mailto:hbarrios@divinemercy.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@divinemercy.edu](mailto:hbarrios@divinemercy.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.

## **Crime Prevention Programming**

Crime prevention programs on personal safety and theft prevention are provided by VP for Operations through regular safety updates and training. The latest training was held as part of the Staff and faculty Orientation in mid August 2024.

## **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 within 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. For employees it may include penalties up to and including termination. 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, through 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. For employees it may include penalties up to and including termination. 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 evacuation requirements. The emergency response and evacuation procedures for the campus are detailed in this section and can be found here:

[https://docs.google.com/document/d/e/2PACX-1vTZi-p6X9DvxT4iKRWn8iWro2YNShDuXZd8ZXUvRbLkBcVNd\\_HFzjbkqIVayqsZSElcNanwnXU-wdHg/pub#h.l4sfvuhoshev](https://docs.google.com/document/d/e/2PACX-1vTZi-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 manuals in all classrooms and meeting rooms.

**Emergency Contact Information**

- 911
- Humberto Barrios [hbarrios@divinemeracy.edu](mailto:hbarrios@divinemeracy.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@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 Parris Johnson

**Area Two:** The IPS Center. Area Captains: Ian Masson and Anthony Flores

**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 Bradley Cypher

**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 Eric Bowles

## **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. 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 (fire alarm pull). If possible, call the Campus Emergency Number: (703) 554-3405. Emergency coordinators will assist in evacuation procedures and provide access to the building for emergency responders.
- Upon the sound of the fire alarm or a voice command, all students, faculty and staff should leave the building in accordance with the plan already in place for emergency evacuations.
- 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.
- 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, 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 ensure the safety of our students regarding sexual misconduct (this is the only Policy in place to address such harm, and therefore the institution does not have considerations for which Policy it uses as it will always use this Policy):

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 based on sexual orientation and gender identity. DMU is committed to compliance 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 [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).

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@divinemercy.edu](mailto:titleix@divinemercy.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 consider the responses provided, pose questions to Parties or witnesses as appropriate, 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 determination, both parties have an equal right to appeal.

## Definitions

**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, fact finding 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),

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

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 who disclose domestic violence, dating violence, sexual assault, or stalking, whether it occurred on or off campus, and regardless of whether the victim chooses to report to law enforcement, with written information about supportive measures and specifically information regarding 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 encourages all members of its community to report violations to law enforcement, it is the victim's choice whether 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, simultaneously and 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 and they will be provided, simultaneously in writing with any change to the result and when the result becomes final.

### **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. This means that a person will be found responsible if the decisionmaker determines that it is more likely than not that there has been a violation of the Policy.

### **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.

**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>.