

# MOUNTAIN EMPIRE COMMUNITY COLLEGE ANNUAL SECURITY REPORT

*Prepared and published in compliance with the Higher Education  
Opportunity Act and the Jeanne Clery Disclosure of Campus Security Policy  
and Campus Crime Statistics Act.*

2017

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## Introduction

Mountain Empire Community College (MECC) is located in Big Stone Gap, Virginia. The College is a two-year nonresidential college serving residents of Lee, Scott, Wise, and Dickenson Counties and the City of Norton. MECC is one of twenty-three in the Virginia Community College System and operates under policies established by the State Board for Community Colleges and the MECC Local Advisory Board. Effective July 2013, the college upgraded its Campus Security operations to a Campus Police force.

## Report Distribution

This Annual Security Report is published to provide students, their families, employees, and the public with accurate, complete and timely information about safety on campus so that they can make informed decisions. Currently enrolled students, faculty, and staff receive e-mail notification that provides directions to access this report on the college's web site at <http://www.mecc.edu/safety-security>. Prospective students will be informed of the availability of the annual security report the college's web site, social media and enrollment publications. Prospective employees who are interviewed for a position will be informed of the availability of the annual security report by Human Resources. A paper copy may be obtained at the MECC Police Office located in Godwin Hall Room 153 or by calling (276) 523-2400 ext. 473.

## Reporting Criminal Actions or Emergencies

Criminal activity or emergency situations may be reported to MECC Police as follows:

- From off campus, call **276-523-2400 ext. 473**.
- From on campus, dial 0 or **473** from any campus phone.
- Send e-mail to [campuspolice@mecc.edu](mailto:campuspolice@mecc.edu)
- Telephones are located in every classroom, hallway, and outside each building.
- Report in person to MECC Police located in Room #153 in Godwin Hall.
- Submit electronically from the MECC Police webpage.

## Emergency Notifications, Timely Warnings and Tests

Emergency notifications are sent via multiple, redundant systems. Students, employees, and others may register to receive text messages and e-mail messages on the college's website at <http://www.mecc.edu/textalerts>.

### Emergency Notification

MECC will immediately notify the campus community upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees unless doing so would compromise efforts to: assist a victim, contain the emergency, respond to the emergency, or otherwise mitigate the emergency. Emergency notifications will be issued by one or more of the following methods:

- The fire alarm system will be activated when emergency situations exist that require immediate evacuation of buildings.
- Sirens will be activated when emergency situations exist that require the immediate lockdown of all or part of the campus.
- All emergency messages will be broadcast through telephones and will be sent via text message and e-mail.

### **Timely Warnings**

In the event that a situation arises, either on or off campus, that, in the judgment of the Emergency Management Team, constitutes an ongoing or continuing threat, a campus wide “timely warning” will be issued. The warning will be issued through the college e-mail system, will be displayed on the college web site and will be communicated through the text messaging system to students, faculty and staff. Depending on the particular circumstances, the message may also be displayed on the electronic sign at the college’s entrance and on monitors in hallways inside buildings. Blackboard and social media may also be used to communicate information about an ongoing or continuing threat. Anyone with information warranting a timely warning should report the circumstances to MECC Police by phone at 276-523-7473 or in person in Godwin Hall room 153.

### **Tests of Emergency Response Procedures**

MECC will conduct regularly scheduled drills, exercises, and appropriate follow-through activities designed for assessment and evaluation of emergency plans and capabilities at least once during the fall semester and once during the spring semester. Each announced test will be preceded by a text message and/or e-mail containing a link to the college’s emergency procedures. Documentation of each test will be retained for seven years and will include:

- A description of the test.
- The date the test was held and the time the test started and ended.
- Whether the test was announced or unannounced.

### **Crime Statistics**

#### **Geography**

The *Clery Act* requires institutions to disclose statistics for certain reported crimes based on where the crimes occurred. As defined by the *Clery Act*, Mountain Empire Community College (MECC) has identified the following geographic locations that will be included in the college’s statistics. A good-faith effort was made to collect crime statistics from all law enforcement agencies with jurisdiction for these locations.

## On-Campus

The following locations have been identified as the MECC Core Campus for Clery reporting. A map of the core campus area is provided at Appendix A of this report.

- Mountain Empire Community College Main Campus located on U.S. Highway 23 South in Wise County at 3441 Mountain Empire Road, Big Stone Gap, Virginia, including the public roadway within the campus.
- Department of Mines, Minerals and Energy (DMME) located on Mountain Empire Road in Big Stone Gap, Virginia, just adjacent to the MECC Main Campus.

## Non-Campus

The following locations were used periodically during the year as instructional sites. Statistics for these locations have been collected and reported separately from the MECC Core Campus.

- Dickenson County Center of Education; 818 Happy Valley Dr.; Clintwood, VA 24228
- Ridgeview High School; 310 Wolfpack Way; Clintwood, VA 24228
- Gate City High School; 178 Harry Fry Drive; Gate City, Virginia 24251
- Lee High School; 200 Generals Lane; Jonesville, VA 24263
- Scott County Career and Technical Center; 387 Broadwater Avenue; Gate City, Virginia 24251
- The Gym; 320 Clinton Avenue; Big Stone Gap, VA 24219
- Mountain Empire Community College Pennington Gap Site; 1542 West Morgan Avenue, Suite 10; Pennington Gap, VA 24277

## Campus Security Authorities

MECC has identified the following individuals or offices as Campus Security Authorities. These individuals or offices have significant responsibility for student and campus activities.

- MECC Police – MECC Campus Police & Security is located in Godwin 153. The Campus Police department is a certified law enforcement agency through the department of criminal justice services and has full law enforcement authority. Campus Police also utilizes fully certified off duty officers from the Wise County Sheriff's Office to provide additional coverage for the safety of campus. In addition, certified security officers are also used to provide additional personal. MECC Police/Security controls access to campus facilities after business hours and maintains a log of individuals on campus when the college is closed. MECC Police maintains a log of all alleged criminal incidents reported. This Daily Crime Log is available for review in Godwin Hall room 153.
- Student Services – Student Services is a department within the college which includes academic counseling and advising, testing, and career and disability services. The Dean of Student Services and all administrators and staff in the department are considered Campus Security Authorities. Statistics of alleged crimes reported to Student Services employees but not reported to MECC Police will be submitted by January 1 following each calendar year for inclusion in the annual report.
- Faculty Advisors/Sponsors of Student Organizations – Student Organizations must be approved by the Office of Student Services and have at least one faculty advisor/sponsor who is

responsible for the conduct and safety of students and participants of each activity or field trip. Faculty advisor/sponsors must file a post-activity report with the Student Services Office and report criminal incidents to MECC Police after the activity is completed.

### Crime Statistics 2016

The following statistics were reported from January 1, 2015 until December 31, 2015. These statistics were collected from MECC Police records, Campus Security Authorities, selected College officers, as well as specific law enforcement agencies in the local jurisdictions. These statistics represent occurrences/incidents which occurred on Campus and College grounds, public sidewalks and roadways adjacent to the campus property, and non-campus locations under MECC control within the above described timeframe.

OFFENSE	YEAR	ON-CAMPUS PROPERTY	NON-CAMPUS PROPERTY	PUBLIC PROPERTY
MURDER/NON-NEGLIGENT MANSLAUGHTER	2016	0	0	0
NEGLIGENT MANSLAUGHTER	2016	0	0	0
SEX OFFENSES, FORCIBLE	2016	0	0	0
SEX OFFENSES, NON-FORCIBLE	2016	0	0	0
ROBBERY	2016	0	0	0
AGGRAVATED ASSAULT	2016	0	0	0
BURGLARY	2016	0	0	0
MOTOR VEHICLE THEFT	2016	0	0	0
ARSON	2016	0	0	0
HATE CRIMES	2016	0	0	0
ARRESTS:	2016			
WEAPONS: CARRYING, POSSESSING, ETC	2016	0	0	0
DRUG ABUSE VIOLATIONS	2016	0	0	0
LIQUOR LAW VIOLATIONS	2016	0	0	0
DISCIPLINARY REFERRALS:	2016			
WEAPONS: CARRYING, POSSESSING, ETC	2016	0	0	0
DRUG ABUSE VIOLATIONS	2016	0	0	0
LIQUOR LAW VIOLATIONS	2016	0	0	0

\* For the period January 1, 2016 through December 31, 2016

## Crime Statistics 2015

OFFENSE	YEAR	ON-CAMPUS PROPERTY	NON-CAMPUS PROPERTY	PUBLIC PROPERTY
MURDER/NON-NEGLIGENT MANSLAUGHTER	2015	0	0	0
NEGLIGENT MANSLAUGHTER	2015	0	0	0
SEX OFFENSES, FORCIBLE	2015	0	0	0
SEX OFFENSES, NON-FORCIBLE	2015	0	0	0
ROBBERY	2015	0	0	0
AGGRAVATED ASSAULT	2015	0	0	0
BURGLARY	2015	0	0	0
MOTOR VEHICLE THEFT	2015	0	0	0
ARSON	2015	0	0	0
HATE CRIMES	2015	0	0	0
ARRESTS:				
WEAPONS: CARRYING, POSSESSING, ETC	2015	0	0	0
DRUG ABUSE VIOLATIONS	2015	0	0	0
LIQUOR LAW VIOLATIONS	2015	0	0	0
DISCIPLINARY REFERRALS:				
WEAPONS: CARRYING, POSSESSING, ETC	2015	0	0	0
DRUG ABUSE VIOLATIONS	2015	0	0	0
LIQUOR LAW VIOLATIONS	2015	0	0	0

\* For the period January 1, 2015 through December 31, 2015

## Crime Statistics 2014

OFFENSE	YEAR	ON-CAMPUS PROPERTY	NON-CAMPUS PROPERTY	PUBLIC PROPERTY
MURDER/NON-NEGLIGENT MANSLAUGHTER	2014	0	0	0
NEGLIGENT MANSLAUGHTER	2014	0	0	0
SEX OFFENSES, FORCIBLE	2014	0	0	0
SEX OFFENSES, NON-FORCIBLE	2014	0	0	0
ROBBERY	2014	0	1	0
AGGRAVATED ASSAULT	2014	0	0	0
BURGLARY	2014	0	0	0
MOTOR VEHICLE THEFT	2014	0	0	0
ARSON	2014	0	0	0
HATE CRIMES	2014	0	0	0
ARRESTS:	2014			
WEAPONS: CARRYING, POSSESSING, ETC	2014	0	0	0
DRUG ABUSE VIOLATIONS	2014	0	0	0
LIQUOR LAW VIOLATIONS	2014	0	0	0
DISCIPLINARY REFERRALS:	2014			
WEAPONS: CARRYING, POSSESSING, ETC	2014	0	0	0
DRUG ABUSE VIOLATIONS	2014	0	0	0
LIQUOR LAW VIOLATIONS	2014	0	0	0

\* For the period January 1, 2014 through December 31, 2014

## Policies

### Campus/Workplace Safety Policy

**Purpose:** The purpose of this policy is to establish guidelines for the prevention of workplace and general campus violence and for providing students, employees, and the public with accurate, complete and timely information about safety on campus.

**Coverage:** This policy applies to all faculty, staff, students, visitors, contractors, and other third parties. Students may be covered under additional provisions of the college's Student Handbook and/or Catalog. Faculty and staff may be covered under additional provisions of the, *MECC Faculty and Staff Manual*, *Virginia Community College System Policy Manual*, and/or the Department of Human Resource Management's policies and procedures. The Vice President of Financial and Administrative Services serves as the administrative liaison to the Violence Prevention and Campus Safety Committee, the Workforce Violence Prevention Coordinator, the Title IX Coordinator and also serves on the Threat Assessment Team.

Workplace Violence Prevention and Threat Assessment Policy

A. Definitions:



Workplace: Any location, either permanent or temporary, where an employee performs any work-related duty. This includes, but is not limited to, the buildings and the surrounding perimeters, including the parking lots, field locations, alternate work locations (other than an individual's home when telecommuting), and travel to and from work assignments.

Workplace Violence: Any physical assault or threatening behavior occurring in the workplace by employees, students, or third parties. It includes, but is not limited to, beating, stabbing, suicide, shooting, rape, attempted suicide, psychological trauma such as threats, obscene phone calls, an intimidating presence which makes a reasonable person apprehensive of imminent harm, and harassment of any nature such as stalking, shouting so as to cause a disruption or swearing.

Third Parties: Individuals who are not state employees, such as relatives, acquaintances, strangers, contractors, or visitors.

## B. Threats and Acts of Violence

Mountain Empire Community College (MECC) prohibits threats and acts of violence on college property, within college facilities, at any college-sponsored events; while engaged in college business, educational, or athletic activities; and while traveling in state vehicles. Prohibited conduct includes but is not limited to:

- injuring another person physically;
- engaging in behavior that creates a reasonable fear of injury to self or another person;
- engaging in behavior that would subject a reasonable person to, and does subject another individual to, extreme emotional distress;
- possessing, brandishing, or using a weapon while on state premises by students (except where possession is a result of participation in an organized and scheduled instructional exercise for a course);
- possessing, brandishing, or using a firearm, weapon, or other device by faculty or staff that is not required by the individual's position while on college property or engaged in college business, or in violation of law or other college policy;
- possessing, brandishing, or using a weapon while on campus in academic or administrative buildings, or while attending a sporting event, entertainment, or educational event, by visitors or third parties, except law enforcement personnel.
- intentionally damaging property;
- threatening to injure an individual (including oneself) or to damage property;
- committing injurious acts motivated by, or related to, domestic violence or sexual harassment; and
- retaliating against any employee or student who, in good faith, reports a violation of this policy.

## C. Consequences of Policy Violations:

1. Employees violating this policy will be subject to disciplinary action up to and including termination and criminal prosecution using existing policies and procedures including Section 3 of the VCCS Policy Manual or DHRM Policy 1.60, Standards of Conduct. Additionally, employees who are identified as engaging in the use of threatening language or behavior may be required, as a condition of continued employment, to participate in a mental health evaluation as part of a threat assessment process, and receive approval from the mental health evaluator that they are not a risk to themselves or others in their position.
2. Students violating this policy will be subject to disciplinary action as outlined in the college's Student Handbook, and other college policies as appropriate. Additionally, Students who are identified as engaging in the use of threatening language or behavior may be required, as a condition of continued enrollment, to participate in a mental health evaluation as part of a threat assessment process, and receive approval from the mental health evaluator that they are not a risk to themselves or others in their position.
3. Visitors and third parties violating this policy will be subject to applicable, state, and federal laws, and associated regulations, and may be barred from the college at the college's discretion for violating this policy.

#### D. Violence Prevention Committee and Threat Assessment Team

1. MECC has established a committee with responsibility for education and violence prevention on campus. The State Board for Community Colleges has approved the following membership in MECC's Violence Prevention and Campus Safety Committee:
  - a. Five faculty members (one from each building)
  - b. Five Classified Staff (including Human Resources Officer, MECC Police Chief serving as the law enforcement representative, and Superintendent of Buildings and Grounds)
  - c. Three Students
  - d. Two Administrators (including the Director of Student Services)
2. The Violence Prevention and Campus Safety Committee shall publish for its college community, a clear statement of its mission and membership, as well as the committee's leadership role in the area of violence prevention.
3. The Violence Prevention and Campus Safety Committee shall publish periodic guidance to faculty, staff and students regarding the following:
  - a. how to recognize and report aberrant or potentially harmful behavior that may represent a threat to the community;
  - b. policies and procedures for the assessment of individuals whose behavior may present a threat;
  - c. appropriate means of intervention with such individuals;
  - d. college action to resolve potential threats; and
  - e. to whom on the college's threat assessment team, or through what method, potentially threatening behavior should be reported.
4. MECC has also organized a threat assessment team whose purpose is to implement established assessment and intervention policies. The State Board for Community Colleges has approved the following membership in MECC's Threat Assessment Team:
  - a. Director of Student Services
  - b. Director of Enrollment Services
  - c. Human Resources Officer
  - d. MECC Police Chief
  - e. Superintendent of Buildings and Grounds
  - f. Vice President of Academic and Student Services

- g. Vice President of Financial and Administrative Services
- h. Director, Frontier Health Services or designee (mental health representative)
- i. Lieutenant, Wise County Sheriff's Office or designee (law enforcement representative)
- j. The Threat Assessment Team (TAT) may supplement its membership with others as necessary to assist it with fulfilling its purpose.

E. Procedures for reporting or responding to threats or incidents of workplace violence:

1. Employee and student responsibilities include:
  - Reporting incidents or threats of violence to MECC Police, their immediate supervisor, Human Resource Office, Director of Student Services, or other Threat Assessment Team members.
  - Providing Human Resources and the immediate supervisor, or MECC's Student Services Office where a student, with a copy of any Protective Orders from a court which lists the College as protected areas so that appropriate enforcement activities occur.
  - No person who, in good faith, reports threatening or otherwise troubling behavior in accordance with this policy will be subject to retaliation.
2. Threat Assessment Team Responsibilities include:
  - Establishing or utilizing existing relationships with local and state law-enforcement agencies as well as mental health agencies to ensure compliance with § 23-9.2:10 of the Code of Virginia, and expedite assessment and intervention with individuals whose behavior may present a threat to campus safety.
  - Upon a preliminary determination that an individual poses a threat of violence to self or others, or exhibits significantly disruptive behavior or need for assistance, a threat assessment team may obtain criminal history record information, as provided in Virginia Code §§ 19.2-389 and 19.2-389.1, and health records, as provided in § 32.1-127.1:03.
  - The Threat Assessment Team may conduct administrative searches of college property whenever there is a reasonable safety concern.
  - The Threat Assessment Team may authorize the placement of a Threat Assessment Indicator on a student's record in the Student Information System (SIS) that will alert other Virginia Community Colleges in the event the student has enrolled or applies to enroll. The indicator will be used for applicants or students who are denied admission or dismissed for misconduct, exhibit threatening behavior, or determined to be a potential threat.
  - Based upon information gathered during a threat assessment, the Threat Assessment Team may decide to employ one of several different intervention methods. Individuals will be afforded due process before being involuntarily

withdrawn; however, an interim suspension may occur prior to due process being afforded if the risk of imminent harm is high. Intervention methods and processes may include one or more of the following;

- Referral for mental health assessment-TAT member from Frontier Health will be consulted for guidance.
  - Voluntary leave of Absence-Security and/or Student Services Director will counsel individual/student on benefits of removing self from campus.
  - Interim Suspension-Individual will be advised in writing or in person of suspension and appeal process; local law enforcement will be notified as appropriate.
  - Involuntary Withdrawal-Individual will be advised in writing or in person of withdrawal and appeal process.
  - Medical separation-TAT member from Frontier Health will be consulted for guidance.
  - Denial of Admission-Applicant notified in writing by TAT. Law Enforcement TAT member notified as appropriate if not involved in the decision.
- 
- The Threat Assessment Team, when it has knowledge of, or reason to suspect, an imminent probability of foreseeable harm to an individual due to that individual's mental condition, may report this information to the individual's family, treating physician, law enforcement officer, or Community Service Board member to request an Emergency Custody Order to protect the individual from harming himself/herself.
  - The Threat Assessment Team may require an individual to undergo a psychiatric examination as a condition of continued enrollment. The purpose of the evaluation will be to determine whether an individual may safely continue or return to the college, and the college may require a "Release" from the individual's medical provider as a condition for either continued attendance or re-admission.
  - No member of a threat assessment team shall disclose any criminal history record information or health information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose for which such disclosure was made to the threat assessment team. Va. Code § 23-9.2:10(E).
  - MECC's administration will ensure that its Threat Assessment Team remains able to quickly receive information about, assess, and respond to potential threats that are reported in accordance with its policies, and to determine corrective actions.

## Campus Safety and Security Reporting

Policies and procedures have been established to ensure that information about campus safety is available in a format that is easily understandable and useful and is in compliance with *the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act)* and the *Higher Education Opportunity Act (HEOA)*.

- A. MECC will disclose the following offenses reported to campus security authorities and local law enforcement agencies that occur on campus, on public property within or immediately adjacent to the campus, and in or on non-campus buildings or property that MECC owns or controls:
  - a. Criminal Offenses – Criminal Homicide, including: a) Murder and Non-Negligent Manslaughter, and b) Negligent Manslaughter; Sex Offenses including a) Forcible and b) Non-forcible; Robbery; Aggravated Assault; Burglary; Motor Vehicle Theft; and Arson.
  - b. Hate Crimes – Any of the above-mentioned offenses and any incidents of Larceny-Theft, Simple Assault, Intimidation or Destruction/Damage/Vandalism of Property that were motivated by bias; and
  - c. Arrests and Referrals for Disciplinary Action for Weapons: Carrying, Possessing, Etc., Drug Abuse Violations and Liquor Law Violations
- B. MECC will maintain and make available a daily crime log that contains records of criminal incidents and alleged criminal incidents that are reported to MECC Police. Victims' names will be redacted from the crime log for public inspection.
- C. MECC will maintain, test, evaluate, and publicize emergency response and evacuation procedures.
  - a. MECC will immediately notify the campus community upon confirmation of a significant emergency or dangerous situation involving immediate threat to the health or safety of students or employees occurring on the campus. The most appropriate method of notification given the situation will be utilized including: fire alarms, sirens, text messages, telephone broadcast messages, e-mail messaging, electronic signboard messages and person-to-person notification. Overlapping means of communication will be used in case one method fails or malfunctions.
  - b. MECC will alert the campus community to certain crimes in a manner that is timely and will aid in the prevention of similar crimes. A timely warning will be issued for crimes listed in section A above that occur on campus, on public property within or immediately adjacent to the campus, and in or on non-campus buildings or property that MECC owns or controls.
- D. MECC will publish and distribute an annual security report by October 1 of each year that includes policies, procedures, practices and programs utilized to keep students and employees safe and secure and that includes crime statistics for the three most recent calendar years. The annual security report will be distributed to all currently enrolled students and all employees by October 1 of

each year. The report will also be provided to any prospective student or prospective employee upon request.

## Communication and Training

- A. The Campus/Workplace Safety Policy will be posted on the MECC website.
- B. Information on the Campus/Workplace Safety Policy will be included as part of new employee orientation.
- C. Information about recognizing and responding to potentially violent or violent situations will be provided to employees and students periodically by the Violence Prevention and Campus Safety Committee.
- D. Information regarding this policy will be included in the College Success Skills course (SDV100) for new students.
- E. Seminars and workshops will be offered periodically by Student Services that focus on crime prevention and safety awareness.
- F. Articles focusing on safety awareness will be provided periodically in the *MECC Student Newsletter*.
- G. Emergency response procedures will be posted in every classroom and office suite.
- H. Telephones for emergency communication are located in every classroom and hallway.

## Substance Abuse Policies

### Employee Substance Abuse Policy

#### ***Objective and Intent***

Mountain Empire Community College is committed to protecting the health, safety, and welfare of the citizens it serves by assuring that a drug-free workplace is maintained and that MECC employees perform their duties unimpaired by the effects of drugs or alcohol. In compliance with this commitment, the Federal Drug-Free Workplace Act, and the Substance Abuse Policy of the Commonwealth of Virginia, MECC establishes the following policy.

#### ***Procedures***

##### I. Definitions

- A. Controlled Substance - A drug or substance found in §54.1-3401 and Schedules I through VI of §§ 54.1-3446 through 3456 of the *Code of Virginia*, as amended, and Section 202 of the Controlled Substances Act (21 U.S.C. 821).
- B. Alcohol - Any product as defined in “The Alcoholic Beverage Control Act”, §4-2 of the Code of Virginia, as amended.
- C. Conviction - A finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes.

- D. Criminal Drug Statute - A criminal statute involving the manufacture, distribution, dispensation, use, or possession of any controlled substance.
- E. Drug - Any controlled substance or prescribed or nonprescribed medication, taken into the body, other than alcohol, which may impair one's mental faculties and/or physical performance.
- F. MECC Employee - Faculty, administrative faculty, professional faculty, classified and nonclassified, full-time and part-time, salaried and hourly persons employed by the College.
- G. Workplace - Any site where official duties are being performed by MECC employees.

#### II. Controlled Substances

- A. The unlawful or unauthorized manufacture, distribution, dispensation, possession, or use of controlled substances is prohibited at the workplace.
- B. Any MECC employee who violates II.A may be subject to disciplinary action, including discharge, and/or referral to an assistance or rehabilitation program, at the discretion of the College President. Any MECC employee who is referred to an assistance or rehabilitation program must satisfactorily participate in such program (satisfactory participation shall be determined by the College President after consultation with the individual or organization providing the assistance or rehabilitation and/or the State Employee Assistance Service).

#### III. Alcohol

- A. The unlawful or unauthorized manufacture, distribution, dispensation, or use of alcohol is prohibited at the workplace.
- B. Any MECC employee who violates III.A may be subject to disciplinary action, including discharge, and/or referral to an assistance or rehabilitation program, at the discretion of the College President. 1-46

#### IV. Fitness for Work

- A. MECC employees are to perform their assigned duties unimpaired by the effects of drugs or alcohol.
- B. Any MECC employee whose performance is impaired by the effects of drugs or alcohol at the workplace may be subject to disciplinary action, including discharge, and/or referral to an assistance or rehabilitation program at the discretion of the College President.
- C. It is possible that some MECC employees, because of the duties they perform, serve in positions where the safety of others is of paramount concern. Because the use of prescription and nonprescription medications may affect employee's ability to perform their job duties and thereby jeopardize the safety of others, the following provisions apply:
  1. MECC may identify those employees by position classification who, because of the nature of their job duties, could endanger the safety of others due to impairment from the use of prescription or nonprescription medications.



2. MECC employees in these identified position classifications must notify their supervisors of the use of prescribed or non-prescribed medications when they have knowledge that their use may affect their ability to perform safely their job duties. This information will be kept confidential and shall only be communicated to others on a need-to-know basis.
3. MECC shall make a determination of whether it is safe for the employees to perform their job duties while using the medication. In making this determination, MECC must consider competent medical evidence as to the nature and effects of the medication in question. If MECC determines that an employee is unable to perform the job duties safely, the employee may be temporarily reassigned or have his job temporarily restructured.
4. If MECC determines that temporary reassignment or restructuring is not practical, and other reasonable accommodations cannot be made, the employee may be placed on leave (leave without pay, if no leave balances are available) until such time as the employee is able to perform the job safely. Employees may be asked to present appropriate medical documentation where required.

#### V. Employee Responsibilities

As a condition of employment, all MECC employees shall:

- A. Abide by the terms of the Substance Abuse Policy established by the Commonwealth of Virginia and Mountain Empire Community College, and
- B. Notify the president of any criminal drug statute conviction for a violation which occurred in the workplace no later than five (5) days after such conviction is entered.

#### VI. Mountain Empire Community College Responsibilities

- A. MECC will inform any applicable federal contracting or granting agency within ten (10) days after receiving notice from an employee of any criminal drug statute conviction for a violation occurring at the workplace or otherwise receiving actual notice of such conviction, as required by the Drug-Free Workplace Act of 1988.
- B. MECC shall, within thirty (30) days of receiving notice of an employee's conviction for a criminal drug statute offense occurring in the workplace, take appropriate disciplinary action against such employee and/or require such employee to participate satisfactorily in a drug abuse assistance or re-habilitation program, as required by the Drug-Free Workplace Act of 1988.
- C. MECC shall provide a copy of the Substance Abuse Policy to all supervisory personnel and will instruct supervisory personnel in the recognition of behaviors which may be indicative of alcohol or drug use or abuse and appropriate referral techniques and resources for drug or alcohol rehabilitation.
- D. MECC shall implement a drug and alcohol awareness/prevention program consisting of the following:

1. annual distribution of the Substance Abuse Policy to all employees each fall during the in-service training period;
  2. annual seminars or workshops and/or distribution of available pamphlets, brochures, flyers, or posters to inform state employees of the dangers of drug abuse in the workplace, any available drug and alcohol counseling, rehabilitation and employee assistance programs, and the penalties that may be imposed on state employees for drug or alcohol use or abuse.
- E. MECC will distribute a list of the position classifications which require notification under V.C.1 above.
- F. MECC will ensure that disciplinary actions taken as a result of a violation of this policy meet standards of progressive discipline, that they are consistent with local, State, and Federal law, fairly and equitably applied, and not unduly harsh or punitive based on the severity and nature of the violation.
- G. MECC will ensure that the Substance Abuse Policy is reviewed on a biennial basis to:
1. determine its effectiveness and the need for changes, if any; and
  2. ensure that the sanctions developed are consistently enforced.

#### VII. Rehabilitation Programs

- A. MECC employees experiencing a problem with drug or alcohol abuse or dependency are encouraged to seek counseling assistance. Supervisors are encouraged to assist MECC employees seeking such assistance. Notwithstanding employees' voluntary participation in a drug or alcohol rehabilitation program, they are expected to perform their duties according to developed job standards and expectations.
- B. The State Employee Assistance Service (SEAS) is available to all state employees for counseling and referral for drug and alcohol related problems as well as other personal problems.
- C. With respect to any violation of this policy, the following provisions apply: 1-48
1. Supervisors should consult with SEAS or other state-operated substance abuse programs prior to referring an employee to a drug or alcohol assistance or rehabilitation program. Under current health care benefits, not all treatment programs are covered.
  2. The administration is encouraged to consult with SEAS or other state-operated substance abuse programs in determining whether an employee referred to an assistance or rehabilitation program has satisfactorily participated in such program.
- D. Other state agencies, such as the Department of Mental Health, Mental Retardation and Substance Abuse Services; the Department of Health; the Department of Rehabilitative Services; and the Department for the Rights of the Disabled may be contacted to provide assistance and referral information.
- E. Employees may be granted leaves of absence (leave without pay if no leave balances are available) to participate in rehabilitation

programs for treatment of drug or alcohol abuse at the discretion of the College President.

#### VIII. Coverage of Personnel

This policy is applicable to all employees of Mountain Empire Community College.

### **Student Substance Abuse Policy**

The following Student Substance Abuse Policy has been approved by the Virginia State Board for Community Colleges and adopted by Mountain Empire Community College:

Students attending a Virginia community college shall not possess, sell, use, manufacture, give away or otherwise distribute illegal substances, including drugs or alcohol while on campus, attending a college sponsored off-campus event, or while serving as a representative of the college at off-campus meetings. Students who violate this policy shall have college charges processed against them in the normal manner of due process provided by college rules. Further, students who violate this policy shall have committed a criminal offense, and the college shall notify the appropriate agency of the Commonwealth of Virginia, county or city government for investigation and, if warranted, prosecution.

#### **Enforcement**

MECC will cooperate with law enforcement authorities to enforce statutes regarding illegal substances, including alcoholic beverages. The college shall ensure that all law enforcement personnel employed have special training in dealing with illegal substance (including alcohol) abuse and detection.

In addition to criminal penalties, violation of school policies may result in disciplinary action by the college, including suspension or dismissal. Disciplinary action will follow the established procedures as outlined in the Student Handbook. These procedural standards are designed as safeguards to protect the student and ensure due process.

#### **Education and Prevention**

MECC is committed to helping individuals understand the impact of substance abuse. The college's program of education and prevention is designed to inform and help individuals make responsible decisions concerning the use and abuse of drugs and alcohol. Our program of education and prevention consists of the following:

- A. Inclusion of information on substance use and abuse in the MECC Student Wellness Program of Activities;
- B. Inclusion of information on drug use, abuse and prevention as part of the college curriculum (HLT 110);
- C. Seminars and workshops are available through the Student Services designed to promote a realistic understanding of individual societal concerns relative to substance abuse; and
- D. Books, pamphlets, and audio visual aids available in the college library.

The college makes every effort to ensure that students recognize the health risks associated with the use of drugs and alcohol. Emphasis shall be placed on:

- A. The impairment of one's ability to make sound judgments; and
- B. The physiological damage to the human body.

The impact that substance abuse has on the development of one's potential is stressed in the education and prevention program.

The college supports and sponsors activities and events that provide and demonstrate alternatives to the use of chemical substances.

#### **Referral**

The Office of Student Services maintains a referral list of community agencies that help with counseling and treatment.

## **Sexual Misconduct Policy**

This policy shall apply to all employees and students of MECC. Sexual misconduct involving student to student, student to employee, employee to student, and employee to employee is contrary to the policy of the state board for community colleges and will not be tolerated on the MECC campus. An educational institution is a community of trust whose very existence depends on the recognition of each individual's importance and value. This trust creates the freedom for each individual to live, think, act, and speak without fear of physical harm. For employees, additional provisions of MECC Policy 1.23 may apply.

Sexual misconduct, which includes both sexual assault and sexual harassment, is a flagrant violation of the values and behavioral expectations for a college community and all reported violations shall be aggressively investigated. Sexual misconduct may be punishable through civil and criminal proceedings, as well as through college disciplinary processes.

### **Sexual Assault**

Sexual assault is defined as sexual intercourse without consent, including rape (whether by acquaintance or stranger), sodomy, or other forms of sexual penetration. To constitute lack of consent, the acts must be committed either by force, threat of force, intimidation, or through use of victim's mental helplessness of which the accused was aware or should have been aware. Mental helplessness includes incapacitation by alcohol or other drugs. Sexual assault also includes intentionally touching, either directly or through clothing, of the victim's genitals, breasts, thighs, or buttocks without the victim's consent, as well as touching or fondling of the accused by the victim when the victim is forced to do so against his or her will. Verbal misconduct, without accompanying physical contact as described above, is not defined as sexual misconduct. Verbal misconduct may constitute sexual harassment, which is also prohibited under MECC's regulations.

### **Sexual Harassment**

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct or written communication of a sexual nature which is intimidating, hostile, or offensive. Sexual harassment shall be considered to have occurred when:

- A. Accepting or tolerating such conduct is made a term or condition of a student's status or an individual's employment either explicitly or implicitly;
- B. Accepting or rejecting such conduct is used as the basis for academic or employment decisions affecting the student or employee; or;
- C. Such conduct creates an intimidating, hostile, or offensive working or learning environment, or substantially interferes with an employee's work performance or a student's academic performance.

Where there is probable cause to believe that campus regulations prohibiting sexual misconduct have been violated by a student or employee of the college, these reported violations will be aggressively investigated. Violations of this policy should be reported to the Security Officer, the Director of Student Services or the Human Resources Officer.

A student or employee charged with sexual misconduct can be prosecuted under Virginia criminal statutes and disciplined under the MECC conduct code. Even if the criminal justice authorities choose not to prosecute, the campus can pursue disciplinary action. This disciplinary action could result in dismissal from the college.

MECC has an obligation to uphold the laws of the community of which it is a part. While the activities covered by the laws of the community and those covered by MECC's rules may overlap, the community's laws and MECC's rules operate independently and do not substitute for each other. MECC may pursue enforcement of its own rules whether or not legal proceedings are underway or in prospect, and may use information from third party sources, such as law enforcement agencies and the courts, to determine whether college rules have been broken. MECC will make no attempt to shield members in the college community from the law; nor does it intervene in legal proceedings against a member of the community. Membership in the MECC community does not exempt anyone from local, state or federal laws, but rather imposes the additional obligation to abide by all of MECC's regulations.

In order to fall within the jurisdiction of the college, the alleged assailant must be an MECC student or employee, and the alleged assault must have been committed against a person on college-owned or leased property or at a college-sponsored or supervised function.

### Reporting Incidents

- A. Members of the campus community who believe they have been subjected to any of these crimes should immediately report the incident to campus or local police. All emergencies or any incident where someone is in imminent danger should be reported immediately to campus police by dialing (276) 523-7473 or local police by dialing 911.
- B. Whether or not a report is made to law enforcement, members of the campus community should report alleged violations to the Title IX Coordinator during normal business hours. The Title IX Coordinator is solely responsible for overseeing the prompt, fair, and impartial investigation and resolution of complaints filed with the College. To help ensure a prompt, fair, and impartial investigation and resolution, individuals are encouraged to complete a Complaint Form, found in Appendix A. The written complaint will be submitted to the Title IX Coordinator. Although strongly encouraged, a complainant is not required to submit a complaint on the Complaint Form or in writing.

**Mountain Empire Community College Title IX Campus Resources**

Title IX Coordinator	Ron Vicars Vice President – Financial and Administrative Services Godwin Hall (G136) 3441 Mountain Empire Road Big Stone Gap, VA 24219 Telephone: (276) 523-7478 E-mail: rvicars@mecc.edu
Deputy Title IX Coordinator - Students	Lelia Bradshaw Dean of Student Services Holton Hall (H) 3441 Mountain Empire Road Big Stone Gap, VA 24219 Telephone: 276-523-2400, ext. 288 Fax: 276-523-8257 Email: bdotson@mecc.edu
Deputy Title IX Coordinator - Employees	Pam Giles Human Resources Manager Godwin Hall (G137) 3441 Mountain Empire Road Big Stone Gap, VA 24219 Telephone: 276-523-2400, ext. 212 Fax: 276-523-8257 Email: pgiles@mecc.edu

After normal business hours, members of the campus community should report alleged violations of this policy to campus police by dialing (276) 523-7473 or local police by dialing 911.

- C. There is no time limit for filing a complaint with the College. However, complainants should report possible violations of this Policy as soon as possible to maximize the College’s ability to respond effectively. Failure to report promptly could result in the loss of relevant evidence and impair the College’s ability to adequately respond to the allegations.

***Procedures***

Procedures for reporting and resolving sexual misconduct complaints are established and in place for all students and employees of MECC. Complaints may be

- A. handled through established grievance procedures;
- B. discussed or filed in writing with the college’s equal employment opportunity (EEO) officer;
- C. discussed or filed in writing with the Director of Student Services;
- D. handled through a formal hearing by the Student Affairs Committee; or
- E. discussed in the mediation process (an alternative to the formal hearing process).

***Hearing by Student Affairs Committee***

Hearing by the Student Affairs Committee (option D) would be an administrative hearing and not a criminal one; therefore, criminal court procedures would not be used as a model. The use of this procedure does not preclude the filing of a criminal or civil complaint against the accused. The victim may

report the incident to the Commonwealth's Attorney who will consider the case and decide whether to prosecute. In this option the state accuses the alleged perpetrator, and the victim may serve as a witness for the state, or the victim may civilly sue the accused for monetary damages.

During the hearing process, both the accused and the survivor can be represented by a member of the college community to assist the parties in the presentation of evidence. Punishment that may be imposed against an accused found guilty of sexual misconduct include the full range of Student Affairs Committee sanctions, from reprimand to expulsion.

The hearing process is initiated by the survivor's filing a complaint in writing with the Director of Student Services within one year of sexual misconduct. The complaint is then forwarded to the chairperson of the Student Affairs Committee who confers with the parties and schedules the hearing.

### ***Mediation Process***

The mediation process (option E) provides an alternative to the formal hearing process. It is intended to allow the two people involved to discuss their respective understandings of the incident through the assistance of a counselor acting as the mediator. The goal of mediation is to facilitate the resolution of the incident to the satisfaction of both parties.

The fact that a survivor seeks mediation in no way implies responsibility for the incident on the part of the survivor. It does, however, give the survivor some control over the outcome of the procedures. The only parties present at the mediation session(s) are the two persons involved in the incident and the mediator. The mediator will listen to the parties and work with them to develop a written agreement on the key issues emerging from the incident, which may include an activity or behavior that one party has agreed to perform following the mediation. The agreement is kept on file in the office of the Director of Student Services. The penalty for violations of the agreement, as determined by the mediator, is one semester's suspension from the college. There is no statute of limitations on the mediation process.

Requests for mediation should be filed in writing with the Director of Student Services, who will discuss the mediation process and its appropriateness to a particular situation. Because both parties must voluntarily enter into mediation, the Director of Student Services will work with both parties to determine their willingness to participate in mediation. If both parties agree, a mediator will be assigned from the counseling staff. If at any time during mediation the process proves unsatisfactory to either party, the survivor is not precluded from pursuing other courses of action.

To encourage reporting of assault and to ensure fairness of victims through the disciplinary process, the following is a statement of rights of victims during disciplinary proceedings conducted by the College:

#### **Rights of the Victim**

- A. The right to be given the procedural options for redress against the accused.
- B. The right of a victim to have a person or persons of choice accompany her or him throughout the disciplinary hearing.
- C. The right to remain present during the entire proceeding.
- D. The right, as established in state criminal codes, not to have his/her other irrelevant past sexual history discussed during the hearing.
- E. The right to make a "victim impact statement."
- F. The right to not have their identity revealed outside the confidential proceedings, without consent.

- G. The right to be informed immediately of the outcome of the judicial hearing conducted by the student affairs committee.
- H. The right to appeal.

#### Rights of the Accused

- A. The right to an explanation of the charges.
- B. The right to be accompanied by a person of his/ her choice at the hearing before the student affairs committee. All participants will be bound by the rules of confidentiality governing the hearing.
- C. The right to remain silent.
- D. The right to testify on their own behalf.
- E. The right to be informed in a timely manner of the outcome of the judicial hearing conducted by the Student Affairs Committee.
- F. The right to appeal.

### Convicted Sex Offender Registry

Section 23-2.2:1 of the Code of Virginia requires that the Virginia Community College System (VCCS) send enrollment information to the Virginia State Police concerning applicants to institutions of higher education. This information is transmitted electronically and compared against the Virginia Criminal Information Network and National Crime Information Center Convicted Sexual Offender Registry. Language on the web application informs applicants that their information is being transmitted to the State Police.

In the event that an applicant to Mountain Empire Community College is listed on the Sex Offender Registry, the following procedures apply:

1. Applicants who are identified as listed on the Sex Offender Registry prior to enrollment at MECC and Applicants who have enrolled but have not started classes:
  - a. The applicant will be denied admission to MECC in accordance with its admission policy as published in its catalog:
 

*The College reserves the right to evaluate and document special cases and to refuse or revoke admission if the college determines that the applicant poses a threat or is a potential danger to the college community or if such refusal or revocation is considered to be in the best interest of the college.*
  - b. He/she will be blocked from all services pending the outcome of the appeal.
  - c. Student Services will be notified of the identification of the applicant as a registered sex offender and will initiate the process of notifying the applicant of their right, and procedures, to appeal.
  - d. He/she may invoke his/her rights to an appeal process.
2. Applicants who have enrolled in, and are already participating in, classes before the college receives notification from the VCCS/State Police:
  - a. The student may be withdrawn from classes in accordance with MECC's admission policy as published in the catalog:
 

The College reserves the right to evaluate and document special cases and to refuse or revoke admission if the college determines that the applicant poses a threat or is a potential danger to the college community or if such refusal or revocation is considered to be in the best interest of the college.
  - b. He/she will be blocked from all future services pending the outcome of an appeal.



- c. Student Services will be notified of the identification of the applicant as a registered sex offender and will initiate the process of notifying the applicant of his/her right, and procedures, to appeal.
- d. He/she may invoke his/her rights to an appeal process.

#### **Appeal Process for Denial of Admission or Withdrawal for Convicted Sex Offender**

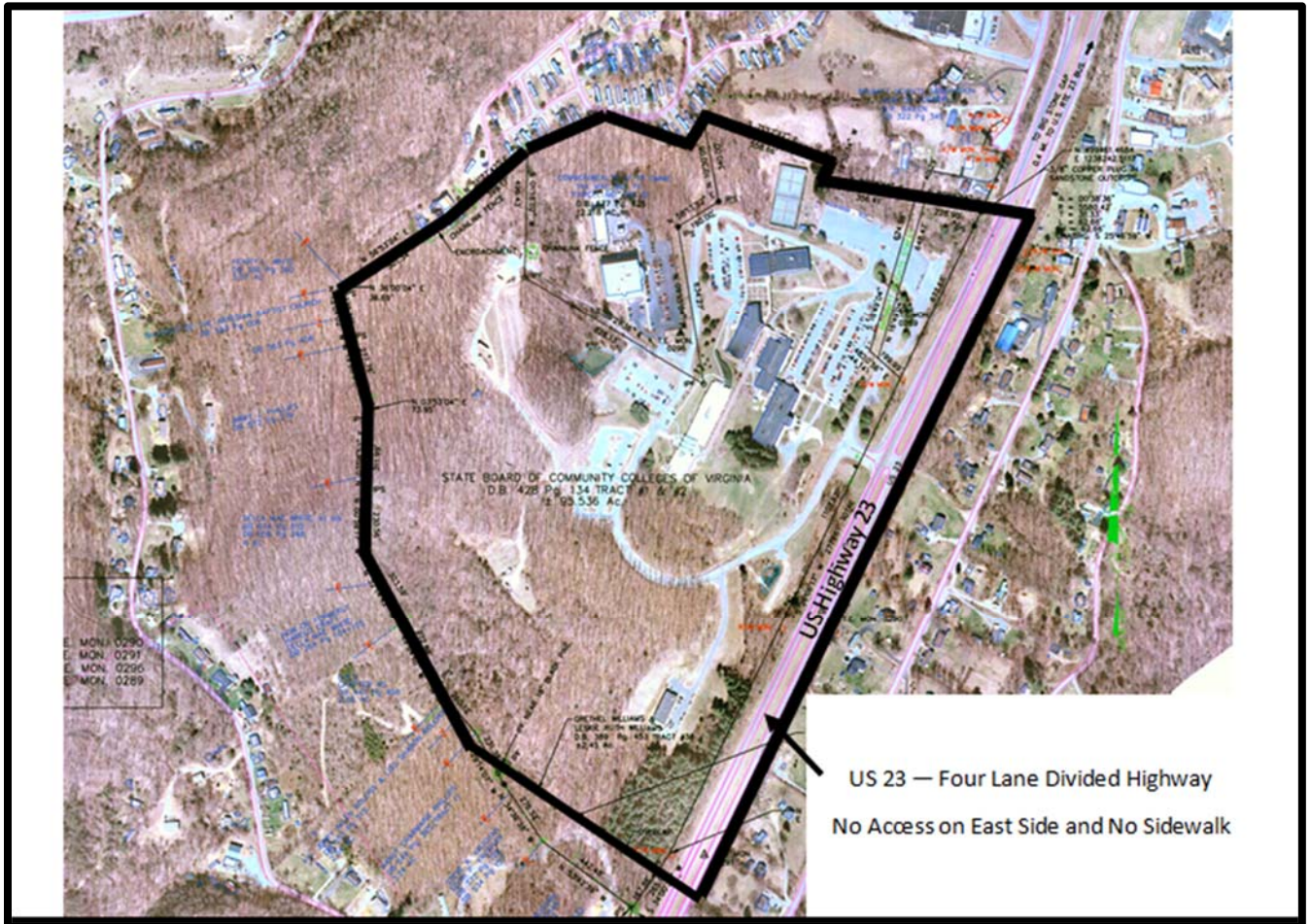
When a convicted sex offender is denied admission to or is administratively withdrawn from classes at Mountain Empire Community College, he/she may invoke the following appeal process:

- A. The convicted applicant or withdrawn student will receive a letter from the Director of Student Services stating his/her denial of admission or pending administrative withdrawal.
- B. The applicant/withdrawn student may write a letter of appeal to the Director of Student Services in which he/she provides the following information: 1-52
  - 1. Disclosure of the nature of the offense for which he/she has been convicted;
  - 2. Justification for consideration of admissions/reinstatement;
  - 3. Statement of acknowledging his/her identity and status as a convicted sex offender will be publicized on the college campus in accordance with federal and state law if he/she is admitted or reinstated.

Note: If a student is appealing a denial of admission or an administrative withdrawal, he/she must submit the letter of appeal to the Director of Student Services within seven (7) calendar days of the administrative withdrawal.

- C. The Threat Assessment Committee will review the information submitted and make a decision by a simple majority vote within fourteen (14) calendar days of receiving the letter of appeal. This committee will submit their decision to the Director of Student Services.
- D. The Director of Student Services will inform the applicant/withdrawn student by letter of the decision of the appeals panel. The decision of the appeals panel shall be final.

## Appendix A



# Mountain Empire Community College

## Crime Statistics Reporting Area - Main Campus

Note: The college campus does not border or intersect any street or road except for US 23, a four lane divided highway, which runs north-south along the eastern perimeter of the campus. The map above includes property owned by the Department of Mines, Minerals and Energy.