



# 2023 Campus Security and Fire Safety Report

September 29, 2023

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## INTRODUCTION

Universities are generally very safe places to live, learn, and work. William & Mary is deeply committed to the safety of its students, faculty, staff, and visitors, and strives to provide the most secure campus environment possible. To accomplish this, we understand the importance of engaging the entire community in the shared obligation of community safety. Through the work of the William & Mary Police Department and other university departments and organizations, the university works to provide a balance of law and policy enforcement with educational and developmental programs designed to increase the safety of the community.

The information in this document complies with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, a federal law known as the Clery Act. This Safety Report provides information about safety-related policies, procedures, and practices in effect as of September 29, 2023. These policies and procedures may be updated or revised after the date of this Report; the most recent documents are available on the university's website. The Report also incorporates statistical data about certain criminal offenses for each William & Mary campus for the previous three calendar years, broken down by geographic location.



The William & Mary Police Department is charged with the responsibility of collecting data and preparing crime statistics for this report. The Office of Compliance & Equity, in cooperation with the Office of Administration, William & Mary Police Department, Student Affairs, Residence Life, Dean of Students, and the Office of Environmental & Health Safety, prepares the policy statements and disclosures required in the report.



## **IMPORTANT CONTACT INFORMATION**

<b>William &amp; Mary Police Department</b>	<b>757-221-4596 or 911</b>
Williamsburg Police Department	757-220-2331
<b>James City County Police Department</b>	<b>757-253-1800</b>
VIMS—Gloucester County Sheriff	804-693-3890
<b>Eastern Shore Laboratory—Accomack County Sheriff</b>	<b>757-787-1131</b>
D.C. Office—Second District Station, Metro Police	202-715-7300
<b>Gallery Place 450K Apartments—First District Station, Metro Police</b>	<b>202-727-9099</b>
William & Mary Peninsula Center—Newport News Police, Central	757-928-4100
<b>24 Hour Sexual Assault Helpline/Avalon</b>	<b>757-258-5051</b>
Individual of Group Counseling Services/Avalon	757-258-5022
<b>Riverside SANE Mobile Nurse</b>	<b>757-881-3375 (pager)</b>
William & Mary Counseling Center	757-221-3620
<b>After-Hours W&amp;M Crisis Counselor</b>	<b>757-221-4596</b>
The Haven (student sexual misconduct support)	757-221-2449
<b>Dean of Students Office</b>	<b>757-221-2510</b>
Student Health Center	757-221-2998 (Appointment) 757-221-4386 (Information)
<b>Residence Life</b>	<b>757-221-4314</b>
Riverside Doctors' Hospital Williamsburg	757-585-2200
<b>Sentara Williamsburg Regional Medical Center</b>	<b>757-984-6000</b>
<b>Emergency Department</b>	<b>757-984-7111</b>

# CAMPUS SECURITY: STRUCTURE, PREVENTION, & RESPONSE

## STRUCTURE

William & Mary is a residential liberal arts university situated primarily within the City of Williamsburg, Virginia. The Virginia Institute of Marine Science (VIMS), located primarily in Gloucester, Virginia, and with property owned or controlled in Accomack County, is a part of the university. Most university students and employees live, work, and study in these locations. William & Mary also owns or controls property in:

- James City County, Virginia, including administrative office buildings and athletic facilities,
- Washington, D.C., associated with the Washington Center, which brings university students to Washington, D.C. for various programs including residential programs,
- Albemarle, Virginia, where Highland, the home of James Monroe, is located,<sup>1</sup> and
- the City of Newport News, Virginia, where the W&M Peninsula Center, used with certain William & Mary School of Business programs, is located.



<sup>1</sup> Ash-Lawn Highland is owned and controlled by William & Mary, but is not frequently used by students.

### *William & Mary Police Department and Relationship with Local Law Enforcement*

Officers of the William & Mary Police Department have the authority and responsibility to provide protection and to enforce the laws of the Commonwealth of Virginia on all university property and adjacent streets and have full investigative and arrest authority on campus as well as on contiguous streets. The William & Mary Police Department has a mutual aid agreement with the City of Williamsburg that allows each department, when requested by the other entity, to assist with law enforcement needs and general patrols in the other's jurisdiction.

The William & Mary Police Department assists local police departments in monitoring the activity of students or any student organization while off campus with coordination and cooperation as needed. Similarly, the Williamsburg Police Department, upon request, provides to the William & Mary Police Department reports that involve student criminal activity in the city. Information received during William & Mary Police investigations that may impact investigations being conducted by local jurisdictions is provided to that agency. In addition, local jurisdictions share information on criminal activity in the area that does not involve students.

The William & Mary Police Department has a Memorandum of Understanding in place with the Virginia Department of State Police that establishes procedures and practices for cooperation between the two departments in the investigation of any felony sexual assault, medically unattended death, or any death occurring on the William & Mary grounds.

All criminal arrests and traffic summons issued by the William & Mary Police at the Williamsburg campus

are adjudicated in the Williamsburg/James City County Courts. Charges that occur at the Virginia Institute of Marine Science in Gloucester are tried at the Gloucester Courts, and charges arising at VIMS's Eastern Shore Laboratory, in Accomack County, Virginia, are adjudicated at the Accomack County Courts. Charges that occur at the Peninsula Center and the DC office and residences are handled through the Newport News and District of Columbia Court systems, respectively.

### ***Residence Hall Access & Other Building Access***

All university residence halls are located on the main Williamsburg campus, although there are limited, temporary residential facilities for students in other university locations. The information in this section is specific to the Williamsburg residence halls.



Only students, their invited guests, employees who have job responsibilities in the residence halls, and other persons specifically permitted by the university have authorized access to residential buildings. All residence halls are equipped with a 24-hour computerized ID access system or other security system. Access to residence halls is restricted to building residents only. Individual rooms within the residence halls are separately keyed.

Residents will also have access to the building where the area duty office is housed during the hours that the Duty Office is open (6:00 p.m. – 10:00 p.m.). Residents are allowed guests, but those guests must always be accompanied by the student.

Individuals observed in the hall who are not residents or guests should be reported immediately to a

Residence Life staff member or William & Mary Police. Residents may not engage in any activity that creates a safety risk or which jeopardizes the security of the premises, including but not limited to, the propping of exterior doors and the removal of window screens.

The residences are open for occupancy during fall break, Thanksgiving break, and spring break. All residence halls except for Tribe Square and the Graduate Housing Complex are closed over winter break.



Active William & Mary students have 24-hour/7-day card swipe access to the academic buildings Tyler, Ewell, Jones, and Morton Halls, and Swem Mews during each semester. Additionally, students have access to Miller Hall from 6am-2am/7 days per week. Law School card swipe access is provided on a 24-hour/7-day basis for students enrolled at the Law School and students enrolled in the Masters in Public Policy program.

As a general rule, all other academic buildings are open Monday through Friday between the hours of 7:00 a.m. and 10:00 p.m., administrative buildings are open Monday through Friday between the hours of 7:30 a.m. and 5:30 p.m. and auxiliary buildings are open based on the function of the facility and services provided. Access to other university buildings and facilities is controlled through [William & Mary's Access Control Policy for University Facilities](#). See Prevention-Related Campus Security Protocols and Practices below for more information



about this policy and university facility safety and security.

### ***Emergency Telephones***

There are emergency telephone locations throughout the Williamsburg campus, many designated by blue lights for easy identification at night. Simply pressing the button activates the phones, which are directly connected to the Police Communications Center on the Williamsburg campus. “Blue Light” phones on the VIMS campus have two buttons, one of which connects directly

to campus security officers after hours or administrative staff during business hours, and one button which connects directly to the Gloucester County Sheriff’s Department. The location of the activated telephone is



automatically identified to the police communications officer. When calling, tell the police communications officer the following information:

- Your name;
- Location;
- Nature of call; and
- When the event occurred.

A uniformed officer(s) will be immediately dispatched to the area of the phone to investigate any problem.

### ***Security Cameras***

The William & Mary Williamsburg campus has security cameras in various outdoor public spaces and inside academic buildings and libraries. These cameras all transmit real-time video to the William & Mary Police Department dispatch office. All new

cameras require approval by Information Technology and the Police Department to ensuring proper monitoring and video transmittal.

## **PREVENTION**

### ***William & Mary Police Patrol***



State-certified officers in the William & Mary Police Department proactively patrol the campus 24 hours a day. Patrols are conducted by marked and unmarked police vehicles, bicycles, and on foot. This high visibility of uniformed police officers is an effective deterrent to criminal activity and serves to build a relationship between the police and the community they serve.

William & Mary Police Department officers and supervisors are armed. Each must undergo and satisfactorily complete firearms qualifications based on standards set by the Department of Criminal Justice Services. The William & Mary Police Department has written deadly force and non-lethal force policies, which are reviewed with the officers on a regular basis.

### ***Prevention of Violence***

Through its policies, the university helps prevent violence and promote safety by establishing community expectations and encouraging reporting of threats to safety. William & Mary works to create awareness of these policies and reporting avenues through education and outreach activities. Violence Prevention Policies include:

- [Violence and Threat Management Policy](#)—Under this policy, all students, faculty and staff are required to report acts or threats of violence to William & Mary Police at 757-221-4596. This policy allows the university to assess the threat and take appropriate action to protect the safety of the campus community. Community members are encouraged to report concerning behavior that raises a safety concern but which may not qualify independently as a threat. Examples include references to planning a violent or destructive event or harming others, extreme and inappropriate reactions or responses, such as angry outbursts, or suicidal comments or threats.

The Threat Assessment Team (TAT), established by the Board of Visitors pursuant to state law, is charged with assessing threats to the campus community and taking remedial action as necessary. Reports of concerning behavior or threats of violence may be made to William & Mary Police Department or at [tat@wm.edu](mailto:tat@wm.edu). Chaired by the Interim Chief of William & Mary Police, other core members of TAT include members from Student Affairs, Human Resources, Law Enforcement and mental health professionals.

- [Code of Virginia Weapons on Campus Regulation](#)—To help provide a safe and secure working, living, and learning environment for the campus community, the university prohibits possession, carrying, storage, or maintenance of any weapon, including any firearm or any other weapon listed in §18.2-308(A) of the Code of Virginia, by any member of the campus community, with the exception of law enforcement officials and other individuals authorized under the policy. This policy applies to employees, contract workers, students and volunteers. The university also limits visitors and others from carrying weapons on campus, prohibiting weapon possession inside university buildings or at official university events, through the Commonwealth administrative regulation.

Due to the risk of being identified as a real weapon, any toy, prop or other item that realistically looks like a weapon or a pellet, paint, or BB gun is also prohibited by the policy and the Student Handbook. A toy, prop, or other realistic-looking weapon may be permitted to be used on university property if the student, employee, contract worker, or volunteer reports to and receives approval by the William & Mary Police prior to being used in any activity. Examples of activities for which prop weapon use may be approved include theatre productions, class presentations, ROTC military exercises, and Intercollegiate or Club athletics.

- [Clery Act Compliance Policy](#) and [Timely Warning Policy](#)—As described in more detail in the response section of this chapter, university employees designated as Campus Security Authorities are required to report to the W&M Police information about certain crimes occurring



(or reported or alleged to have occurred or to have been attempted) on W&M's Clery Act geography. W&M's Clery Act geography includes all property on campus, on public property adjacent to campus and in or on non-campus buildings or property that the institution owns or controls. This policy helps law enforcement respond promptly to possible crimes, and also helps prevent violence by allowing the university to issue timely warnings to the campus community.

Timely Warnings are provided when a Clery Act crime has occurred on any William & Mary campus and there exists a serious or continuing threat to students and employees. Decisions to issue a Timely Warning are made on a case-by-case basis considering the nature and circumstances of the crime and the danger posed to the community. Timely Warnings are communicated to students, faculty and staff to notify them of the serious or ongoing threat to the campus community and to heighten safety awareness.

Because the intent of a warning regarding a criminal incident is to enable people to protect themselves, a Timely Warning will be issued as soon as the pertinent information is available to campus authorities. Timely Warnings include information about the crime that triggered the Timely Warning, but do not include personally identifiable information about the victim of the crime. Timely Warnings also may include other available information that the university determines will help members of the campus community to protect themselves, ranging from descriptive information about suspects, tips on deterring crime, or requests seeking information that may lead to the arrest and conviction of the offender when violent crimes against persons or substantial crimes against property have been reported. The content and amount of information varies depending on the nature of the threat, the amount of information available to William & Mary, the risk of compromising law enforcement efforts, and other factors.

Per the university's Timely Warning Policy, the William & Mary Police is typically the department that issues a Timely Warning. Warnings may also be issued by the Vice President of Student Affairs or, for warnings that arise from crimes not involving students, the Chair of the Emergency Management Team. Timely Warnings are issued through campus wide e-mails that are sent to a students and employees.

Timely Warnings are made only in response to occurrence of crimes specified in the Clery Act. Other dangers to the campus community are addressed through emergency communications, as described in the Emergency Management Response section of this report.

### ***Violence Prevention Education and Outreach Activities***

The Violence Prevention Committee is charged by Virginia law with increasing community safety through a collaborative and thoughtful approach to educating our students, faculty, and staff about the nature, cause, and various forms of violence as well as the prevention and restorative measures available. The Committee has a [website](#) with information including definitions of laws and policies.

The William & Mary Police Department provides safety-related information to incoming freshman, transfer students, and parents. New Hire Curriculum for employees contains a section about campus security, complete with informational flyers and contact information about the police.

A 55-minute video on Active Shooter Training was required to be completed by all employees of the university in January 2021.

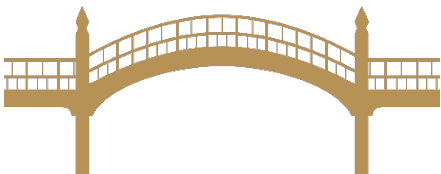
The William & Mary Police Department hosts a "Community Preparedness: Active Shooter Event" presentation at least once during the academic year to the community. The event teaches attendees what defines an active shooter event, actions that assist in minimizing risk to the community, applying tactics of "Avoid-Deny-Defend" and information about how to respond to police events. A 20-minute video on community and individual awareness and preparedness for an active situation is also shown during the presentation.

Other outreach programs offered by William & Mary Police include:

- The William & Mary Police offer various campus safety and crime prevention programs to student

groups and residence halls. Presentations on campus safety and crime prevention are delivered to residence halls as scheduled by the Area Director.

- Crime Prevention Programs on personal safety and theft prevention are sponsored by members of the William & Mary Police Department. Upon request, police personnel facilitate live programs for student, parent, faculty, and new employee orientations and student organizations and campus organizations. Additionally, programs for Residence Life Staff and residents provide a variety of educational strategies and tips on how to protect themselves from sexual assault, theft, and other crimes.
- The William & Mary Police Department offers alcohol and drug awareness classes and the Rape Aggression Defense (RAD) training. It is a comprehensive course that begins with awareness, prevention, risk reduction, and avoidance, while progressing on to the basics of hands-on defense training. Certified RAD instructors will teach the courses provided.
- WMPD also has a series of [safety related videos](#), including topics on self-defense and protection of possessions and personal identity information, as well as awareness videos on controlling behaviors and stalking. These training videos are available to all members of the community on the WMPD website.



### ***Prevention of Alcohol & Drug Abuse***

The university has programs to prevent drug and alcohol abuse among students and employees, in compliance with the Drug-Free Schools and Communities Act of 1989 and the Drug-Free Workplace Act. [The Biennial Alcohol and other Drug Prevention Program Report](#) is available for review on the W&M website. Annually, the Chief Human Resources Officer and the Vice President of Student Affairs sends email notification of the Drug-Free Workplace and School to all employees and students, respectively, in compliance with Section 120 of the Higher Education Act.

The university prohibits the use of illegal drugs and strictly regulates the consumption of alcohol on campus for its students and employees. Violators are subject to university sanctions as well as prosecution through the appropriate legal channels, when applicable.

The annual notification to all students and employees of the Drug Free Schools and Drug Free Workplace informs members of the William & Mary community of the federal and state penalties (sanctions) for the unlawful possession, distribution, and use of controlled substances and illicit drugs. The pertinent laws, including sanctions for violations of those laws, are included in the annual communication.

*Student Policies.* The university student policies are available in the Student Handbook, which is distributed to all students via web link in the Vice President for Student Affairs' annual welcome message to all students at the beginning of the academic year. It is also available on the institution's website under [Student Handbook](#). Under the university's Student Code of Conduct, it is against the law to possess, purchase, or consume alcohol under the age of 21, or to sell or provide alcohol to any person under the age of 21 in the Commonwealth of Virginia. Furthermore, it is prohibited by law to appear intoxicated in a public area, sell or serve alcoholic beverages to an intoxicated person, possess an open container of alcohol in a public area, or drive a vehicle under the influence of alcohol or with a blood alcohol level in excess of that permitted for drivers by Virginia law.

Public areas on campus where alcohol is prohibited include all indoor and outdoor university property, unless an event has been approved through the university's event registration process. It is also against university policy to participate in drinking games or progressive drinking parties, possess items used predominantly for drinking games or possess "common containers" of alcohol, including but not limited to kegs, pony kegs, beer balls, box wines and containers greater than 750ml and mixed alcoholic punch. Permission may be granted for use of common container alcohol at special functions. In the residence halls, alcohol is not permitted in common areas or in any individual room in a freshman residence hall.

At student events where alcohol is being served, a completely sober individual must check to ensure that every guest has an ID that provides proof of legal drinking age. The use of false, altered or borrowed identification of any type is an infraction of the Honor Code and is also a criminal offense. Guests who are of legal drinking age must be separated from those who are underage by either a separate drinking area or by use of wrist bands and/or hand stamps.

When a student is charged with a violation of law, it is the practice of the university to initiate its own disciplinary proceedings without awaiting court action. Behavior off-campus is subject to disciplinary action when the conduct adversely affects the university community and the pursuit of its objectives. Alcohol violations can result in sanctions ranging from warning to dismissal and will usually include alcohol education or treatment.

University policy provides the following:

- Manufacturing or providing drugs to others is prohibited. The penalty for violation of this regulation shall range from disciplinary probation to dismissal from the university.
- Possession or consumption of drugs is also prohibited. Possession of drug paraphernalia is prohibited. The penalty for a violation of this regulation ordinarily shall range from probation to dismissal.

*Employee Policies.* The Drug-Free Schools and Communities Act of 1989 and the U.S. Department of Education's supporting regulations require that the university provide all employees with written notice of prohibition of unlawful possession, use or distribution of illicit drugs and alcohol. As members of the university community, our common objective is to maintain a work environment free of the adverse effects of alcohol and drugs. The university provides a website dedicated to the Drug Free Workplace, which provides information regarding the specific acts that are subject to disciplinary action as well as the programmatic resources that are available to employees for counseling, treatment and rehabilitation.

Under the Commonwealth of Virginia, all employees, including faculty and staff, are subject to the Department of Human Resource [Policy Number 1.05](#) prohibiting 1) the unlawful or unauthorized manufacture, distribution, dispensation, possession, or use of alcohol or other drugs in the workplace, and 2) impairment in the workplace from the use of alcohol or other drugs, except from the use of drugs

for legitimate medical purposes. It is also a violation of the Commonwealth policy for an employee to have a criminal conviction for violation of any criminal drug law, based upon conduct occurring either on or off the workplace; or a violation of any alcohol beverage control law or law that governs driving while intoxicated, based upon conduct occurring in the workplace. An employee's failure to report to his or her supervisor the employee's conviction of any offense is also a violation. Any employee who commits any violation, as described by the policy, shall be subject to the full range of disciplinary actions, including discharge, pursuant to applicable disciplinary policies. Upon becoming employed by the Commonwealth of Virginia, all employees are provided with information about drug and alcohol policies through the New Hire Curriculum and employees are required to sign a form indicating their receipt of this information.

*Additional Alcohol & Drug Policies for VIMS Campus.*

VIMS operations include work with marine vessels and other heightened safety concerns, which requires additional policy restrictions for its employees. In addition to the Commonwealth policy governing all state employees, VIMS strives to comply fully with the United States Coast Guard's



(USCG) and Department of Transportation's (DOT) regulations governing drugs and alcohol use and testing. To ensure full compliance with

USCG and DOT's regulations governing drug and alcohol testing for marine operations, VIMS will secure consultation and program management assistance from nationally recognized providers of drug and alcohol testing programs. Prohibited Conduct Concerning Employee's Use of Drugs and Alcohol: Employees are prohibited from reporting for

duty or remaining on duty when using any controlled substances or drugs, except when the use is pursuant to the instructions of a medical doctor who has advised the employee that the substance will not adversely affect the employee's ability to safely perform his/her duties. Employees are prohibited from reporting for duty, or remaining on duty, with an alcohol concentration of 0.02 or greater. Employees are prohibited from performing safety-sensitive functions within 4 hours after consuming any alcohol. On-call employees who are not at work, but could be called to perform safety-sensitive functions, are subject to this pre-duty prohibition. Employees may not "refuse to submit" to any drug or alcohol test required under the USCG's and DOT's drug and alcohol rules. Employees are prohibited from performing or continuing to perform a safety-sensitive function if they have tested positive for controlled substances or alcohol, or refused to provide a specimen.



During an employee's workday, an employee is prohibited from engaging in the unlawful or unauthorized manufacture, distribution, dispensation, sale, purchase, solicitation, transfer, possession, use or transport of controlled substances or alcohol. This prohibition does not include the authorized distribution, dispensation, sale, purchase, solicitation, transfer, possession, use or transport of alcoholic beverages in connection with university-sponsored functions or events or service to our customers.

Employees are prohibited from failing to stay in contact with the university or its medical review officer while awaiting the results of a drug test.

### ***Alcohol and Drug Abuse Education and Outreach Activities***

All incoming undergraduates are required to complete an online, educational program promoting safe alcohol use prior to the start of orientation.

The New Leaf Clinic, associated with the William & Mary School of Education, works collaboratively with



the Office of Health Promotion to offer a Self-Care Over Soothing (SOS) program. SOS is an integrative approach to wellness, designed to support students who are seeking to be healthier and not just temporarily feel better.

The mission of the New Leaf Clinic includes assessing clients' behaviors and attitudes relating to alcohol and other drugs (AOD) to serve them with a brief intervention program using motivational techniques. Motivational interviewing is a cutting-edge, evidence-based intervention program that has proved effective for motivating change in substance use. It emphasizes clients' choices in controlling their own decision-making.

For employees, in addition to the information offered to employees regarding applicable policies, described above, the Employee Assistance Program (EAP) provides confidential information and services on counseling, treatment, and rehabilitation programs for employees. EAP also provides confidential assistance to supervisors who must confront employees with personal problems that affect the work environment.

### ***Events with Alcohol Training***

This online workshop for the W&M community reviews state law, W&M events with alcohol policy, intoxication rate factors, behavioral cues of intoxication, and intervention techniques. Training is required for each academic year.

Student organizations planning to host a social event with alcohol are required to have at least one representative (the event manager and server) at the event who has completed this training. The representative must pass the final exam with eighty (80) percent proficiency before they can register an event.

### ***Prevention-Related Campus Security Protocols and Practices***

**General Facilities Access.** The university has two main types of access systems for its main campus: mechanical keys and locks and electronic access. Electronic access is a campus-wide card access system consisting of an access control database and server; access control hardware that is installed in individual buildings; and the William & Mary Identification (ID) Cards that are held by individual users. The electronic access control system is centrally administered by William & Mary's Facilities Management department, with system rights granted to Residence Life for facilities under their purview. Electronic access is provided by a person obtaining an ID card and that card being granted specific access rights.

The [Access Control Policy for University Facilities](#), applicable to main campus facilities, establishes protocols for specific types of university facilities and for different types of users



(such as contractors). Some of the protocols include:

- Unless specifically approved by the Director of Facilities Management Operations and Maintenance, keys manufactured or duplicated by a vendor or through any other source are prohibited. The installation, changing, or removal of locks shall be performed only by the Lock Shop or by a vendor authorized by the Lock Shop.
- An Authorized Signatory's right to grant access is limited to his or her assigned areas of responsibility. No Authorized Signatory will have the authority to grant access to himself/herself. Authorization must be obtained from the next level of supervision; in the case of the President, the Provost serves as Authorized Signatory. Authorized Signatory responsibility may not be delegated; staff may perform administrative actions but authorization must be signed by or sent from the Authorized Signatory.
- Authorized Signatories may request building keys for personnel to use in areas directly under their control. When approved by an Authorized Signatory, Facilities Management will issue a key directly to the person responsible for its custody and use.
- The electronic access control system is centrally administered by Facilities Management with system rights granted to Residence Life for facilities under their purview. Departments may be granted administrator rights in the electronic access control system when approved by the Provost or responsible Vice President. When granted, administrator rights in the electronic access system will be limited to only those buildings for which a department has responsibility.

*VIMS Facilities Access.* On the VIMS campus, Waterman's Hall Visitors Center is open to the public on weekdays from 9:00 am-4:30 pm. Key or access card requests for Chesapeake Bay Hall, Andrews Hall, and the Seawater Research Laboratory are approved by the Department Head. New students are typically

assigned the general key to allow access to most of the buildings on campus and the Waterman's Hall Key, which provides them access into the Library and Computer Lab.

During weekends, holidays, and other non-routine closings, there is 24-hour security coverage at the VIMS campus.



*Residence Hall Access.* The following General Safety & Security guidelines are contractual obligations of all students who reside in on-campus housing. They are communicated to residents through the Housing Contract and posted on the university's website.

1. Residents are responsible for their personal security and that of their belongings within university facilities.
2. Due to the risk of injury and property damage, residents are prohibited from planning and/or participating in events and activities that involve the use of water and water devices within or adjacent to campus residences, i.e. swimming pools, water balloons, water guns, or slip and slides.
3. Computerized I.D. access or other security system is provided in the residence halls for the protection of the residents. While the university is in session, the exterior doors to the residence halls will be controlled to restrict access to residents living in that particular residence hall and guests accompanied by a resident. Access to residences by non-residents may be restricted to earlier hours, if the Residence Hall Community Council decides, or if the university determines that this is necessary for safety and security reasons.



4. Residents may not engage in any activity which creates a safety risk or which jeopardizes the security of the premises, including but not limited to, the propping of exterior doors and the removal of window screens.
5. For safety reasons the roofs, porches, window ledges, unfinished attics, and mechanical equipment rooms of all university buildings are restricted areas and may not be accessed.
6. Individuals observed in the hall who are not residents, currently enrolled students or guests escorted by a resident should be reported immediately to a Residence Life staff member or William & Mary Police.



*Security-Related Maintenance of Campus Facilities.* The maintenance of security systems is an ongoing activity. William & Mary Police assist by identifying conditions that may jeopardize the safety of the campus. These include but are not limited to inoperable lights, door problems and emergency phone malfunctions. Emergency phones are tested weekly and noted deficiencies are corrected as quickly as possible. For items that require immediate attention, such as door locks, the appropriate maintenance personnel are notified and informed of the problem. For non-emergency concerns, students and other members of the community, including the Police, can submit maintenance requests to Facilities Management through the on-line submission process. Facilities

service requests can be accessed at Facilities Management Service Request site.

*Transportation/Security Escort Services.* William & Mary Police provides security escorts to members of the community upon request. To request an escort or to schedule a campus safety and crime prevention program, call the Police Communications Center at 757-221-4596.

## RESPONSE

### *Reporting a Crime*

The William & Mary Police encourage students and employees to be responsible for their own security and the security of their property. The Police Department has a comprehensive and interactive crime prevention program, as mentioned above, available to all students and employees. The university community is asked to support William & Mary Police by reporting any unusual or suspicious circumstances that might be observed.

The Code of Ethics of William & Mary, as well as other university policies, requires all members of the university to report illegal conduct promptly and accurately to the William & Mary Police.

For certain incidents, including Clery Act crimes and Violence Against Women Act (VAWA) crimes, the university has specific policies and procedures for reporting. In the case of Clery and VAWA crimes, these policies are designed to ensure that any criminal conduct or incidents that occur on campus, on public property bordering campus, and in non-campus areas leased or otherwise controlled by the university, regardless of who is involved, is also reported immediately to William & Mary Police. The [Clery Act Compliance Policy](#) requires that as soon as an employee who is designated as a Campus Security Authority becomes aware of conduct or behavior that reasonably appears to constitute a Clery Crime (see [Definitions of Clery Crimes](#)), they must report the incident to the William & Mary Police at 757-221-4596. Attempts of any of these types of crimes are also considered to be Clery Act crimes and must be

reported. Campus Security Authorities (CSAs) are notified individually in writing of their responsibilities annually, and provided guidance, including information in the form of narrated power point presentations that includes specific procedures for how, where, and what to report. This guidance is available on William & Mary's compliance website. CSAs must make it clear that they are reporting a crime as a CSA under the Clery Act Compliance Policy or by saying that they are calling to report a Clery Act Incident. Online training courses for all faculty and staff help ensure awareness of reporting obligations relating to VAWA crimes.

The William & Mary Police Department responds to all reports of criminal activity occurring on campus. Crimes or potential criminal actions that occur on William & Mary's Williamsburg campus should be reported directly to the William & Mary Police Department by any member of the William & Mary community, or visitor, by dialing 757-221-4596. You can also report a crime to the William & Mary Police Department in person at 201 Ukrop Way (just off of Jamestown Road and across from Jones Hall). Personnel are on duty 24 hours a day 365 days a year.

The institution does not have any officially recognized student organizations with non-campus locations and so does not have specific practices for monitoring criminal activity at such locations.

If an individual is reporting an emergency at another William & Mary campus, they can call 911 or the local police dispatch for assistance:

- VIMS—Gloucester County Sheriff (804) 693-3890
- Eastern Shore Laboratory—Accomack County Sheriff (757) 787-1131
- D.C. Office—Third District Station, Metropolitan Police Department (202) 673-6815
- William & Mary Peninsula Center—Newport News Police (757) 591-4978

You can also contact the department through the William & Mary web page located at William & Mary Police Department.

Clery Act crimes that occur on these campuses must still be reported by a CSA to the William & Mary Police department for disclosure in the daily crime log and/or inclusion in the Annual Security Report. Also, Clery Act crimes that have occurred on any William & Mary campus and that represent a serious or continuing threat to the community must be communicated to students and employees through a Timely Warning, as described above.

The CSA must report even if the information regarding the incident was shared with him or her in confidence (confidentially). If a victim does not want his or her identity revealed, the CSA may withhold the identity of the survivor when making the report, except in cases of sexual violence. In these cases, the university may need to investigate and take appropriate action to fulfill its Title IX obligation to provide a non-discriminatory environment, even if the student wishes to remain anonymous or not to pursue a conduct charge.

Only those CSAs who are professional mental health and pastoral counselors are exempt from the requirement to report, but only if they learn of the Clery Act incident while acting as a professional mental health counselor or pastoral counselor, respectively. Counselors may encourage the student

to



make a voluntary anonymous report to the W&M Police, on a confidential basis, for inclusion in the annual disclosure of crime statistics. The institution does not have procedure for mental health and pastoral counselors to inform those they counsel of procedures for reporting crimes voluntarily and confidentially for inclusion in the institution's annual security report; mental health and pastoral counselors are informed that it is in their discretion to do so.

The William & Mary Police Department encourages anyone who is the victim or witness to any crime to promptly report the incident. If you are the victim of a crime and do not want to pursue action within the university or criminal justice system, you may still want to consider making an anonymous report. In most circumstances, a report can be filed on the details of the incident without revealing your identity. Generally, the criminal investigation of an incident that is reported anonymously is limited by the nature of the report and an anonymous report is used primarily to determine crime patterns. With such information, the university can keep an accurate record of the number and types of incidents, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. The William & Mary Police can also help victims, including by providing transport to medical services or facilitating provision of other services. Anonymous reports filed in this manner are included in the annual crimes statistics for the institution.

For sexual assaults and VAWA crimes of sexual violence, the initial assessment is conducted by the Civil Rights Review Team. This ensures prompt reporting of all crimes to the William & Mary Police and the appropriate law enforcement agencies in the jurisdictions where the offense occurred, even in cases where the victim is unable to make such a report.

Any member of the university community, not just CSA's, may make a confidential report to William & Mary Police of any Clery Act crime or attempted

crime, including sexual assault for purposes of inclusion in the annual disclosure of crime statistics. Upon permission of the victim, the William & Mary Police may file a report on the details of the incident without revealing the victim's identity.

[\*The Policy Prohibiting Title IX Sexual Harassment and Gender-Based Harassment\*](#) requires all employees, except for specified confidential resources, to report sexual violence (including sexual assault and other forms of harassment) affecting students or occurring on William & Mary's Clery Act geography. The policy requires that reports are made to the Title IX Coordinator, who shares the information with a representative from the William & Mary Police in accordance with Virginia law. See Sexual Assault and VAWA Crimes: Structure, Prevention & Response – Prevention.

Finally, under General Policies in the Student Handbook, the Required Disclosure of Arrests states that students must report, within three days, any criminal process that has begun for them (whether by means of detention, court summons, citation, or other similar process) no matter where the incident occurs. This requirement applies to any criminal process resulting from:

- felony charges of any nature
- charges for offenses involving violence or the threat of violence or serious harm to other people.

This report is made to Community Values & Restorative Practices within the Dean of Students Office and can be made electronically on the Arrest Disclosure Form.

### ***Missing Person Inquiry***

The university has established a protocol to investigate when a residential student is reported missing. Students, employees, or other individuals should report the missing person to the Dean of Students office or the William & Mary Police Department. Anyone receiving a report of a missing student should immediately report this to the

William & Mary Police Department.



Each student has the option to designate a confidential contact by submitting a form to the Dean of Students. This contact is not necessarily the same person as the student's emergency contact, although they may be. Even if the student has identified an emergency contact they may also designate a confidential missing person contact. The university will contact the designated person within 24 hours of the time that a student is considered missing. Law enforcement officials (including the William & Mary Police Department) also will be notified of a student's absence no later than 24 hours after the student has been deemed missing and will follow their own investigation procedures. For students who are minors (under 18 and not emancipated), the university is obligated to notify parent(s) or guardian(s) within 24 hours of receiving a report that the student is missing.

Missing person contact information will be registered confidentially, and will only be accessible to authorized campus officials. It may not be disclosed, except to law enforcement personnel in furtherance of a missing person investigation.

The Dean of Students office is responsible for attempting contact with the student's emergency contact and parent(s) or guardian(s) for minors. The office typically contacts via telephone and documents all attempts to communicate with the designated contact. The Dean of Students website has links to the [Missing Student Protocol](#) and the [Confidential Contact Information Form](#).

### ***Victim Notification/Disclosure of Final Results of Student Disciplinary Proceeding***

Under university procedure relating to student sexual misconduct, victims (referred to as reporting parties) and the accused are provided with simultaneous written notification of the final result of disciplinary proceedings. Additional information regarding sexual misconduct procedures is provided in Sexual Assault and VAWA Crimes: Structure, Prevention, & Response—Response section of this report. For other disciplinary matters relating to students, under the institution's Student Records Privacy Policy and Notification of Rights under FERPA, disclosure of the final results of the disciplinary proceeding of a student may be disclosed without the consent of that student upon written request to a victim (or the victim's next of kin if the victim is deceased) of an alleged perpetrator of a crime of violence, subject to the requirements of §99.39, and provided that such disclosure may only include the final results of the disciplinary proceeding with respect to that alleged crime, regardless of the finding. (§99.31(a)(13)).

## SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE & STALKING: STRUCTURE, PREVENTION, & RESPONSE

### STRUCTURE

Sexual assault is an issue of significant concern on American university campuses, including William & Mary. In compliance with Title IX and the Clery Act, as amended by the Violence Against Women Act (VAWA), the university responds to all allegations of sexual misconduct, including sexual harassment, non-consensual sexual intercourse, relationship violence and stalking in a prompt and unbiased manner.

The Office of Compliance & Equity maintains a [Title IX website](#) that provides resources for students, faculty, staff, parents, and others. Information about university sexual misconduct policies, procedures, prevention, and response are also included on the website.



#### ***Collaborative Title IX Staff***

The Title IX Coordinator has official responsibility for the university's compliance with Title IX and other federal and state laws and regulations, including coordination and oversight of all sexual harassment complaints to ensure consistent practices and standards in handling complaints. The Office of Compliance & Equity (OC&E) is also responsible for all discrimination, harassment and retaliation complaint

investigations. The Chief Compliance Officer is the Acting Title IX Coordinator. The [Coordinating Committee on Prevention of Sexual Assault & Harassment](#) directs and advises on many Title IX-related efforts as it implements the recommendations of the President's Task Force, which completed its work in summer 2015. The Sexual Violence Prevention Specialist and the Title IX Coordinator co-chair the Coordinating Committee, and members of the Dean of Student's Office and other departments within the division of Student Affairs, as well as faculty members and current students fulfill other key roles on the committee. The Office of Health Promotion, Fraternity/Sorority Life, and Residence Life partner with the Title IX Coordinator in this work.

All reports of discrimination, harassment and retaliation, including Title IX sexual harassment, are reviewed by a Civil Rights Review Team, composed of representatives from the OC&E, Dean of Students Office, and William & Mary Police Department. All reports are evaluated for threat assessment, provision of supportive measures for complainants, and determination of appropriate response and actions.

Specific individuals who have a proactive duty to assist students who make allegations of sexual misconduct include:

#### *Title IX Coordinator*

Pursuant to Title IX and its regulations (34 C.F.R. Part 106), William & Mary's Title IX Coordinator is the designated university official with primary responsibility for coordinating the university's compliance with Title IX and other federal and state laws and regulations relating to sex-based discrimination. The Title IX Coordinator is responsible for ensuring that all complaints of sexual harassment are assessed and responded to promptly,

effectively and fairly, including investigations of student sexual misconduct.

The Title IX Coordinator:

- promotes the creation and amendment of policies, procedures, and notifications designed to ensure university compliance with Title IX;
- oversees implementation of grievance procedures, including assurance of a fair, equitable and prompt investigation and disposition of complaints;
- answers questions and provides guidance about Title IX compliance and the university's related policies and procedures;
- serves as liaison to the U.S. Department of Education's Office of Civil Rights and other state and federal agencies that enforce Title IX;
- helps ensure the campus community and university employees with Title IX compliance responsibilities are properly trained and educated; and
- monitors all other aspects of the university's Title IX compliance.

Individuals can contact the Title IX Coordinator with questions or concerns, or to file a complaint. William & Mary's Title IX Coordinator is:

Pamela Mason  
Chief Compliance Officer/Acting Title IX  
Coordinator  
109 James Blair Hall  
Williamsburg, VA 23185  
757-221-3167  
[phmaso@wm.edu](mailto:phmaso@wm.edu)

### [Dean of Students](#)

The Dean of Students division of Community Values & Restorative Practices implements many of the supportive measures taken regardless of an investigation and coordinates remedial or supportive measures for both parties throughout and at the conclusion of the grievance process.



William & Mary's Dean of Students is:

Stacey Harris  
Sadler Center Suite 366  
200 Stadium Drive  
Williamsburg, VA 23187  
757-221-2510  
[harris@wm.edu](mailto:harris@wm.edu)

### ***Other On-Campus Resources & Services***

[William & Mary Police Department](#) is a source of information for reporting options. The William & Mary Police Department processes reports of sexual assault, stalking, and intimate partner (dating & domestic) violence. Non-emergency contact number is 757-221-4596. The Police Department can also assist students with personal safety plans, transportation to medical services, and in reporting to other law enforcement agencies.



[The Haven](#) is a professional and peer-based confidential resource center that provides support, advocacy, and empowerment for those impacted by sexual harassment sexual

violence, intimate partner violence, and stalking. The Haven provides timely health and safety information, information on William & Mary's sexual misconduct

policies and procedures, academic and campus living modifications, and connection to campus and community resources for all William & Mary students.

The Director of The Haven is:

Liz Cascone, MSW  
Sadler Center, 1<sup>st</sup> Floor, Room 146P  
200 Stadium Drive  
Williamsburg, VA 23185  
757-221-2449  
[emcascone@wm.edu](mailto:emcascone@wm.edu)

To make an appointment with The Haven staff, students may use an online request form at <https://www.wm.edu/offices/thehaven/hours-contact/>

[The Student Health Center](#) offers students who have been assaulted many free services, including screening and treatment for sexually transmitted infections, pregnancy tests, and emergency contraception.

[The Counseling Center](#) offers free, on-campus counseling for students, including for victims of sexual misconduct. The Counseling Center staff members are also available to provide outreach programs on a wide variety of psycho-educational topics including sexual assault, domestic or dating violence, and maintaining healthy relationships.



[Office of Health Promotion](#) is part of the Thematic Area of Health & Wellness of the Division Student

Affairs. The Office of Health Promotion has a Sexual Violence Prevention Specialist, who works with the Title IX Coordinator to lead the university's efforts to prevent sexual misconduct. The Office of Health Promotion advises student groups on campus who work directly with the issue of sexual assault, including Health Outreach Peer Educators ("HOPE") and Someone You Know ("SYK").

The Health Promotion staff also works to create collaborative relationships with other campus and community entities to decrease the prevalence and incidence of sexual violence on- and off-campus. They have included:

- Campus Living: trainings to student staff within Residence Life on Healthy Boundaries.
- Office of the First Year Experience: discussions on healthful versus unhealthy relationships and ways to process the various orientation sessions.
- Athletic Academy: lessons and guidelines for healthful relationships both on and off the playing field.
- William & Mary Police Department: trainings on trauma-informed law enforcement response.

William & Mary's Sexual Violence Prevention Specialist is:

Candice Fox  
Assistant Director & Sexual Violence  
Prevention Specialist  
McLeod Tyler Wellness Center  
Williamsburg, VA 23185  
[clfox@wm.edu](mailto:clfox@wm.edu)

[Reves Center for International Studies](#) provides information and support to both international students enrolled at William & Mary and undergraduate and graduate W&M students enrolled in study abroad programs overseas. International students affected by sexual harassment or sexual misconduct on campus can seek special resources and answers to questions that are unique to students studying here on a visa from the International Students, Scholars & Programs division. William &

Mary students studying abroad anytime during the year through the Reves Global Education Office can access support and help from Reves Center staff for any criminal conduct they encounter, including support and guidance in cases of sexual misconduct, dating and domestic violence, and stalking.

[RAVE Guardian Free App](#) is designed to allow a person to check in with family, friends, campus safety, or others you trust to help you stay safe both on and off campus. Within the app you can set a safety time to notify people you trust to check in on



you if you are alone or in an unfamiliar place; invite family, friends or others to be your Guardian, and communicate with them within the app as needed;

call safety officials directly for help if you are in trouble and send text tips – including photos – if you see something suspicious; set a Safety Timer to allow your status & location to be available to those you trust.

### ***Off-Campus Resources & Services***

[Avalon Center](#) provides services to survivors of domestic and sexual violence primarily in the Williamsburg/James City County/York County areas. Services include a 24-hour Helpline (757-258-5051), accompaniment to the hospital, counseling, legal advocacy, shelter, and education. Avalon's Sexual Assault Companion Program assigns a trained volunteer who is available to support the survivor throughout her/his recovery and through the process of filing charges if this option is pursued. Avalon also offers services to male survivors of sexual assault, domestic violence, or stalking.

[Victim/Witness Assistance Program for Williamsburg City/James City County](#) can provide information and support to victims of crime. Volunteers explain the criminal justice system to victims, accompany survivors to court and help ensure that crime victims and witnesses receive fair and compassionate treatment while participating in the criminal justice

system. The program also provides referral for counseling.

City of Williamsburg	757-564-2277
James City County	757-564-2277
York County	757-890-3420

[Virginia Victims Fund](#) (1-800-552-4007 or [info@virginiavictimsfund.org](mailto:info@virginiavictimsfund.org)) can provide financial support to defray certain costs that may be incurred by victims of crime. The Commonwealth of Virginia is required by law to pay for costs associated with the collection of evidence through a medical forensic examination. The SAFE Payment Program processes payment for sexual assault forensic exams. CICF may also pay medical and counseling expenses not covered by the victim's insurance.

[Virginia Department of Criminal Justice Services \(DCJS\)](#) develops, coordinates, and funds victim/witness programs, sexual assault crisis centers, and programs that combat violence against women. DCJS offers guidance on protective orders and a 24 Hours Virginia Family Violence and Sexual Assault Hotline (1-800-838-8238).

[Sentara Williamsburg Regional Medical Center](#) (100 Sentara Circle, Williamsburg, VA 23188; 757-984-6000) has an ER that is open 24 hours a day, 7 days a week for medical care.

[Riverside Doctors' Hospital](#) (1500 Commonwealth Avenue, Williamsburg, VA 23185; 757-585-2200) has an ER that is open 24 hours a day, 7 days a week for medical care. This Riverside location can provide Physical Evidence Recovery (PERK) services by paging the Riverside Regional Medical Center SANE nurse at 757-881-3375 to meet you at Doctors' Hospital. PERK forensic exams are helpful in preserving evidence relating to sexual assault and/or relationship violence. Obtaining a PERK exam does not require a survivor to file a police report immediately or ever.



## PREVENTION

William & Mary works to prevent sexual violence and sexual misconduct (including the VAWA crimes of dating and domestic violence and stalking) by setting expectations, particularly through policies, and by providing educational and awareness programming.

William & Mary maintains a 24/7/365 website for survivors to [Get Help Now](#). The main [Title IX website](#) includes information about the prevention policies. It also provides students with valuable information about sexual misconduct, including how to get help and reporting options and protections. It advises the students of whom they can contact to report the offense, the importance of getting medical attention, and the importance of the preservation of evidence as may be necessary to the proof of criminal sexual assault or to obtain a protective order.

### Virginia Code Definitions

The Virginia Code has a number of laws relating to sexual violence. These criminal laws use different definitions than W&M uses in university policy. In many cases, conduct that violates Virginia criminal law violates university policy. In some cases, conduct may violate university policy but not violate Virginia criminal law.

The Virginia Code definitions of domestic violence, dating violence, sexual assault, stalking and consent are:

**Rape (Section 18.2-61(A)):** "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."

**Stalking (Section 18.2-60.3):** "Any person, ... who on more than one occasion engages 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 is guilty of a Class 1 misdemeanor."

Dating Violence and Domestic Violence are not terms used in Virginia criminal code; [Section 18.2-57.2](#) prohibits *Assault and Battery Against a Family or Household Member*:

- A. Any person who commits an assault and battery against a family or household member is guilty of a Class 1 misdemeanor.
- B. Upon a conviction for assault and battery against a family or household member, where it is alleged in the warrant, petition, information, or indictment on which a person is convicted, that such person has been previously convicted of two offenses against a family or household member of (i) assault and battery against a family or household member in violation of this section, (ii) malicious wounding or unlawful wounding in violation of § 18.2-51, (iii) aggravated malicious wounding in violation of § 18.2-51.2, (iv) malicious bodily injury by means of a substance in violation of § 18.2-52, (v) strangulation in violation of § 18.2-51.6, or (vi) an offense under the law of any other jurisdiction which has the same elements of any of the above offenses, in any combination, all of which occurred within a period of 20 years, and each of which occurred on a different date, such person is guilty of a Class 6 felony.
- C. Whenever a warrant for a violation of this section is issued, the magistrate shall issue an emergency protective order as authorized by § 16.1-253.4, except if the defendant is a

minor, an emergency protective order shall not be required."

Other potentially relevant laws include:

[Sexual battery \(Section 18.2-67.4\)](#) and [aggravated sexual battery \(Section 18.2-67.3\)](#)  
[Attempted rape, forcible sodomy, object sexual penetration, sexual battery \(Section 18.2-67.5\)](#)  
[Object sexual penetration \(Section 18.2-67.2\)](#)



### ***Sexual Misconduct Prevention Policies***

William & Mary has policies applicable to all faculty, staff, students, and visitors on campus that prohibit sexual assault, relationship violence (dating violence and domestic violence), stalking, and other forms of sexual misconduct.

- [The Discrimination Policy](#) (*Policy Prohibiting Discrimination, Discriminatory Harassment, Retaliation and Sexual Misconduct*) prohibits all forms of discrimination, harassment, retaliation and sexual misconduct prohibited by the university that are not included under the definitions of Title IX sexual harassment of individuals who are members of a protected group, and mandates reporting in certain circumstances.
- [The Title IX Policy](#) (*Policy Prohibiting Title IX Sexual Harassment and Gender-Based Harassment*) defines Title IX sexual harassment in compliance

with federal regulations. It also covers reporting issues including confidentiality and amnesty.

To promote prevention of misconduct for students, faculty and staff, these policies are disseminated in various ways. For example, the Discrimination Policy and Title IX Policy are included in the [Student Handbook](#) as well as prominently featured on the university's website. These policies and related procedures for faculty or staff are posted in the centralized [Policy Library](#) maintained by the Office of Compliance & Equity. Notice of these policies is disseminated annually to all faculty and staff by the Provost via email notification. Required new student orientation is delivered to undergraduate freshmen and new transfer students in a pre-enrollment education module to establish baseline understanding of definitions and policies, followed by an in-person at the beginning of the academic year session that presents various scenarios of sexual harassment or sexual misconduct. Graduate students are offered the same online education module and graduate students with teaching assistant responsibilities are required to take the training for faculty and staff that covers definitions of Title IX sexual harassment as well as reporting requirements. Bi-annual training provided to faculty and staff educates employees regarding the policies and procedures. Targeted training for supervisors in specific departments, such as Student Affairs, Facilities Management and Athletics, is provided annually to cover more in-depth information about reporting obligations and responses to reports.

#### *Additional Information Regarding Title IX Policy & Discrimination Policy:*

The Title IX Policy prohibits sexual harassment and gender-based harassment. The policy provides explanation and definitions of Title IX sexual harassment, including hostile environment harassment, quid pro quo harassment, gender-based harassment, dating violence, domestic violence, stalking and sexual assault as defined in the Department of Education Regulations released in May 2020. Definitions of consent and incapacitation

are based on university standards and further guidance on application of the definitions is provided in the policy.

Relationship abuse, non-consensual sexual intercourse, stalking outside of a university program, and sexual exploitation are university policy violations include in the Discrimination Policy. Both the Title IX Policy and the Discrimination Policy provide information about:

- How and where to file a report
- What happens upon receipt of a report
- How to file a formal complaint for investigation
- Supportive measures that are available to affected persons, regardless if they want to pursue an investigation, either administratively or criminally.

More written notification of existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services available both within the institution and in the community are provided to students or employees from the Title IX Coordinator or designee at initial intake of a report. Informational handouts about assistance in changing academic schedules, changing work or living spaces, receiving transportation, and developing a safety plan is provided to affected persons in writing at initial intake with the Dean of Students or OC&E. Information and resources are also provided to respondents who are involved in a investigation. Examples of these informational handouts are published on the sexual violence website. Campus and community resources are also available at [www.wm.edu/sexualviolence](http://www.wm.edu/sexualviolence).

### *Policy Definitions*

Title IX Sexual Harassment means conduct on the basis of sex that satisfies one or more of the following:

- 1) *Quid Pro Quo Sexual Harassment*: A faculty or staff member of the recipient conditioning the provision of an aid, benefit, or service of the university on an individual's participation in unwelcome sexual conduct;
- 2) *Hostile Environment Sexual Harassment*: Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the university's education program or activity; or
  - a) *Gender-Based Harassment* means hostile environment sexual harassment based on gender, sexual orientation, gender identity, or gender expression.
- 3) Any of the following without regard to if the conduct is severe, pervasive or objectively offensive:
  - a) *Sexual Assault* as defined in 20 U.S.C. 1092(f)(6)(A)(v) is an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's UCR program.
    - i) *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.
    - ii) *Fondling*—The touching of intimate body 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.
    - iii) *Incest*—Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
    - iv) *Statutory Rape*—Sexual intercourse with a person who is under the statutory age of consent.

- b) *Domestic Violence* as defined in 34 U.S.C. 12291(a)(8), means a felony or misdemeanor crime of violence committed:
- i) By a current or former spouse or intimate partner of the victim;
  - ii) By a person with whom the victim shares a child in common;
  - iii) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
    - (1) 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
    - (2) By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- c) *Dating Violence* as defined in 34 U.S.C. 12291(a)(10), means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
- i) The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
  - ii) For the purposes of this definition dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse and does not include acts covered under the definition of domestic violence.
- d) *Stalking* as defined in 34 U.S.C. 12291(a)(30) means engaging in a course of conduct directed at a specific person that would cause a reasonable person to
- i) Fear for the person's safety or the safety of others; or
  - ii) Suffer substantial emotional distress. (ii) For the purposes of this definition:
    - (1) Course of conduct means two or more acts, including, but not limited to, acts in which 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

Sexual Misconduct means any of the following conduct that is committed by a member of the university community:

- 1) *Sexual Abuse*, which means
  - a) the touching of intimate body 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, or
  - b) an act of touching, molesting, arousing, or gratifying any person without effective consent and for the purpose of sexual gratification of the Respondent where:
    - i) The Respondent forces the Complainant to touch the Respondent's, the Complainant's own, or another person's intimate body parts or material directly covering such intimate parts; or

- ii) The Respondent forces another person to touch the Complainant's intimate parts or material directly covering such intimate body parts.
- 2) *Relationship Abuse*, which means physical violence, sexual violence or the threat of such violence between people who are in or have been in a romantic, intimate, or familial relationship or a pattern of abusive behavior used by an intimate partner to gain or maintain power and control over the other intimate partner. Patterns of behavior can be in the form of psychological, emotional/verbal, financial, academic, and/or technological abuse.
- 3) *Non-Consensual Sexual Intercourse* means anal or vaginal penetration, no matter how slight, by any body part or object, without effective consent or oral penetration by or of a penis, without effective consent.
- 4) *Sexual Exploitation* means taking sexual advantage of another person without effective consent by causing the incapacitation of another person for a sexual purpose; causing the prostitution of another person; electronically recording, photographing, or transmitting images of a person's intimate parts or sexual information about a person without their knowledge or consent; allowing third parties to observe sexual acts; engaging in voyeurism; distributing intimate or sexual information about another person; exposing one's genitals; inducing another to expose their genitals; and/or knowingly transmitting a sexually transmitted infection, including HIV, to another person.
- 5) *Stalking* means engaging in a course of conduct when the course of conduct has a continuing impact on the student's education or work environment and causes a reasonable person to:
  - a) Fear for the person's safety or the safety of others; or
  - b) Suffer substantial emotional distress. (ii) For the purposes of this definition
    - i) Course of conduct means two or more acts, including, but not limited to, acts in

which 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.

- ii) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- iii) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling

*Important Related Definitions: Consent, Force, Incapacitation, Retaliatory Harassment*

- 1) *Consent* means a mutual agreement between participants to engage in specific types of sexual activity.
- 2) *Force* means to make someone do something against their will. Force includes physical violence, threats, intimidation and/or coercion.
  - a. *Physical violence* includes hitting, punching, slapping, kicking, restraining, strangling, and brandishing or using any weapon.
  - b. *Threats* are words or actions that would compel a reasonable person to engage in unwanted activity, including sexual activity. Examples include threats to harm oneself or another person physically, to reveal private information to harm a person's reputation, or to cause a person academic or economic harm.
  - c. *Intimidation* is an implied threat that causes reasonable fear in another person. A person's size, alone, does not constitute intimidation; however, a person's size may be used in a way that constitutes intimidation (e.g., blocking access to an exit).

- d. *Coercion* is an unreasonable amount of pressure on someone to:
- i. participate in an activity, including a particular form of sexual activity,
  - ii. change their mind after they asked to stop or have indicated lack of consent previously,
  - iii. change their mind about when to stop participating in an activity, including sexual activity

In the context of determining whether a party consented to engage in sexual activity, coercion is more than an effort to persuade, entice, or attract another person to have sex. In evaluating whether coercion was used, the university will consider: (i) the frequency of the application of the pressure, (ii) the intensity of the pressure, (iii) the degree of isolation of the person being pressured, (iv) the duration of the pressure, and (v) any power differential between the parties.

- 3) *Incapacitation* means the physical and/or mental inability to make informed, rational judgments about whether or not to engage in an activity, including sexual activity.
- 4) *Retaliation* is any adverse action taken by a respondent or allied third party against a person because the person made a good faith report of discrimination, discriminatory harassment, retaliation or sexual misconduct, or the person is involved in or participated in an investigation or proceeding of such reported allegation under this policy. Retaliation includes, but is not limited to, threatening, intimidating, harassing, coercing or any other conduct that would deter a reasonable person from engaging in activity protected under this policy. Retaliation does not include good faith counter complaints lawfully pursued in response to a report of discrimination or harassment, or non-discriminatory adverse actions taken for legitimate purposes (e.g. employee discipline for tardiness, student honor code charges for separate plagiarism incident).

#### *Application of Consent*

Members of the university community choosing to engage in any form of sexual activity – from touching or kissing to intercourse – must obtain consent from their partner(s) prior to engaging in such activity.

Consent is:

- Active – through clear words or actions, a person has indicated permission to engage in mutually agreed upon sexual activity. Sex is something you participate in -- not something that happens to you.
- Voluntary – freely given.
- Informed – knowing and aware.

Consent is NOT:

- Merely a lack of protest or lack of resistance. Silence and/or passivity also do not convey consent.
- Something to be assumed. Consent to sexual activity once does not imply consent another time. Nor does consent to one type of sexual activity mean consent to another.
- Valid if any force is used.
- Valid if the person consenting is incapacitated. Someone who is incapacitated cannot consent.

A person's belief that another person consented is not valid where:

- The belief arose from the person's own intoxication or recklessness; or
- The person knew the other person was incapacitated (as defined below); or
- A reasonable person, in the circumstances, should have known that the other person was incapacitated (as defined below).

Consent is specific. Consent to one form of sexual activity does not constitute consent to another form of sexual activity. For example:

- Consent to oral-genital contact does not constitute consent to vaginal or anal penetration;

- Consent to sexual activity on one occasion does not, by itself, constitute consent to future sexual activity.

Consent is revocable.

- Consent may be withdrawn at any time, for any reason, even after sexual activity has begun.
- Previously-given consent may be withdrawn by communicating through clear words or actions a decision to stop (or not engage in) the sexual activity.
- Once consent is withdrawn, the other person must cease sexual activity immediately and may not apply undue pressure on the person who withdrew consent (coercion)

Consent obtained by force is invalid.

#### *Application of Incapacitation*

An individual's incapacitation may be due to:

- Alcohol or drugs;
- Sleep or unconsciousness; or
- An intellectual or other disability.

Not all changes in emotional or mental state, however, constitute incapacitation. Someone who is upset, tired, or intoxicated (for example) may make different choices than they would when they were in a calm, rested, or sober state, but that does not mean that they lack capacity to give consent. Alcohol consumption, particularly rapid consumption or consumption together with other drugs, can prevent the formation of long-term memories ("blackout"); someone who (temporarily) cannot form long-term memories may or may not have the capacity to consent.

In situations where both parties raise concerns regarding consent due to incapacitation, the university evaluates factors such as:

- When and in what context the concerns were raised
- How the sexual activity was initiated

- The degree to which aggression was applied and/or
- The level of a party's control or capacity

If someone is incapacitated, any initiation of sexual activity by this person does not constitute consent.

In evaluating consent in cases of alleged incapacitation, the university asks two questions: (1) Did the respondent know that the reporting party was incapacitated? and if not, (2) Would a sober, reasonable person in the same situation have known that the reporting party was incapacitated? If the answer to either of these questions is "YES," consent was invalid and the conduct is likely a violation of this policy.

#### ***Making a Report***

William & Mary encourages members of the campus community who experience or witness any form of sexual misconduct to explore reporting options, including reporting to law enforcement. Reporting sexual misconduct allows William & Mary to take prompt, supportive measures, to protect students. The Civil Rights Review Team carefully considers each report.



All types of sexual harassment or misconduct may be reported to the Title IX Coordinator:

Pamela Mason  
Chief Compliance Officer/Acting Title IX  
Coordinator  
109 James Blair Hall  
William & Mary  
Williamsburg, VA 23185  
757-221-3167  
[phmaso@wm.edu](mailto:phmaso@wm.edu)

Students, faculty, staff, and other individuals may also chose from one or more of these options:

### 1) *Online Reporting*

William & Mary's [student online reporting portal](#) provides options for anyone to report a Title IX concern relating to a student.

The [employee online reporting portal](#) for concerns regarding faculty or staff is also available for anyone to report potential misconduct.

### 2) *In-Person Reporting or Reporting in writing (mail or e-mail)*

Reports relating to students:

Dean of Students  
Sadler Center, Suite 368  
William & Mary  
P.O. Box 8795  
Williamsburg, Virginia 23187  
[deanofstudents@wm.edu](mailto:deanofstudents@wm.edu)

Reports relating to students or employees:

Office of Compliance & Equity  
James Blair Hall Suite 110  
William & Mary  
P.O. Box 8795  
[reportconcern@wm.edu](mailto:reportconcern@wm.edu)

### 3) *Anonymous Reports*

Anonymous reports as well as partial disclosure reports of incidents involving students may be made by non-mandatory reporters online.

Anonymous reports as well as partial disclosure reports of incidents involving faculty or staff may be made by non-mandatory reporters online. Employees who are supervisors are required to report discrimination or harassment of a subordinate that is disclosed to them or that they observe.

Anonymous reports or partial disclosure reports of incidents involving students or employees made by non-mandatory reporters may be filed

physically using the secure dropbox located outside of the Office of Compliance & Equity on the first floor of James Blair Hall.

William & Mary Police may accept anonymous reports of sexual assault, which will be included in the university's daily crime log and annual crime statistics if appropriate. The Police can also assist survivors with the process of having physical evidence collected (PERK), anonymously, and maintained. This gives survivors the option of later



deciding whether and how to use such evidence. Please note that if you provide the Police with specific information, such as names, they will be obligated to share that information with the Title IX Coordinator.

William & Mary Police dispatch can be contacted at (757) 221-4596 or in person at 201 Ukrop Way.

### 4) *Confidential Reports*

**FOR STUDENTS:** Students who are not sure whether they want to make a formal complaint are encouraged to seek help from

**The Haven.** The Haven can provide confidential support, information and resources to help a survivor access mental and medical health services and understand the options available to them.

The Haven



Sadler Center Suite, 1<sup>st</sup> Floor, Room 146P  
757-221-2449  
[thehaven@wm.edu](mailto:thehaven@wm.edu)

Liz Cascone  
Director, The Haven  
Sadler Center, 1<sup>st</sup> Floor, Room 146P  
757-221-7478  
[emcascone@wm.edu](mailto:emcascone@wm.edu)

Other confidential resources for students on campus are:

***William & Mary Counseling Center***  
757-221-3620  
McLeod Tyler Integrated Wellness Center –  
Second Floor

***Student Health Center***  
757-221-4386  
McLeod Tyler Integrated Wellness Center –  
First Floor

***A&S Graduate Student Ombuds***

Professor Peter Vishton  
757-221-3879  
Integrated Science Center (ISC) 1153  
[vishton@wm.edu](mailto:vishton@wm.edu)

**FOR EMPLOYEES**

The University Ombuds  
[ombuds@wm.edu](mailto:ombuds@wm.edu)

Employee Assistance Program: All health plans offered to William & Mary employees and their dependents have employee assistance programs (EAPs).

Anthem EAP: 1-855-223-9277  
Aetna EAP: 1-888-238-6232

***5) Criminal Reporting***

Sexual assault and some other forms of sexual misconduct are crimes, and may be reported to law enforcement for investigation. William & Mary staff

members can help students file a criminal complaint, if desired. Students and staff may report to the police instead of reporting for internal administrative investigation, or may file an additional, parallel report. Those wishing to report do not need to choose one or the other; they may pursue an administrative investigation with the university without filing a criminal report.

- The [William & Mary Police](#) generally have jurisdiction over incidents occurring on W&M's campus.
- The [Williamsburg City Police](#) generally have jurisdiction over incidents occurring in the city of Williamsburg.
- The [James City County Police](#) generally have jurisdiction over incidents occurring in James City County.
- The [York County Sheriff's Office](#) generally has jurisdiction over incidents occurring in York County.

***6) Filing an External Grievance***

The university encourages members of the campus community to resolve matters internally, such as by filing a report under the applicable grievance procedure before pursuing remedies outside the university. However, employees and students have the right to directly contact the appropriate external enforcement agency. Information regarding these agencies is available with the OC&E. Individuals experiencing harassment or discrimination also have the right to file a formal grievance with government authorities.

***a) Department of Human Resource Management***

The Virginia Department of Human Resource Management ([DHRM](#)) is the central human resource (HR) agency for the Commonwealth of Virginia. DHRM promulgates and provides guidance on important personnel policies, particularly policies applying to classified and operational employees.

b) *The Equal Employment Opportunity Commission*

Employees and applicants for employment may file complaints with the EEOC. The EEOC provides information about filing a charge with the [Norfolk](#) field office online.

Information about the [Richmond](#) field office is also available online. The EEOC also provides an online assessment, which can be used to help people decide if the EEOC is the correct agency to assist them.

c) *Office of Civil Rights of the U.S. Department of Education*

Complaints may be filed by anyone who believes that William & Mary has discriminated against someone on the basis of race, color, national origin, sex, disability, or age. OCR has an [online complaint form](#) and its website also provides guidance on various discrimination topics in its [online reading room](#).

### **Confidentiality**

The university makes every effort to protect the privacy and confidentiality of people who report or are named in a report of sexual misconduct. Information reported will be shared only on a need-to-know basis and in accordance with applicable policies and procedures. Which policies and procedures are applicable depends on whether the people involved are students or employees; students' rights are protected by federal law and the Student Privacy and Records Policy and the applicable procedures is the Student Discrimination Procedure. Employees' rights are governed by state and university policy and the Employee Discrimination, Discriminatory Harassment, Retaliation and Sexual Misconduct Grievance Procedure.

Limited disclosure of confidential information is often necessary in order to respond to a report of sexual misconduct. This disclosure is most typically internal to the university. For example, a Title IX

Collaborative Staff may confirm the fact that the modification or protective measure is justified with other institutional employees who have a need to know, e.g. Residence Life staff member, faculty member, advisor—without disclosing any details of the report or investigation. Only the members of the Title IX Collaborative Staff will be involved in determining whether to take a supportive measure that would reveal confidential information and in determining whether to otherwise disclose confidential information. If a supportive measure would require some disclosure of confidential information to someone other than a school official, this is typically made in consultation with and with the consent of the complainant; if safety concerns do not allow such consent, the complainant is promptly notified. Reports and investigation details are maintained on a secure, password protected database that is accessible only by the Title IX Collaborative Staff.

Mandated public disclosures of sexual assault, dating or domestic violence, or stalking offenses are made without including personally identifiable information about the survivor of the offense. This means, for example, that the university's Daily Crime Log does not include a complainant's or respondent's name. The William & Mary Police staff who are responsible for these disclosures are trained in appropriate protocols and the need to protect a complainant's privacy.

### **Sexual Misconduct Prevention and Education Programs**

William & Mary is dedicated to providing information and resources to educate our students and the public about sexual assault and other forms of sexual misconduct. These educational activities are part of our mandated primary prevention and awareness programs for students and employees. The programs are informed by research or assessed by value, effectiveness or outcome and are intended to stop dating violence, domestic violence, sexual assault and stalking before they occur through the promotion of positive, healthy behavior that fosters healthy,

mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms.

Some of the most important prevention and education resources, offices, and initiatives are described below.

#### *Resources and Programs for Entire W&M Community*

- *Committee on Education and Prevention of Violence* – This committee is charged by Virginia law with increasing community safety through a collaborative and thoughtful approach to educating our students, faculty and staff about the nature, cause, and various forms of violence as well as the prevention and restorative measures available. The committee has a website with information including definitions of laws and policies and promotes awareness of the Violence and Threat Management Policy.
- *Red Flag Campaign* is a national initiative that raises awareness on domestic and relational violence. William & Mary has participated in this campaign since 2006. Throughout the month of October, red flags are strategically placed across campus to represent rates of domestic and relational violence. Educational posters are placed near the flags, in residence halls, academic buildings, and other buildings to raise awareness about the warning signs or “red flags” of unhealthy relationships. In addition to coordinating the placement of the flags, our peer educators (HOPE and SYK), also host a variety of educational events throughout the month to provide students (both graduate and undergraduates) the opportunity to learn more about relationship violence.
- *Sexual Assault Awareness & Prevention Month* in April involves partnerships between the Coordinating Committee, The Haven, HOPE, Someone You Know, Student Assembly, and many more student organizations to create a variety of events discussing prevention and survivor support and bringing in state and national resources to campus.

- *Poster/flyer campaign* – W&M’s Title IX poster campaign has become a foundation of our awareness programs. These posters are aimed at student survivors of sexual misconduct, and describe reporting options and resources and encourage preservation of evidence. The posters are placed across campus in bathrooms, on bulletin boards and kiosks. In addition to the posters, a one page informational flyer is distributed each fall to all campus residents.
- *Take Back the Night* – Hosted by Peer Education Organizations (HOPE & SYK), this event is open to all students to raise awareness about the impact of sexual violence and provide a supportive environment for survivors to share their stories. The event is in two parts: part one, open to faculty & staff, gives survivors an indoor platform to share and receive support; part two, open to students, is a candlelight circle on the Sunken Garden where students can share more privately.
- *Let’s Get Consensual Campaign* – The Let’s Get Consensual social media campaign aims to create a campus-wide culture of consent. Let’s Get Consensual is a collaborative effort between the Office of Health Promotion, the Haven, Health Outreach Peer Educators, Someone You Know, Student Assembly, Vox and Amnesty International at William & Mary. The campaign is designed to get every facet of campus involved through regular social media presence. Faculty and staff engage with provision of promotional materials to show their support for the campaign.





### *Programs for All Students*

- *Sexual Assault Prevention Online Training Module*—The university requires all incoming students – first year, transfer, Saint Andrews, and exchange students – to complete an online tutorial about sexual assault, dating and domestic violence, stalking, and how to be an active bystander prior to the start of classes. The training module is available for graduate students as well. Separate modules are geared specifically to undergraduate or graduate student audiences. It is a non-opinionated gender-based violence prevention program created by Vector Solutions that uses science-based research to educate students about sexual assault, dating and domestic violence, and stalking. The program makes students aware of William & Mary's expectations, including policy definitions of sexual misconduct and consent, and also provides information about how to intervene in a problematic situation, and how to get help if sexual misconduct occurs. Students also learn how to help prevent sexual violence through bystander intervention, including scenario examples of how and when to intervene in a particular situation. The program includes quizzes and surveys that collect information about relationship knowledge, attitudes, and behaviors. The course, delivered through blackboard, includes W&M-specific information,

making students aware of university policies and resources.

- *Peer Education (particularly by Health Outreach Peer Educators [HOPE])* - Approximately 60 peer educators that are highly trained (through a 3-credit semester long class taught by Health Promotion staff including the Sexual Violence Prevention Specialist) implement education and awareness campaigns throughout the year on topics such as healthy relationships, substance use, mental health, and sexual health. HOPE facilitates first year mandatory extended orientation on bystander intervention and healthy relationships as well as yearlong efforts to create culture change amongst their peers. These students are advised by the Office of Health Promotion and collaborate with other offices and student groups across campus.
- *Someone You Know (SYK)*—This student group works to prevent sexual violence on campus, to promote healthy masculinity, to increase all individuals' commitment to end sexual violence through peer education programs, and to create a more supportive, healthy and aware campus. SYK provides 14 workshops a semester on average to Fraternities, Sororities and other Registered Student Organizations.
- *Sexual Assault Awareness Month programming:* A collaborative effort between student groups and campus departments, the month features various events including Take Back the Night, The Clothesline Project and educational workshops.

### *Targeted Student Outreach*

Specific trainings for targeted populations include:

- *Fraternity/Sorority Life:* Peer educators presented at the FSL New Member Orientations. The Fraternity and Sorority Life Steering Committee is working with the Sexual Violence Prevention Specialist and Director of The Haven to outreach to chapters about prevention efforts, appropriate bylaws for responding to incidents of

sexual violence and how to support survivors in the community.



- **Athletes:** All freshmen athletes received training on sexual violence prevention and substance use during their mandatory Academy training sessions in the Fall. Coaches also received training from Title IX and the Sexual Violence Prevention Specialist on mandatory reporting and resources. Every team receives a presentation that was tailored to student athletes including W&M policy definitions, survivor support, prevention strategies for sexual violence, dating violence and stalking.
- **Residence Assistants:** Overview of Title IX and Mandatory Reporting requirements are provided to all RA's prior to the start of the semester. RAs were also offered optional sessions on boundary setting and prevention strategies.



### *Programs for Employees*

- **Faculty and Staff Safe Colleges Training.** The university assigns all employees two online training modules produced by Vector Solutions. The Title IX and Sexual Harassment module provides basic information about Title IX and the importance and implications of Title IX and sexual harassment, including sexual assault. Definitions of Title IX Sexual Harassment, as well as Title IX regulations and obligations are provided in this course. Title IX: Roles of Employees provides an overview of Title IX and the responsibility of employees for Title IX enforcement and reporting requirements. A supplemental handout with university specific definitions of sexual misconduct, reporting obligations and contacts, and confidential resources is provided as part of the training. All faculty and staff are required to take training on these topics at least every two years. All new hires are required to complete the training within 30 days of their start date.
- **Targeted Training.** The OC&E provides annual training to employees in specific departments and groups, such as Athletics, VIMS, School of Education, Counseling Center, Resident Aides (RAs), Orientation Aides (OAs), and new faculty hires. The Chief Compliance Officer/Title IX Coordinator provides mandatory reporting training to new Student Affairs staff members once a semester.
- **Policy Promotion Activities.** The university promotes awareness of its expectations for conduct and for policies preventing assault and other forms of violence, by disseminating information about its policies.

These policy promotion activities are highlighted in this Report under "Sexual Misconduct Prevention Policies".

***Sex Offender Information***

In accordance to the “Campus Sex Crimes Prevention Act” of 2000, which amended the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Clery Act and the Family Educational Rights and Privacy Act of 1974, William & Mary Police Department provides a link to the Virginia State Police Offender registry. This law requires sex offenders already required to register in a State to provide notice of each institution of higher education in that State at which the person is employed, carries a vocation, or is a student. In the Commonwealth of Virginia, convicted sex offenders must register with the Sex Offender and Crimes Against Minors registry maintained by the State Police.

The Sex Offender and Crimes Against Minors Registry is available via the internet pursuant to Section 19.2-390.1 of the Code of Virginia. Registry information provided shall be used for the purposes of the administration of criminal justice, screening of current or prospective employees, volunteers, or otherwise for the protection of the public in general and children in particular. Unlawful use of this information for the purpose of intimidating or harassing another is prohibited and willful violation shall be punishable as a Class 1 misdemeanor.

The Virginia State Police is responsible for maintaining this registry. Follow the link to access the Virginia State Police website, which contains the [Sex Offender and Crimes Against Minors Registry](#).

## RESPONSE

### *Reporting Obligations*

The institution's Code of Ethics includes a provision that encourages all members of the university community to "[r]eport any illegal or unethical action that comes to our attention, so the university can investigate and take corrective steps."

In compliance with the Code of Virginia §23.1806 and to help ensure that sexual violence, dating and domestic violence, and other forms of violence are promptly addressed, William & Mary requires all employees and Campus Security Authorities who become aware of sexual harassment, including sexual violence, that is committed against a student attending the institution or may have occurred on campus or on a non-campus building or property, or on public property to report all known information to the Title IX Coordinator or to W&M Police. These policies do not require victims or survivors to self-report and students who are not responsible employees or CSA's are not required to make third-party reports for a friend or roommate that discloses an incident of violence to them. The most important policies are:

- The *Policy Prohibiting Discrimination, Discriminatory Harassment, Retaliation and Sexual Misconduct* covers sexual violence, and mandates all employees (including Resident Assistants, Teaching Assistants, and other designed student employees) to report incidents of sexual harassment involving students.
- The *Violence and Threat Management Policy* requires reporting of acts of violence, including sexual assault and dating and domestic violence.
- The *Clery Act Compliance Policy* requires Campus Security Authorities to report Clery Act crimes. Because this policy is to ensure Clery reporting and other public available record-keeping, any identifying information about the victim of a Clery Act crime,

including sexual assault, dating violence, domestic violence and stalking, is not included in the report.

- The *Whistleblower Policy* encourages reporting of unethical behavior and other misconduct. It complies with the Fraud and Whistle Blower Protection Act, Title 2.2, Chapter 30.1 of the Code of Virginia.

The university also takes steps to ensure that all members of the campus community are aware of their obligations to report sexual assault and other crimes of violence, to help increase campus safety. For example:

- The OC&E maintains a website summarizing all mandatory reporting obligations for employees. The Office of Human Resources provides all new employees with a handout summarizing these reporting obligations.
- The Provost sends an annual Essential Matters message to all faculty and staff, as a reminder to employees of their obligations to report.
- Most faculty, many employees in Student Affairs, and a number of other employees are Campus Security Authorities (CSAs), responsible for reporting, among other crimes, sexual violence under William & Mary's Clery Act Compliance Policy. The Office of Compliance & Equity notifies Campus Security Authorities of their status as such and reminds them of their obligations annually. The method of notification is described on the [Campus Safety-Clery Act](#) website which includes links to guidance provided to CSAs as well as the annual communication notifying faculty and staff of their designation as a CSA.
- The university requires all employees to complete an in-person or online training on sexual harassment and violence prevention and response on a bi-annual basis.

### ***Supportive Measures***

Our priority, when we become aware of an incident, is the safety and well-being of the person affected by the conduct. After immediate needs such as medical care and forensic evidence collection are addressed, other steps may be taken to support the complainant, specifically, and overall campus safety. Most of these measures can be implemented even if the complainant does not wish to participate in an investigative process or wishes to remain anonymous to the respondent.

- Providing counseling services, including free services from the university Counseling Center
- Changing residence location
- Issuing order barring further communication (bi-lateral no-communication orders)
- Making academic modifications
- Relocating or rescheduling of classes
- Restricting the respondent's presence to certain areas of campus (e.g. attendance in class only)
- Providing written information about the process and their rights and options and available resources
- Explaining the protections against retaliation
- Issuing a timely warning.

The written information provided to a complainant includes details about their rights and options and information about health services from the Student Health Center (free for students), health and counseling services provided through an employee's health insurance policy and the Anthem Employee Assistance Program, free mental health services through the Counseling Center for students, visa and immigration assistance through the Reves Center, and victim advocacy from the peer support group on campus, The Haven, or off campus community services from Avalon. It also informs survivors that the William & Mary Police can assist students with the process of having physical evidence collected (PERK), anonymously, at Riverside Doctor's Hospital. The university is unable to provide legal assistance

for students or employees, but the complainant is informed in this communication of their right to an advisor of their choice, which can be legal counsel retained by the student or employee.

The written information provided to a complainant also describes supportive available to a student or employee, including no-contact orders, academic modifications, relocation or rescheduling of classes, financial aid assistance for an approved under-load, changes in residence locations, placing a respondent on administrative leave, transferring the respondent to another department, modifying work schedules, temporarily modifying supervisory relationships, and notifying William & Mary Police to address any safety/security concerns.

### ***Orders of Protection***

Safety measures available to survivors include institutional Campus No Contact Orders, civil or criminal Protective Orders issued by the General District Court, and safety plans developed with the William & Mary Police.

[Campus No Contact Orders](#) are issued to prevent retaliation and avoid creating or subjecting a complainant to an ongoing hostile environment by another student or employee. Campus No Communication Orders are applicable to locations on campus as well as off campus. Violations of a Campus No Communication Order would be considered student or employee violations of standards of conduct and addressed as such in accordance with the Student Handbook or DHRM Policy 1.60.

Students who wish to discuss the option or to request the issuance of a Campus No Contact Order should schedule an appointment with Community Values & Restorative Practices at 757-221-2509. Likewise, if a student who has a Campus No Contact Order in effect believes the other party to the directive has contacted or attempted to contact the student, then the student should notify Community Values & Restorative Practices at 757-221-2509 immediately. A student concerned about their safety



should contact the William & Mary Police at 757-221-4596 or 911 immediately.

In Virginia, an Order of Protection (Restraining Order) is available for students or employees to seek through the legal system. A protective order is a legal document issued by a judge to protect the health and safety of a person who is alleged to be a victim of any act involving violence, force, or threat that results in bodily injury or places that person in fear of death, sexual assault, or bodily injury.

Persons who wish to obtain a protective order should go to (5201 Monticello Avenue Suite 2, Williamsburg, VA) or call (757-564-2400) the General District Court of Williamsburg/James City County. If the person from whom a student or employee wants protection is a family or household member, or a juvenile, the student or employee should go to or call the Juvenile and Domestic Relations District Court, which is located in Suite 3 at the same address as the General District Court listed above. The contact number for the Juvenile and Domestic Relations District Court is 757-564-2200.

William & Mary Police, with the assistance of Human Resources and/or the Dean of Students Office, must enforce Orders of Protection issued by a court of law. The institution may be required to take additional measures to ensure the enforcement of the protective order, including removing the respondent from campus, changing work hours or work locations, terminating the respondent or putting the respondent on administrative leave, or changing the respondent's course schedule, place of residence or prohibiting the respondent from participating in institutional activities or organizations during the period of the protective order.

### ***Investigation & Resolution Procedures***

Complaints and reports of sexual misconduct (including the VAWA crimes of dating and domestic violence and stalking) are processed under one of two procedures. The procedure used is determined by the identity of the person(s) accused, suspected, or reported for misconduct. This person is called the

respondent. If the respondent is a student, then the [Student Discrimination and Title IX Complaint Procedure](#) (Appendix A of this report) is followed. If the respondent is an employee (faculty or staff), the [Employee Discrimination, Discriminatory Harassment, and Retaliation Grievance/Complaint Procedure](#) (Appendix B of this report) governs the process. In cases where a student is also an employee (teaching assistant, residential assistant, etc.), the Review Team will assess the context in which the sexual misconduct occurred and the relationship, if any, between the complainant and the respondent to determine which procedure to follow.

- All W&M procedures carefully treat concerns of anonymity/confidentiality.
- All W&M procedures include steps (supportive measures) designed to protect complainants from retaliation and to provide them with support and protection, such as through no-communication orders and/or changes to academic, living, transportation, and working situations -- if requested by a complainant. These steps can be taken regardless of whether a criminal complaint is being made and regardless of whether a complainant wants an investigation. Support services are also available for respondents.
- All W&M procedures involve trained investigators and administrators. The university works to ensure that investigators and others involved with sexual assault, domestic violence, dating violence or stalking cases are trained annually and are familiar with investigation strategies and protocols, relevant university policies and procedures, and Title IX requirements.
- All W&M procedures begin with prompt, expert assessment of reports of sexual violence occurring on campus or affecting W&M students. This initial assessment begins with a report made to the Title IX Coordinator; almost all W&M employees are required, by Virginia law, to share information about such incidents of sexual

violence with the Title IX Coordinator, regardless of how the employees become aware of such information. The Title IX Coordinator convenes the Civil Rights Review Team, consisting of a representative from the William & Mary Police, Student Affairs, and other administrators if faculty or staff are involved in the reported incident. The Civil Rights Review Team assesses the risk posed by the incident and determines the disposition of the report. This disposition may be an investigation under the applicable procedure, or may be remedial action. The

Civil Rights Review Team also makes any mandated reports to applicable law enforcement agencies as required by Va. Code §23-9.2:15 (F) and (G) and Va. Code §63.2-1509.

- All W&M procedures in which a crime victim is the complainant permit disclosure of the results of any related disciplinary proceeding to that party or, if they are deceased as the result of such crime, the next of kin.
- All W&M procedures use a preponderance of the evidence standard for cases of sexual harassment or sexual misconduct.



## EMERGENCY MANAGEMENT: STRUCTURE, PREPAREDNESS & RESPONSE

There is no greater priority for the administration of the university than the security, safety, and health of the campus community. Toward this end, the university takes a comprehensive, all-hazards approach to protecting its community and preparing for any emergency. The university's emergency preparedness and response programs work together with its violence prevention and response programs to protect the campus from threats to safety and security.

Effectively addressing any incident depends on good communication. The university is committed to informing the community of an emergency, disaster, or potential disaster immediately upon determining the nature of the emergency.

### STRUCTURE

#### *Emergency Management Team*

William & Mary's Emergency Management Team (EMT) is responsible for overall coordination of the university's emergency preparedness efforts. The Emergency Management Team operates under the authority of the President of the university and is co-chaired by the Vice President for Student Affairs and the Associate Vice President for Public Safety and Chief of Police.

The members of the Emergency Management Team include the following administrators:

- Vice President for Student Affairs
- Associate Vice President for Public Safety and Chief of Police
- Associate Vice President for Student Affairs & Dir. of Residence Life
- Chief Operating Officer
- Chief Information Officer, Information Technology
- Director, Auxiliary Services
- Chief Operations Officer, Virginia Institute of Marine Science (VIMS)
- Vice Provost for Research and Graduate Professional Studies
- Chief Facilities Officer, Facilities Management
- Senior Associate Vice President and Chief Communications Officer
- Arts and Sciences Emergency and Facilities Planning Coordinator
- Emergency Management Coordinator
- Senior Assistant to the President and Secretary to the Board of Visitors
- International Travel & Security Manager

The Emergency Management Team supports a standing subcommittee that provides advice and recommendations on emergency communications and, at the chair's discretion, may set up ad hoc subcommittees to research and develop recommendations on special topics for the EMT to consider.

#### *Emergency Operations Team*

The EOT includes all members of the EMT, alternates who can serve in the absence of each EMT member, staff to coordinate procurement and logistical functions, and special teams to perform specific functions supporting the emergency operations center. Special teams include staff who operate the emergency information line, monitor social media channels, manage donated goods and other auxiliary functions identified in the Crisis and Emergency Management Plan.

### PREPAREDNESS

William & Mary has implemented policies that enable emergency preparedness and reduce the likelihood of harm to members of the campus community. The EMT and other offices have also developed plans and

practices to help prepare for emergency events. Important policies, plans and practices include:

### ***Emergency Response Guide***

The [Emergency Response Guide](#) for faculty, staff, and students is designed to assist the campus community in responding to emergency situations. In particular, the guide provides information on who to contact in various emergency situations, including but not limited to, suicide threats, gas leaks, bomb threats, fires, and earthquakes. This guide is available on the university's web site and also available as a mobile app called [Crisis Manager](#).

### ***Crisis and Emergency Management Plan***

In support of significant events, such as evacuation, the W&M Crisis and Emergency Management Plan (CEMP) may be activated to address the emergency. William & Mary's all hazards CEMP is based on the concept that emergency operations usually begin and end with the university and its resources at the department level. Application of the Incident Command System (ICS), WMPD General Orders, building emergency plans, Incident Action Plans (IAPs) and department policy/procedures guide the field response to any incident or event occurring on the campus, to include evacuations. The CEMP describes the necessary coordination and support organization for expanding operations.

The W&M Emergency Operations Center (WMEOC) is activated to support the resource needs of Incident Commanders responding to an incident(s) and special operations coordination. When the university cannot resource its response needs, assistance will be requested from the City of Williamsburg which may pass the request to the Virginia Emergency Operations Center (VEOC) when the emergency or disaster exceeds local and mutual aid capabilities. When the state's resources become overwhelmed, the Governor may request federal assistance.

At each level, the responsible government official must declare an emergency in order to request assistance. The university cannot make requests to

the VEOC or declare an emergency, but a local emergency may be declared by the City of Williamsburg Director of Emergency Management with the consent of the City Council (see §44-146.21, Virginia Emergency Services and Disaster Law). If the incident is confined to campus property, the city is responsible for requesting the declaration of emergency.



The EMT is responsible for the development, maintenance and activation of the Crisis and Emergency Management Plan in accordance with §23.1-804 of the Code of Virginia <https://law.lis.virginia.gov/vacode/title23.1/chapter8/section23.1-804/> The Crisis and Emergency Management Plan establishes and/or coordinates policies, procedures and organizational units for response to all hazards with the potential to cause significant disruptions to the university. This plan describes the roles and responsibilities of departments, schools, units, and personnel during emergency situations.

### ***Emergency Closing Policy***

One policy that addresses the preparation for an emergency is the [Emergency Closing Policy](#). The authority to close the university, to cancel classes, or to maintain academic activity is delegated to the Provost who makes all such decisions in consultation with the President and the Emergency Management Team. Academic and administrative units are expected to abide by any decision made regarding operating status. The Provost has delegated authority to make such decisions for the Virginia Institute of Marine Science campus to its Director/Dean. The Policy helps increase campus safety by avoiding unsafe travel to and on the campus during emergency conditions.

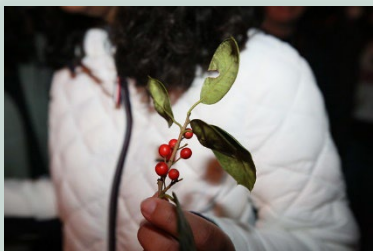
### ***Student Personal Evacuation Plans***

If the emergency event is predicted to be of major significance and duration, or if conditions are such that it is probable the campus will be closed

temporarily due to adverse conditions and the likely loss of power will make it difficult for the university to maintain the academic schedule and integrity of the building environments, then the President or Provost may, in addition to ceasing normal operations, require the evacuation of campus. This will result in the closing and securing of all buildings on campus. Faculty, staff and students other than those essential to the response to and recovery from the event will be required to remain off campus.

For students, evacuation may be guided by their Personal Evacuation Plans. Students living in on-campus housing are required to develop and document two Personal Evacuation Plans in the event of certain emergencies that would cause the university to close. These plans are due early in the fall semester. The plan must include addresses of two locations, preferably in different cities with one location within a reasonable driving distance to Williamsburg; means of getting to each location; whether the student is able and willing to provide transportation to other students and whether the student is able and willing to provide temporary housing to other students at their designated location. These plans are collected and stored in the Banner network system for the university. Students are asked to review and update their plans annually.

Students living off-campus are not required to develop an evacuation plan but are strongly encouraged to do so. Personal Evacuation Plans may be submitted or modified through the personal information tab on the myWM Banner self-service website.



### ***Building-Specific Emergency Preparedness***

The Building Emergency Coordinator Program involves building occupants in emergency planning and response and addresses the unique needs of specific buildings. Employees are designated as [Building Emergency Coordinators](#) for certain buildings in which they work. The Emergency Management Coordinator serves as liaison between the Building Emergency Coordinators and the EMT. The Building Coordinators help prepare for emergencies, and also assist in response, discussed later in this Report.

Faculty and staff are expected to familiarize themselves with applicable emergency plans, procedures, and evacuation routes. They should know who the Building Coordinator is for their building and take instructions from that Coordinator in the event of an incident. Faculty and staff must be prepared to assess situations quickly but thoroughly and use common sense in determining a course of action.

### ***Shelter-in-Place***

There are only a few emergency situations requiring that we shelter-in-place. These include such incidents as a tornado warning, a radiation release from Surry Nuclear Power Plant, a hazardous material spill, or a violent person. While similar in concept, each incident type does have unique shelter-in-place considerations. Familiarization with these concepts will help with personal protection decision making.

When it is understood that an imminently dangerous situation exists and evacuation is inadvisable, notification will be given to shelter-in-place. This announcement will be made using the university's Emergency Notification System as soon as it is feasible in order to provide the campus community with as much time as possible to take protective actions.

The following recommendations should be considered:

	<b>Basement or Substantial Masonry walls</b>	<b>Small Interior Room or Stairwell</b>	<b>No Windows / Glass</b>	<b>Seal Windows / Door Cracks</b>	<b>Turn Off Ventilation</b>	<b>Lock/ Barricade Doors</b>
<b>Tornado / Severe Weather</b>	X	X	X			
<b>Hazardous Material</b>		*		X	X	
<b>Power Plant Release</b>	X			X	X	
<b>Armed Threat</b>			†			X

\* Chemical hazard - select a room above ground level.

† - Exterior windows can be an escape route if in the same building as the threat. Avoid sheltering in rooms with interior windows that would allow you to be seen from another room or hallway.

### **Mass Communication System Activation & Tests**

Consistent with §23.1-803 of the Code of Virginia, the university has a well-established Mass Notification System and procedure for activating the system. William & Mary uses RaveAlert which provides simultaneous notification of an emergency via the wm.edu website, W&M mobile app, text message and e-mail to students, faculty, staff and critical community partners using the contact points they have provided. Visitors to the campus and family members may self-register to receive email and text notifications at <http://www.getrave.com/login/wm>. Students and employees enroll in the mass notification system through the personal information tab on the myWM Banner self-service website. Students are required, and faculty and staff are strongly encouraged, to maintain current contact information for use in the system. Students, faculty and staff can easily update this information through Banner at: <https://personalinfo.wm.edu>.

The Mass Notification system is also linked with the computer network providing desktop messaging and the institution's social media sites of the W&M News Facebook page and W&M News Twitter page. The institution also maintains separate e-mail lists so that a single message can be sent to all or so that special messages can be directed to specific populations – e.g. all students, all faculty, all staff.

The Mass Notification System is utilized in three distinct situations: Emergency Notifications, described below; Clery Timely Warnings, and informational notices about significant situations such as weather closings and power outages.

The university has sirens stationed on top of the Integrated Science Center, the School of Education building and the Law School. The sirens produce a 120-decibel signal intended to alert people outdoors to an emergency situation. The siren is intended to direct two actions – seek shelter and seek information. A sample of the siren's signal may be heard at:

<http://media.wm.edu/content/wm/emergency/siren.wav>.

Three times per year, the university performs a publicly announced drill of the notification system to test equipment, exercise procedures, and remind the campus community about how to stay informed about an incident affecting the campus. The following message is provided through the emergency notification system:

*This is a test of the W&M emergency siren and notification system. No action is necessary. The university's sirens are generally a signal to "Seek Shelter and Seek Information." During an emergency, the EMT will provide additional information and instructions through the mass notification system. This includes messages via text, email and phone. Account holders may update emergency contact information in Banner self-service. Emergency notices will also be posted on the university's website, by pop-ups on W&M computers, [www.wm.edu](http://www.wm.edu), and the W&M News Facebook ([www.facebook.com/wmnews](http://www.facebook.com/wmnews)) and W&M News Twitter ([www.twitter.com/WMNews](http://www.twitter.com/WMNews)) when information is available.*



In advance of these scheduled system tests, the Co-chairs of the EMT send a campus-wide email message announcing the test and providing information about the test. These messages will include links to the university's emergency response guide, Crisis and Emergency Management Plan, student personal

evacuation plan templates and other emergency resources.

The RAVE system provides a comprehensive report of who was contacted and through what devices after each test. These reports are reviewed by the Emergency Management Coordinator to assess the effectiveness and reliability of the system.

### ***Emergency Management Team Preparedness and Tests***

Drills, tabletop, and functional exercises are conducted as part of the Emergency Management Training & Exercise program established to build and maintain the university's emergency capabilities. Major components of this program include training staff in their responsibilities, conducting periodic refresher training and validation of the university's plans and procedures, systems, and equipment through exercise. A multi-year improvement planning process has been established for this purpose.

In accordance with §23.1-804.D of the Code of Virginia, the university conducts an annual test of the Crisis and Emergency Management Plan. The annual test, normally conducted with our jurisdictional partners, is typically based on a hazard or threat that will impact all of our agencies. Tests and exercises may be developed to involve portions of the campus community or designed to limit impact on normal campus operations. These events make general use of Homeland Security Exercise and Evaluation Program (HSEEP), which establishes standards for agency capabilities and performance. Additionally, HSEEP standards have been useful in providing a clear, programmatic and repeatable method for everything from test concept development to improvement planning.

After Action Reports (AAR) and Improvement Plans (IP) developed from actual incidents or tests and exercises are used to refine and adjust plans. These events and incidents encourage us to develop coordinated plans with community partners prior to and through a test or exercise, expose weaknesses in our plans. Similarly, actual events involving activation

of our plans also expose the strengths and weaknesses of our plans. Each of these situations will receive in follow up a highly detailed AAR and IP which describe the actions taken and identify areas for improvement.

## **RESPONSE**

The primary responsibility for monitoring emergency threats and events resides with the William & Mary Police Department (WMPD). The department operates on a 24/7/365 basis and is always available to receive emergency communications from a variety of official and public sources. In most emergencies, the best way to report the event is by contacting the William & Mary Police Department at 757-221-4596 (or 911 from a campus landline).

In any type of emergency, the WMPD Shift Supervisor (supervisor in charge) should follow standard operating procedures. If the emergency warrants, they should communicate immediately with the WMPD Chief of Police. If the WMPD Police Chief is not available, WMPD will follow established order of succession procedures. In the event of a situation with the potential to be a significant incident, the Co-chairs of the Emergency Management Team will be notified immediately. If a Co-chair is unavailable, the designated order of succession will be followed. In situations where immediate community notification is required, a police supervisor is authorized to send a notice to the community before notifying the Chair of the Emergency Management Team.

### ***Procedure***

The Crisis and Emergency Management Plan outlines three periods of response for emergency operations:

- I. Normal**
  - Perform routine monitoring and reporting of potential threats.
  - Provide response to minor incidents having limited impact on the functional capability of the university.



- Engage in activities and exercises accomplished to maintain readiness, build capability and improve plans.

**II. Response Operations**

- Operations/procedures performed in anticipation of an event that may significantly disrupt operations of the university.
- Portions of the Emergency Response Plan may be activated.
- Operations and commitment of staff and resources required to mobilize and respond to emergency.
- EOC activated to support Incident Command Post(s) (ICPs) and coordinate special emergency operations.
- Advise City of Williamsburg officials if a local emergency should be declared.
- Damage assessment begins.

**III. Recovery Operations**

- Either short-term or long-term recovery operations being performed.
- Short-term operations restore vital services and provide for basic needs.
- Long-term recovery focuses on restoration to normal state.



Staff from the Emergency Operations Team (EOT) will be activated as required based on the situation, severity and extent of the incident or event. EOT staff may be activated in advance of an event (such

as a hurricane) to maintain situational awareness and readiness of the WMEOC.

WMEOC is staffed by members of the EOT in support of Incident Commander(s) engaged in response activities. The primary role of the EOC and its functional positions are communication and coordination of resources and special operations required as a consequence of an incident. Conditions that can cause the EOC to be activated include:

- A request from Incident Command when their resources are insufficient to effectively continue response activities without assistance.
- A determination by the Emergency Coordination Officer or Incident Commander that incident communications require a higher level of coordination or special operations support.
- Coordination of activities in advance of an event (such as emergency preventative measures taken prior to hurricane landfall).

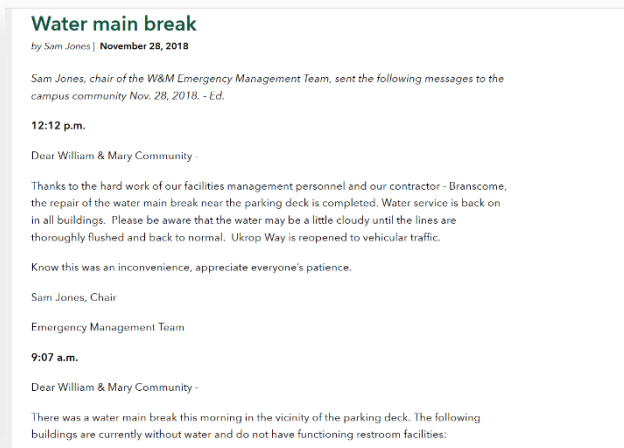
In addition to the EOT, selected members of the Emergency Management Team, depending on the situation, will be responsible for carrying out the actions of the emergency response. These persons or organizations include:

- Ginger Ambler, Vice President for Student Affairs
- Deb Cheesebro, Associate Vice President for Public Safety and Chief of Police
- Amy Sebring, Chief Operating Officer
- Kenton Towner, Emergency Management Coordinator
- William & Mary Police Department
- VIMS Liaison to the EMT
- D.C. Campus Contact to the Emergency Management Coordinator
- Outside agencies as approved under mutual aid agreements, including Williamsburg Police and Virginia State Police.

Emergency Actions may include, but are not limited to, evacuation and closing of buildings and facilities, establishment of protective perimeters, coordination of additional resources from outside agencies, and

may include recommendations for basic personal protective measures.

### **Emergency Notifications**



The institution 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. Decisions concerning notification of the community about an imminent or active threat or emergency situation will be made by the Chair (or approved successor) of the Emergency Management Team in consultation with the designated on-scene Incident Commander. In some cases (such as Tornado or active incident on campus), W&M Police Chief (or designee) is authorized to notify the campus immediately. Guidance for notification is set forth in §23.1-803 in the Code of Virginia and 34 CFR 668.46(e)(1-3). The alerting authority is responsible for confirmation of an emergency situation with the public safety agency having primary jurisdiction to include: local on-scene Incident Commander, the National Weather Service, Virginia Department of Health, or other official sources with responsibility for direct action. In some instances, such as weather warnings issued by the NWS, notifications received directly from trusted sources will be passed to the

campus community without additional verification. Members of the campus community, regional officials, contractors, daycare patrons, and individual registrants in our system can expect notification of pending or existing emergency situations without unnecessary delay once a legitimate threat to the community is confirmed by the alerting authority.

The William & Mary Emergency Management Team has determined the following individuals have authority to initiate alerts through the RaveAlert system:

- Ginger Ambler, Vice President for Student Affairs
- Donald Butler, Interim Associate Vice President for Public Affairs and Interim Chief of Police
- For VIMS and Eastern Shore campuses, Joe Martinez, VIMS Chief Operations Officer
- For Washington D.C. campus, Roxanne Adler Hickey, Associate Director, Washington Center & Directors Programs

However, if an immediate life-safety threat exists (such as a tornado or active shooter), the William & Mary Police Supervisor on duty may initiate an alert. In situations that require institutional-wide response, WMPD will notify the chair of the EMT. For immediate life-safety threats the campus siren system is also activated.

For anticipated situations, preconfigured templates developed and approved by the Emergency Communications Team and documented in the alerting matrix are used to alert the community. However, alerting authorities are trained to consider the magnitude of the emergency to determine the pervasiveness of the emergency message.

Templates are maintained in the alerting system to save time and reduce the potential for errors when providing incident information and protective action instructions for various life safety emergency scenarios. The preapproved content (less time and location of the incident), preselected delivery

methods and predetermined message targets are frequently reviewed and updated as necessary. All templates in the notification system are default set for campus-wide distribution.

Hazard specific self-protection information, including evacuation and shelter-in-place instruction, is provided in the pre-scripted/fill-in-the-blank messages that are sent at the time of the incident using specified methods. W&M has determined that providing incident-based self-protection information at the time of the emergency is critical to the safety of the campus as evacuation and sheltering procedures can be significantly different depending on location and extent of the hazard, weather conditions, traffic flow, and other factors.

Depending on the type of emergency situation, the Chief of Police (or designee) is an essential part of the notification decision process and in determining if and when it is safe to issue some alerts. In certain

situations, it may be necessary for public safety officials to coordinate with other law enforcement agencies to determine if it is appropriate to alert the campus. However, only situations that may risk the safety or security of victims, interfere with containment of the threat, interrupt the effective response to the emergency, or hamper mitigation of the situation will such notifications be delayed.

#### ***Alerting Method Selection (Based on Incident Type)***

When determining which methods of alerting are appropriate for a given situation, staff should consider factors such as: proximity to W&M property and students, severity of the incident, potential harm to individuals, and immediacy of the threat or hazard. It is also important to note that some crimes rise to the level of emergencies, and will be immediately treated as such. An emergency message for a Clery crime does meet the Clery Timely Alert requirement.

The following Table provides basic guidance in the proper alerting method by category and available templates. It is a decision aide, not an absolute, for individuals involved in the alert process. Staff may deviate from the guidelines below based on the factors for each situation.

Overall Category with Available Templates by Title	Siren	Email	Text	Webpage-Small	Webpage-Large	Facebook	Twitter	Computers
<b>Crimes and Related Activity</b>								
Active Shooter <sup>2</sup>	X	X	X		X	X	X	X
Bomb Threat		X	X	X	X	X	X	X
Clery Timely Warning		X	X	X		X	X	
Police Search		X	X	X		X	X	
Suspicious Activity		X	X	X		X	X	
<b>Emergency</b>								
Accident / Incident	X	X	X	X <sup>3</sup>	X <sup>2</sup>	X	X	X
Evacuation w/ Direction to Convene	X	X	X	X <sup>2</sup>	X <sup>2</sup>	X	X	X
Explosion		X	X	X <sup>2</sup>	X <sup>2</sup>	X	X	X
Fire		X	X	X <sup>2</sup>	X <sup>2</sup>	X	X	X
Incident at Specific Building	X	X	X	X <sup>2</sup>	X <sup>2</sup>	X	X	X
HazMat Spill		X	X	X <sup>2</sup>	X <sup>2</sup>	X	X	X
Surry Accident		X	X	X <sup>2</sup>	X <sup>2</sup>	X	X	X
<b>University Closing</b>								
Closing		X	X	X		X	X	
Two-hour Delay		X	X	X		X	X	
One-hour Delay		X	X	X		X	X	
Essential Personnel		X	X	X		X	X	
<b>Weather</b>								
Tornado Warning (in storm path)	X	X	X		X	X	X	X
Tornado Warning (regional)		X		X		X	X	
Tornado Watch		X		X		X	X	
Hurricane	X	X	X	X	X	X	X	X
<b>Other Templates – unfiled</b>								
System Test	X	X	X	X		X	X	X

<sup>2</sup> This is also considered an emergency and will be treated as such

<sup>3</sup> Selection determined by the magnitude of emergency situation.

***Campus Communication with the External Community***

To ensure a unified and consistent message, communication with the external community (to include parents, spouses or other next-of-kin) will be managed by the Emergency Communications Team (ECT). There will be a single spokesperson for the university, the Senior Associate Vice President & Chief Communications Officer, who also serves as the Chair of the Emergency Communications Team (the

Director of University News & Media serves as backup). All aspects of the university’s external communications, including designating a media center as needed, identifying which media outlets will receive communication and which mediums will be used to communicate the message, gathering information and preparing statements and press releases for distribution, responding to media inquiries, monitoring media coverage to the extent possible, and preparing and distributing statements for use by individuals answering telephone calls.



## CRIME STATISTICS

### CLERY ACT COMPLIANCE

#### *Procedures for Collecting Statistics*

William & Mary prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The William & Mary Police Department is charged with the responsibility of collecting data and preparing crime statistics for the annual security report. The Police Department completes an analysis of all crimes reported to the Police Department. Data also is collected from local police agencies wherever the university has a campus or non-campus property including property controlled by the institution during study abroad programs. These include the City of Williamsburg, James City County, City of Newport News, Gloucester County, Accomack County, and the District of Columbia.

Crime data is also collected from foreign (non-U.S.) law enforcement agencies for locations in which William & Mary controls property. The Reves Center for International Studies provides the Office of Compliance & Equity with an annual list of programs, including buildings controlled for classroom and residence, if applicable, and the dates of the programs. The Office of Compliance & Equity assists the William & Mary Police Department in drafting requests for Clery crime statistics from local police in those jurisdictions.

Data is collected from university employees and others associated with the university who are designated as Campus Security Authorities, pursuant to William & Mary's Clery Act Compliance Policy.

#### *Definitions of Clery Crimes*

For purposes of statistics in this Report, Clery Crimes are defined in accordance with the Clery Act and applicable federal regulations.

*Murder and Non-negligent Manslaughter* is the willful (non-negligent) killing of one human being by another.

*Negligent Manslaughter* is the killing of another person through gross negligence.

*Sex Offenses*—An offense that meets the definition of rape as used by the FBI's Uniform Crime Reporting (UCR) Program, and fondling, incest or statutory rape as used in the FBI's National Incident-Based Reporting System (NIBRS) Data Collection Guidelines program.

1. *Rape*—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. This definition includes any gender of victim or perpetrator.
2. *Fondling*—The touching of the private body 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 his/her age or because of his/her temporary or permanent mental incapacity.
3. *Incest*—Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
4. *Statutory Rape*—Sexual intercourse with a person who is under the statutory age of consent.

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

*Aggravated assaults* are defined as an unlawful attack by one person upon another for the purpose in

inflicting severe or aggravated bodily injury. This type of assault usually involves a weapon or means likely to cause 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* is defined as the unlawful entry into a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

*Arson* is 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.

*Motor vehicle theft* is the theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned—including joyriding.)

*Hate crimes* are defined for this report as crimes committed against a person which manifest evidence that the victim was intentionally selected because of the victim's actual or perceived race, gender, gender identity, religion, ethnicity and national origin, disability, or sexual orientation. For this report, the hate crime must have been for one of the following criminal offenses that was committed where the victim was intentionally selected because one of the above listed biases motivated the perpetrator. These crimes are murder and non-negligent manslaughter, forcible sex offenses, non-forcible sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny-theft, simple assault, intimidation, and destruction/ damage/ vandalism to property.

*Liquor law violations* are defined as violations of laws or ordinances prohibiting the manufacture, sale,

possession, transporting, or furnishing of intoxicating liquors or alcoholic beverages; and all attempts to commit any of the aforementioned. (Public intoxication and driving under the influence are not included).

*Drug abuse violations* are defined as violations of State and local laws relating to the unlawful possession, sale, and use, growing or manufacturing and making of narcotic drugs.

*Weapons possession violations* are defined as violations of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying of deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons and all attempts to commit any of these acts.

*Dating Violence* means violence committed by a person

- Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- Where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - the length of the relationship,
  - the type of relationship, and
  - the frequency of interaction between the persons involved in the relationship.

*Domestic violence* includes felony or misdemeanor crimes of violence committed by:

- A current or former spouse or intimate partner of the victim,
- A person with whom the victim shares a child in common,
- A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,
- A person similarly situated to a spouse of the victim under the domestic or family violence

laws of the jurisdiction receiving grant monies,  
or

- Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

*Stalking* means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress.

For the purposes of this definition:

- “Course of conduct” means two or more acts, including, but not limited to, acts in which 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.
- “Reasonable person” means a reasonable person under similar circumstances and with similar identities to the victim.
- “Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

### ***Designation and Notification of Campus Security Authorities***

Campus Security Authorities, under the Clery Act and William & Mary's Clery Act Compliance Policy, include

- Any member of the William & Mary Police Department;
- Other individuals who have responsibility for campus security, such as individuals who monitor access into campus facilities, act as event security, or escort students after dark; and

- Any individual who has significant responsibility for student and campus activities, including student housing, student discipline, and judicial proceedings -- that is, those individuals who have the authority and responsibility to take action or respond to particular issues on behalf of the institution. Examples of such individuals include
  - certain members of the staff of the Dean of Students Office;
  - Residence Life staff;
  - faculty advisors to student organizations;
  - some academic deans; and
  - athletic coaches and trainers.



Per the Clery Act Compliance Policy, the Office of Compliance & Equity notifies and reminds Campus Security Authorities of their reporting obligations at least annually. All CSAs receive an e-mail to their William & Mary account that notifies them of their CSA designation and confirms their duty to report crimes in the institution's Clery Act Geography to the William & Mary Police Department. Included in the e-mail notification is a link to a narrated power point presentation that provides guidance about why the need to report, what crimes and information related to the crime to report, and to whom to report. The list of CSAs is reviewed by department heads and deans to confirm accuracy prior to distribution.



## ANNUAL STATISTICS FOR 2020, 2021 AND 2022

Official Clery Crime and Fire Statistics are located at the Department of Education [website](#).

The Clery Act requires the university to report statistical information for certain types of reported offenses. These offenses include: homicide, manslaughter, arson, hate crimes, assault, robbery, burglary, sexual offenses of rape, fondling, statutory rape and incest, and motor vehicle theft. The Violence Against Women Act amended the Clery Act by adding stalking, domestic violence and dating violence as additional types of offenses that need to be reported with the annual statistics.

Definitions of these offenses are provided above. The statistics provide the total number of reported offenses to the William & Mary Police Department for the previous three years.

These statistics reflect reports of crimes to the William & Mary Police Department that the Department has assumed to have occurred, unless investigation proved otherwise. For purposes of complying with the Clery Act reporting requirements, the institution must consider the Virginia Institute of Marine Science, the Eastern Shore Laboratory, the Peninsula Center in Newport News, and the Washington D.C. Office separate campuses from the Williamsburg campus. These statistics are summarized in the following charts:

CHART I: [W&M Williamsburg Campus Crime Statistics](#)

CHART II: [W&M VIMS Campus Crime Statistics](#)

CHART III: [W&M Newport News Campus Crime Statistics](#)

CHART IV: [W&M Eastern Shore Laboratory Statistics](#)

CHART V: [W&M Washington Center Crime Statistics](#)

Each chart provides information about the location where the alleged crime, arrest, or incident resulting in disciplinary action occurred. For purposes of all five charts, the following definitions apply:

*On Campus* refers to all statistics compiled for the respective campus (Williamsburg, VIMS, etc.).

*Residential* refers to all on-campus university housing. This is a subset of On Campus. William & Mary provides student housing on the Williamsburg campus and the Eastern Shore Laboratory campus.

*Non-Campus* is defined as (1) any building or property owned or controlled by a student organization that is officially recognized by the institution; or (2) any building or property owned or controlled by the institution that is used in direct support of in relation to the institution's educational purposes, is frequently used by students, and is not within the reasonably contiguous geographic area of the campus. Study abroad locations at which William & Mary rents or leases for students are also included in this category in Chart I.

Also included in Chart I is 5308 Discovery Park Boulevard and Plumeri Park/Albert-Daly Field complex (fields, stadium, parking facility), both of which are located in James City County,



Virginia. Crime statistics for 450K at Gallery Place, residential apartments located in Washington D.C. and a required component of the W&M Washington Center program, are included in this column in Chart V.

*Public Property* includes all public property (i.e. property owned or operated by a governmental entity other than W&M), including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus. Surrounding public property of Plumeri Park/Albert-Daly Field is included in Chart I.



CHART I: W&amp;M Williamsburg Campus Crime Statistics

Offense	On Campus			Residential			Non-Campus			Public Property			Total		
	YEAR 2020	YEAR 2021	YEAR 2022	YEAR 2020	YEAR 2021	YEAR 2022	YEAR 2020	YEAR 2021	YEAR 2022	YEAR 2020	YEAR 2021	YEAR 2022	YEAR 2020	YEAR 2021	YEAR 2022
<b>HATE CRIMES</b>															
MURDER/NON-NEGLIGENT MANSLAUGHTER	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SEX OFFENSES	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ROBBERY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
AGGRAVATED ASSAULT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
BURGLARY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
MOTOR VEHICLE THEFT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ARSON	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
LARCENY-THEFT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SIMPLE ASSAULT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
INTIMIDATION	0	2	0	0	0	0	0	0	0	0	0	0	0	2	0
DESTRUCTION/DAMAGE/VANDALISM OF PROPERTY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

**CHART II: W&M VIMS Campus Crime Statistics**

Offense	On Campus			Residential%			Non-Campus%			Public Property			Total		
	YEAR 2020	YEAR 2021	YEAR 2022	YEAR 2020	YEAR 2021	YEAR 2022	YEAR 2020	YEAR 2021	YEAR 2022	YEAR 2020	YEAR 2021	YEAR 2022	YEAR 2020	YEAR 2021	YEAR 2022
MURDER/NON-NEGLIGENT MANSLAUGHTER	0	0	0							0	0	0	0	0	0
NEGLIGENT MANSLAUGHTER	0	0	0							0	0	0	0	0	0
SEX OFFENSES: RAPE	0	0	0							0	0	0	0	0	0
SEX OFFENSES: FONDLING	0	0	0							0	0	0	0	0	0
SEX OFFENSES: INCEST	0	0	0							0	0	0	0	0	0
SEX OFFENSES: STATUTORY RAPE	0	0	0							0	0	0	0	0	0
ROBBERY	0	0	0							0	0	0	0	0	0
AGGRAVATED ASSAULT	0	0	0							0	0	0	0	0	0
BURGLARY	0	0	0							0	0	0	0	0	0
MOTOR VEHICLE THEFT	0	0	0							0	0	0	0	0	0
ARSON	0	0	0							0	0	0	0	0	0
<b>VIOLENCE AGAINST WOMEN ACT OFFENSES</b>															
STALKING	0	0	0							0	0	0	0	0	0
DOMESTIC VIOLENCE	0	0	0							0	0	0	0	0	0
DATING VIOLENCE	0	0	0							0	0	0	0	0	0
<b>ARRESTS &amp; REFERRALS</b>															
LIQUOR LAW ARRESTS	0	0	0							0	0	0	0	0	0
LIQUOR LAW VIOLATIONS REFERRED	0	0	0							0	0	0	0	0	0
DRUG LAW ARRESTS	0	0	0							0	0	0	0	0	0
DRUG LAW VIOLATIONS REFERRED	0	0	0							0	0	0	0	0	0
ILLEGAL WEAPONS POSSESSION ARRESTS	0	0	0							0	0	0	0	0	0
ILLEGAL WEAPONS VIOLATIONS REFERRED	0	0	0							0	0	0	0	0	0

**CHART II: W&M VIMS Campus Crime Statistics**

Offense	On Campus			Residential%			Non-Campus%			Public Property			Total		
	YEAR 2020	YEAR 2021	YEAR 2022	YEAR 2020	YEAR 2021	YEAR 2022	YEAR 2020	YEAR 2021	YEAR 2022	YEAR 2020	YEAR 2021	YEAR 2022	YEAR 2020	YEAR 2021	YEAR 2022
<b>HATE CRIMES</b>															
MURDER/NON-NEGLIGENT MANSLAUGHTER	0	0	0							0	0	0	0	0	0
SEX OFFENSES	0	0	0							0	0	0	0	0	0
ROBBERY	0	0	0							0	0	0	0	0	0
AGGRAVATED ASSAULT	0	0	0							0	0	0	0	0	0
BURGLARY	0	0	0							0	0	0	0	0	0
MOTOR VEHICLE THEFT	0	0	0							0	0	0	0	0	0
ARSON	0	0	0							0	0	0	0	0	0
LARCENY-THEFT	0	0	0							0	0	0	0	0	0
SIMPLE ASSAULT	0	0	0							0	0	0	0	0	0
INTIMIDATION	0	0	0							0	0	0	0	0	0
DESTRUCTION/DAMAGE/VANDALISM OF PROPERTY	0	0	0							0	0	0	0	0	0

**CHART III: W&M Newport News Campus Crime Statistics**

Offense	On Campus			Residential%			Non-Campus%			Public Property			Total		
	YEAR 2020	YEAR 2021	YEAR 2022	YEAR 2020	YEAR 2021	YEAR 2022	YEAR 2020	YEAR 2021	YEAR 2022	YEAR 2020	YEAR 2021	YEAR 2022	YEAR 2020	YEAR 2021	YEAR 2022
MURDER/NON-NEGLIGENT MANSLAUGHTER	0	0	0							0	0	0	0	0	0
NEGLIGENT MANSLAUGHTER	0	0	0							0	0	0	0	0	0
SEX OFFENSES: RAPE	0	0	0							0	0	0	0	0	0
SEX OFFENSES: FONDLING	0	0	0							0	0	0	0	0	0
SEX OFFENSES: INCEST	0	0	0							0	0	0	0	0	0
SEX OFFENSES: STATUTORY RAPE	0	0	0							0	0	0	0	0	0
ROBBERY	0	0	0							0	0	0	0	0	0
AGGRAVATED ASSAULT	0	0	0							0	0	0	0	0	0
BURGLARY	0	0	0							0	0	0	0	0	0
MOTOR VEHICLE THEFT	0	0	0							0	0	0	0	0	0
ARSON	0	0	0							0	0	0	0	0	0
<b>VIOLENCE AGAINST WOMEN ACT OFFENSES</b>															
STALKING	0	0	0							0	0	0	0	0	0
DOMESTIC VIOLENCE	0	0	0							0	0	0	0	0	0
DATING VIOLENCE	0	0	0							0	0	0	0	0	0
<b>ARRESTS &amp; REFERRALS</b>															
LIQUOR LAW ARRESTS	0	0	0							0	0	0	0	0	0
LIQUOR LAW VIOLATIONS REFERRED	0	0	0							0	0	0	0	0	0
DRUG LAW ARRESTS	1	0	0							0	0	0	1	0	0
DRUG LAW VIOLATIONS REFERRED	0	0	0							0	0	0	0	0	0
ILLEGAL WEAPONS POSSESSION ARRESTS	0	0	0							0	0	0	0	0	0
ILLEGAL WEAPONS VIOLATIONS REFERRED	0	0	0							0	0	0	0	0	0

**CHART III: W&M Newport News Campus Crime Statistics**

Offense	On Campus			Residential%			Non-Campus%			Public Property			Total		
	YEAR 2020	YEAR 2021	YEAR 2022	YEAR 2020	YEAR 2021	YEAR 2022	YEAR 2020	YEAR 2021	YEAR 2022	YEAR 2020	YEAR 2021	YEAR 2022	YEAR 2020	YEAR 2021	YEAR 2022
<b>HATE CRIMES</b>															
MURDER/NON-NEGLIGENT MANSLAUGHTER	0	0	0							0	0	0	0	0	0
SEX OFFENSES	0	0	0							0	0	0	0	0	0
ROBBERY	0	0	0							0	0	0	0	0	0
AGGRAVATED ASSAULT	0	0	0							0	0	0	0	0	0
BURGLARY	0	0	0							0	0	0	0	0	0
MOTOR VEHICLE THEFT	0	0	0							0	0	0	0	0	0
ARSON	0	0	0							0	0	0	0	0	0
LARCENY-THEFT	0	0	0							0	0	0	0	0	0
SIMPLE ASSAULT	0	0	0							0	0	0	0	0	0
INTIMIDATION	0	0	0							0	0	0	0	0	0
DESTRUCTION/DAMAGE/VANDALISM OF PROPERTY	0	0	0							0	0	0	0	0	0

**CHART IV: W&M Eastern Shore Campus Crime Statistics**

Offense	On Campus			Residential			Non-Campus%			Public Property			Total		
	YEAR 2020	YEAR 2021	YEAR 2022	YEAR 2020	YEAR 2021	YEAR 2022	YEAR 2020	YEAR 2021	YEAR 2022	YEAR 2020	YEAR 2021	YEAR 2022	YEAR 2020	YEAR 2021	YEAR 2022
MURDER/NON-NEGLIGENT MANSLAUGHTER	0	0	0	0	0	0				0	0	0	0	0	0
NEGLIGENT MANSLAUGHTER	0	0	0	0	0	0				0	0	0	0	0	0
SEX OFFENSES: RAPE	0	0	0	0	0	0				0	0	0	0	0	0
SEX OFFENSES: FONDLING	0	0	0	0	0	0				0	0	0	0	0	0
SEX OFFENSES: INCEST	0	0	0	0	0	0				0	0	0	0	0	0
SEX OFFENSES: STATUTORY RAPE	0	0	0	0	0	0				0	0	0	0	0	0
ROBBERY	0	0	0	0	0	0				0	0	0	0	0	0
AGGRAVATED ASSAULT	0	0	0	0	0	0				0	0	0	0	0	0
BURGLARY	0	0	0	0	0	0				0	0	0	0	0	0
MOTOR VEHICLE THEFT	0	0	0	0	0	0				0	0	0	0	0	0
ARSON	0	0	0	0	0	0				0	0	0	0	0	0
<b>VIOLENCE AGAINST WOMEN ACT OFFENSES</b>															
STALKING	0	0	0	0	0	0				0	0	0	0	0	0
DOMESTIC VIOLENCE	0	0	0	0	0	0				0	0	0	0	0	0
DATING VIOLENCE	0	0	0	0	0	0				0	0	0	0	0	0
<b>ARRESTS &amp; REFERRALS</b>															
LIQUOR LAW ARRESTS	0	0	0	0	0	0				0	0	0	0	0	0
LIQUOR LAW VIOLATIONS REFERRED	0	0	0	0	0	0				0	0	0	0	0	0
DRUG LAW ARRESTS	0	0	0	0	0	0				0	0	0	0	0	0
DRUG LAW VIOLATIONS REFERRED	0	0	0	0	0	0				0	0	0	0	0	0
ILLEGAL WEAPONS POSSESSION ARRESTS	0	0	0	0	0	0				0	0	0	0	0	0
ILLEGAL WEAPONS VIOLATIONS REFERRED	0	0	0	0	0	0				0	0	0	0	0	0



**CHART IV: W&M Eastern Shore Campus Crime Statistics**

Offense	On Campus			Residential			Non-Campus%			Public Property			Total		
	YEAR 2020	YEAR 2021	YEAR 2022	YEAR 2020	YEAR 2021	YEAR 2022	YEAR 2020	YEAR 2021	YEAR 2022	YEAR 2020	YEAR 2021	YEAR 2022	YEAR 2020	YEAR 2021	YEAR 2022
<b>HATE CRIMES</b>															
MURDER/NON-NEGLIGENT MANSLAUGHTER	0	0	0	0	0	0				0	0	0	0	0	0
SEX OFFENSES	0	0	0	0	0	0				0	0	0	0	0	0
ROBBERY	0	0	0	0	0	0				0	0	0	0	0	0
AGGRAVATED ASSAULT	0	0	0	0	0	0				0	0	0	0	0	0
BURGLARY	0	0	0	0	0	0				0	0	0	0	0	0
MOTOR VEHICLE THEFT	0	0	0	0	0	0				0	0	0	0	0	0
ARSON	0	0	0	0	0	0				0	0	0	0	0	0
LARCENY-THEFT	0	0	0	0	0	0				0	0	0	0	0	0
SIMPLE ASSAULT	0	0	0	0	0	0				0	0	0	0	0	0
INTIMIDATION	0	0	0	0	0	0				0	0	0	0	0	0
DESTRUCTION/DAMAGE/VANDALISM OF PROPERTY	0	0	0	0	0	0				0	0	0	0	0	0

% No Non-Campus property to report for this campus.

**CHART V: W&M Washington Center Crime Statistics**

Offense	On Campus			Residential%			Non-Campus			Public Property			Total		
	YEAR 2020	YEAR 2021	YEAR 2022	YEAR 2020	YEAR 2021	YEAR 2022	YEAR 2020	YEAR 2021	YEAR 2022	YEAR 2020	YEAR 2021	YEAR 2022	YEAR 2020	YEAR 2021	YEAR 2022
MURDER/NON-NEGLIGENT MANSLAUGHTER	0	0	0				0	0	0	0	0	0	0	0	0
NEGLIGENT MANSLAUGHTER	0	0	0				0	0	0	0	0	0	0	0	0
SEX OFFENSES: RAPE	0	0	0				0	0	0	0	0	0	0	0	0
SEX OFFENSES: FONDLING	0	0	0				0	0	0	0	0	0	0	0	0
SEX OFFENSES: INCEST	0	0	0				0	0	0	0	0	0	0	0	0
SEX OFFENSES: STATUTORY RAPE	0	0	0				0	0	0	0	0	0	0	0	0
ROBBERY	0	0	0				0	0	0	0	0	0	0	0	0
AGGRAVATED ASSAULT	0	0	0				0	0	0	0	0	0	0	0	0
BURGLARY	0	0	0				0	0	0	0	0	0	0	0	0
MOTOR VEHICLE THEFT	0	0	2				0	0	0	0	0	0	0	0	2
ARSON	0	0	0				0	0	0	0	0	0	0	0	0
<b>VIOLENCE AGAINST WOMEN ACT OFFENSES</b>															
STALKING	0	0	0				0	0	0	0	0	0	0	0	0
DOMESTIC VIOLENCE	0	0	0				0	0	0	0	0	0	0	0	0
DATING VIOLENCE	0	0	0				0	0	0	0	0	0	0	0	0
<b>ARRESTS &amp; REFERRALS</b>															
LIQUOR LAW ARRESTS	0	0	0				0	0	0	0	0	0	0	0	0
LIQUOR LAW VIOLATIONS REFERRED	0	0	0				0	0	0	0	0	0	0	0	0
DRUG LAW ARRESTS	0	0	0				0	0	0	0	0	0	0	0	0
DRUG LAW VIOLATIONS REFERRED	0	0	0				0	0	0	0	0	0	0	0	0
ILLEGAL WEAPONS POSSESSION ARRESTS	0	0	0				0	0	0	0	0	0	0	0	0
ILLEGAL WEAPONS VIOLATIONS REFERRED	0	0	0				0	0	0	0	0	0	0	0	0

**CHART V: W&M Washington Center Crime Statistics**

Offense	On Campus			Residential%			Non-Campus			Public Property			Total		
	YEAR 2020	YEAR 2021	YEAR 2022	YEAR 2020	YEAR 2021	YEAR 2022	YEAR 2020	YEAR 2021	YEAR 2022	YEAR 2020	YEAR 2021	YEAR 2022	YEAR 2020	YEAR 2021	YEAR 2022
<b>HATE CRIMES</b>															
MURDER/NON-NEGLIGENT MANSLAUGHTER	0	0	0				0	0	0	0	0	0	0	0	0
SEX OFFENSES	0	0	0				0	0	0	0	0	0	0	0	0
ROBBERY	0	0	0				0	0	0	0	0	0	0	0	0
AGGRAVATED ASSAULT	0	0	0				0	0	0	0	0	0	0	0	0
BURGLARY	0	0	0				0	0	0	0	0	0	0	0	0
MOTOR VEHICLE THEFT	0	0	0				0	0	0	0	0	0	0	0	0
ARSON	0	0	0				0	0	0	0	0	0	0	0	0
LARCENY-THEFT	0	0	0				0	0	0	0	0	0	0	0	0
SIMPLE ASSAULT	0	0	0				0	0	0	0	0	0	0	0	0
INTIMIDATION	0	0	0				0	0	0	0	0	0	0	0	0
DESTRUCTION/DAMAGE/VANDALISM OF PROPERTY	0	0	0				0	0	0	0	0	0	0	0	0

% No Residential Property to report for this campus.

# FIRE SAFETY REPORT

## INTRODUCTION

The health and safety of faculty, staff, students, and visitors to the campus of William & Mary is of paramount importance to the administration and our community. It directly impacts both the quality and value of the university. Fire, and particularly fire in a residence hall, is a risk to which William & Mary pays close attention. Each person and every department is expected to perform work in a safe manner and in compliance with the regulatory requirements, and share in the responsibility of fire prevention.



## OVERVIEW

The Higher Education Opportunity Act (HEOA) became public law in August of 2008. This law mandates all institutions of higher education that provide residential housing facilities for students to develop an annual fire safety report. The contents of this report reflect the requirements that are outlined in the HEOA, which state that the university will maintain a fire log and report fire statistics to the Secretary of the Department of Education. The majority of the required fire safety report data can be located in the William & Mary Fire and Life Safety Program document. The Fire and Life Safety Program contains policies and procedures that, when implemented and maintained, will satisfy the

International Fire Code (IFC) (2018 Ed.), the Virginia Statewide Fire Prevention Code (VSFPC) (2018 Ed.), and the Virginia Uniform Statewide Uniform Building Code (VUSBC) (2018 Ed.). The Program helps satisfy insurance requirements and prevent loss of life, injury, and property damage due to fire and other emergencies.

## FIRE SAFETY SYSTEMS

### *Detection, Warning, Control*

William & Mary residence halls have a variety of fire safety systems that detect, alert, or control a fire in the building. Although not all systems are used in every residence, each system that is used in at least one residence is described in this section. For a summary of which systems are used in which residence halls, please see the Annual Statistics section of this report.

*Portable Fire Extinguishers*— For residence halls, the university provides type ABC fire extinguishers filled with dry chemical agent that will fight fires that result from organic, combustible materials (wood, cloth, paper, etc.), flammable liquids, or electrical fires. All portable fire extinguishers are installed and maintained in accordance with National Fire Protection Association Standards on each floor of the residence halls.

*Fire Detection Systems*—The residential hall fire alarm system consists of a number of devices working together to detect and alert people through visual and audible signals whenever smoke or fire is present. They may also be activated via manual fire alarm activation devices such as manual call points or pull stations. At William & Mary, fire alarm evacuation signals consist of an audible tone and strobe in all public and common use areas of residence halls and in resident apartments.

**Fire Protection Systems**— For student rooms and residence halls that are sprinklered (e.g. those that have YES under Sprinkler System in Annual Statistics), the sprinkler system covers ALL areas of the building, with a wet (water) sprinkler system.

1. **Stand Pipe System**—this is a piping system, in the stairwells used by the Fire Department for interior firefighting. Fire fighters bring their own hoses so the need to keep hoses in these cabinets are no longer needed. Many cabinets were removed leaving just the connection.
2. **Strobe Lights**—Nothing more than a bright blinking light, strobes are the visual indicator that an alarm has been activated inside of a building. Strobes can be found with or without sounding devices depending on code and ADA requirements.
3. **Audible Devices**—Loud piercing noises that include, but are not limited to, voice instructions that offer visual impaired or sleeping occupants another indication that an alarm has been sounded inside of a building.

### **Fire Safety System Communications**

All resident hall fire protection systems located on the William & Mary campus signal directly to the Campus Police Department. Leased buildings have both standalone and monitored systems as follows:

1. Ludwell has battery-operated smoke detectors in the sleeping rooms and monitored heat detectors in the kitchens and stairwells. Richmond Alarm provides the monitoring service.
2. Tribe Square has a two-part verification fire detection system. Johnson Controls (JCI) is responsible for central fire alarm control panel monitoring and is contracted by the leasing agency (Thalhimer Properties). Smoke detectors are located in the apartments and common areas. When the smoke detector activates in the apartment it sounds an alarm locally and provides a supervisory signal to JCI. The building evacuation alarm is activated when both an

apartment smoke detector and a hallway detector are activated or, when just the hallway detector is activated. For fire alarm signal, JCI notifies Williamsburg Fire Department (WFD), and then W&M Police and the leasing agency representative for immediate response.

3. Richmond Hall has hard-wired smoke detectors in the individual units and in the common lounge/kitchen area. There are smoke detectors in the ductwork servicing the kitchen. The facility also has sprinklers throughout. T.W. Systems provides the monitoring service through Thalhimer Properties. When the fire detection system is activated, T.W. Systems notifies WFD, and then W&M Police and the leasing agency representative for immediate response.
4. William Randolph Lodging has standalone smoke detectors. Colonial Williamsburg replaces batteries and provides all maintenance on fire and safety equipment.

Central communications for the university is located in a secure area within the W&M Police Department Headquarters. The central communications office is staffed with highly trained dispatch personnel. 24 hours a day, 7 days a week, 365 days a year. When an alarm is received at the supervised panel, the dispatcher notifies the WFD and dispatches Police units to the scene.



### ***Fire Safety Policies for University Dormitory Residents***

1. OPEN FLAMES (from any source) and burning materials of any kind are absolutely prohibited in the residence halls.
2. The integrity of all ceilings, floors and walls must remain intact and not be disturbed. Also, light fixtures must have a proper globe or deflector in place. Any open bulb fixtures are a fire hazard and should be reported.
3. Additional wall coverings (e.g. paneling, wallpaper, etc.) cannot be installed by occupants.
4. In accordance with the VSFPC Candles, incense and similar open-flame-producing items shall not be allowed in sleeping units in Group R-2 dormitory occupancies.
5. In accordance with the VSFPC In dwelling units or sleeping rooms in Group R-2 dormitories, the permissible amount of decorative material suspended from or attached to the walls shall not exceed 50% of the aggregate area of the walls where the building has an approved automatic sprinkler system. For buildings without a sprinkler but with a detection system the permissible amount of decorative material suspended from or attached to the walls shall not exceed 10% of the aggregate area of the walls. In addition, wall hangings cannot contact electrical outlets or come closer than 12 inches to the heating unit. All ceiling decorations are prohibited.
6. In accordance with chapter 8 of the VSFPC, window decorations other than university furnished shades, drapes or blinds, may be used provided they carry a recognized fire rating and are constructed of fire retardant material, or have been treated with a fire retardant chemical.
7. Living areas must be kept uncluttered and access to the doors clear. Hallways and stairways must remain clear and unobstructed.
8. At no time may the maximum capacity restrictions of a room, apartment, or lodge be exceeded.
9. Residents may make use of the working fireplaces in the following areas after receiving training on fireplace safety given by the university Fire Safety Officer: DuPont Hall, Graduate Complex Building 800 Lounge, Tazewell Hall and Willis Hall.
  - a. Fires in fireplaces should never be unattended.
  - b. There should always be a fire extinguisher present in the vicinity when there is an attended fire in the fireplace.
  - c. The use of chemical fire starters, flammable liquids, artificial logs, coal, charcoal, trash, or plastic is prohibited.

### ***Prohibited Items in the Residence Halls***

Prohibited items in residences halls are listed in the Residence Life Resource Guide. Some examples of items not permitted in the residence halls are:

- animals (excluding comfort/ assistance animals);
- non-fused extension cords and multi-plug adapters;
- plug in scent devices
- candles, oil lamps, and incense;
- resident installed ceiling fans;
- chain locks and dead-bolt locks;
- explosives, weapons and firearms (which are also prohibited under the Code of Virginia Weapons on Campus regulation);
- fireworks, gasoline and other combustible liquids;
- open flames and space heaters;
- Torchère-style (pole) halogen lamps;
- waterbeds;
- live-cut Christmas trees, as mandated by the State fire code; and



- Hover boards Prohibited Appliances in Student Rooms

The following appliances are prohibited in student rooms, but may be used in residence hall kitchens: hot plates, toaster ovens, broilers, electric skillets/woks, and other portable electric cooking devices bread machines and crock pots.

### ***Allowable Appliances in Student Rooms***

The following appliances are allowed to be used in student rooms: refrigerators that are no greater than 4.5 cubic feet, hot air popcorn poppers, thermostatically controlled hot pots and coffee pots, and microwave ovens without a convection option. All allowable appliances must be plugged directly into a wall receptacle, be Underwriter Laboratories (UL) listed and be in proper working order and condition.

### ***Electrical Safety***

1. Permanent electrical circuits cannot be altered by occupants, or anyone not authorized by the university.
2. Appliances, lamps and other electrical equipment with damaged, worn, cracked, or frayed cords and plugs must be replaced.
3. All lighting fixtures must use only light bulbs of type and wattage as recommended by the manufacturer. Lamp shades must also meet manufacturer specifications for the specific fixture.
4. Electrical cords or other communication cables may not be installed under carpets, hung over nails, or run through doorways and/or windows.
5. The following are prohibited in residence hall rooms: multi-plug adapters (the type that are affixed directly to the wall outlet), cube adapters, unfused plug strips, or items such as air fresheners that include an outlet on them.
6. Grounded re-locatable power taps or surge protector strips with heavy duty cords and a "reset" switch are the only allowable receptacle extensions from wall outlets. Each power tap will be connected directly into a wall receptacle, and they shall not be plugged into one another.

7. Non-fused extension cords and flexible cords are prohibited in Residence Hall rooms.
8. No power cord, of any type, shall be extended through walls or windows, ceilings or floors, or under doors or floor coverings, nor shall any cord be subject to environmental damage or physical impact.
9. For additional information please refer to the W&M Electrical Safety Guide.

### ***Fire Prevention Inspections***

Fire prevention starts with identifying fire hazards. All members of our community, faculty, staff, students and visitors have a personal obligation to be aware of fire hazards and to reduce or eliminate the risk of fire on our campus. Annual inspections are conducted at each residence hall on campus by the State of Virginia Fire Marshal's Office, while being accompanied by the university's Fire Safety Officer. Any deficiencies that are found by the State Fire Marshal are tracked by the Residence Life Director of Housing Operations utilizing both the Facilities Management Work Order System (FAMIS) and Excel spreadsheets. The Director of Housing Operations also provides the Fire Safety Officer a courtesy copy of the findings. Work orders to correct the deficiencies are issued to the appropriate facilities management team for completion. Items of a prohibitive nature are removed by those individuals who introduced such items and are educated on those areas from which the observation was made.

### ***Smoking Policy***

William & Mary complies with the requirements of the Commonwealth of Virginia Executive Order 41, by designating all residence halls, apartments, and houses as smoke-free. Residents and their guests must refrain from smoking at any time they are physically present in a university building, including private residence rooms. Smoking is prohibited within twenty-five (25) feet of any building entrance or exit. "No Smoking" signs are posted on every university building at all entrance/exit points. Refer to the university's Smoking Policy.

### ***Transient Quarters***

During summer months, William & Mary offers many of their residence halls to be used by a variety of youth academic and athletic camps. Conference Services summer staff live in the residence halls assigned to visiting campers and conference groups residing for shorter periods of the summer. The Fire Safety Officer provides training to the summer staff members who then are instructed to provide new residents direction and evacuation plans in case of emergency. Additionally, emergency responders are informed of which buildings are housing campers and guests. The WFD is located 2 minutes off campus. Building Emergency Plans (BEP) are located in each building's Duty Office. Building evacuation maps are posted in each building on every floor, a copy is provided to all campers, and William & Mary Police Department (WMPD) does a face-to-face training with visiting groups. The muster point for each building is located 100 feet from each building.

### ***Emergency Evacuation/Fire Drills***

In accordance with the VSFPC, all university-owned buildings have fire evacuation plans posted throughout the buildings. Fire evacuation plans (also referred to as building evacuation maps) denote the emergency egress or escape routes and muster point locations. If any changes are made in any building due to renovation or new construction that alter the path of egress, the fire evacuation plans, as a condition of occupancy certification by the Authority Having Jurisdiction (AHJ), are updated prior to the admittance of any occupants.



Building occupants are directed to observe the locations of emergency exits, fire alarm system pull stations, and portable fire extinguishers. All of the aforementioned item locations are denoted on the building evacuation maps.



In the case of fire, occupants of a facility on campus are instructed to follow these procedures:

1. Address the alarm and DO NOT question it. Always find secondary means of egress if primary means is impassable.
2. If possible, get your keys, ID, shoes, jacket and depart the building. DO not backtrack to get these items.
3. Close all the doors for containment and do not go through a hot door.
4. You have two minutes to exit the building and get to the muster (evacuation) area.
5. Inform fire or police officers if you know that someone in the building is not at the muster point.
6. Once at the muster point, you are not permitted to go back into the building until the police or fire department communicates that it is safe to do so.
7. Use of a fire extinguisher (PASS) as a defensive position to help you get out of the building safely.
8. Smoking area is 25 feet from any building, including: e-cigarettes, vaping, and hookah.
9. Dial WMPD dispatch at 757-221-4596 or 911 to report a fire.
10. Residence Life Staff Procedure for a Fire Alarm



If the alarm sounds (due to a fire, a false alarm, a system malfunction, or a drill) Residence Life staff are expected to do the following:

1. UNDER NO CIRCUMSTANCES SHOULD PERSONAL SAFETY BE JEOPARDIZED. All occupants should exit the building as quickly as possible.
2. All campus owned residence hall fire alarms alert to the WMPD dispatch center. All leased residence halls fire alarms are managed by private monitoring companies and are dispatched through James City County and WMPD. If possible, a Residence Life staff member should use a cell phone to call WMPD to verify that the alarm has sounded there.
3. As Residence Life staff exit the building, they should alert all those encountered to evacuate the building as quickly as possible. WMPD and WFD personnel will arrive and they will be responsible for searching the building to ensure that everyone has evacuated.
4. All residents and staff should proceed to the designated meeting location (Muster Area).
5. No one will be permitted to re-enter the building until authorized by WMPD or WFD personnel.
6. A Residence Life Fire Alarm Report form must be completed and submitted to the Area Director/Assistant Director for Fraternity & Sorority Housing with a copy to the Fire Safety Officer.

#### ***Other Miscellaneous Fire Safety Procedures***

1. Smoke/heat detectors occasionally malfunction and a service request should be submitted immediately when this occurs so that Facilities Management staff can address the problem. Never tamper with or remove a smoke detector from the ceiling.
2. If staff or resident sees fire or smoke and the building alarm does not activate, they are instructed to activate the closest pull station and call WMPD immediately. All occupants should then evacuate the building.
3. Staff and residents should know the location of all exits, pull stations, and fire extinguishers in

their building(s). Residence Life staff should inspect them and report their status on the Common Area Report form and submit a service request for any damaged equipment. Any fire extinguisher that needs recharging should have a service request submitted immediately.

4. Fire drills are scheduled at the start of each semester, normally within the first 10 working days. Area Directors and the Assistant Director for Fraternity & Sorority Housing will provide directions regarding drills. Area Directors or the Assistant Director for Fraternity & Sorority Housing will help facilitate an information session with residents during a scheduled fire drill. If the Area Director or Assistant Director for Fraternity & Sorority Housing is not available, a head staff member will facilitate the session after consultation with the University Fire Safety Officer.
5. Area Directors and the Assistant Director for Fraternity & Sorority Housing will provide specific instructions about evacuation of residents with disabilities.

Emergency Evacuation Drills (Fire Drills) are a vital part of a comprehensive campus fire safety program. Emergency Evacuation Drills are held to familiarize occupants with evacuation procedures and to make the organized building exit a matter of established routine.

The VSFPC requires a minimum of four (4) Emergency Evacuation/Fire Drills must be conducted in each R-2 classified occupancy group (College and University Dormitories) annually. Furthermore, at least one (1) drill must be performed after sunset and before sunrise. William & Mary meets this annual requirement by performing one (1) drill at the beginning of the fall and spring semesters as well as one (1) drill at the beginning of the first and second summer sessions. Evacuation drills are not conducted in unoccupied buildings during times of renovation. At least one drill is performed in the evening at all dormitories. Emergency Evacuation Drills at William & Mary are unannounced and preplanned. Students

and staff are educated to understand that if a fire alarm sounds they should take immediate action by raising the alarm vocally, closing doors, reporting the fire by calling 911, and evacuating the building to a pre-designated muster point located one hundred (100) feet from each building. During a drill, the Fire Safety Officer (FSO) provides a training session with the staff and students at the muster points as part of our drill protocol. Additionally, smoke house fire safety training, portable fire extinguisher training, and a further detailed Fire Safety Lectures are provided to all resident assistants (RA's) during their induction to house staff at the beginning of the academic year before the students arrive and move in.

Many of the buildings referred to in this report have a Knox-Box System installed on the exterior of the structure near the main entrance. A Knox-Box is a high-security key box system, designed to give firefighters and emergency services immediate access to locked buildings and other secured areas. At William & Mary, Knox Boxes contain access keys and critical information about the building. This information is updated at the beginning of each school semester. Only the WFD, WMPD and the EH&S Office have access to these Knox Boxes in the event of an emergency. The Knox-Box System is designed for maximum protection; each virtually indestructible box features a special high-security Medeco lock and key. This Medeco restricted locking system guards against unauthorized key duplication. Keys are not available to locksmiths or lock distributors; only The Knox Company can supply these keys.

The EH&S Office tracks and trends all false fire alarm calls that occur on campus in an effort to determine what training and inspection efforts are priority in order to reduce the highest trend areas and improve campus fire safety.

### **Fire Safety Improvements**

The following data reflects information provided in the Fire Safety Systems Summary section.

#### *Completed FY 2021 Improvements:*

- Graduate Housing Complex - New Fire Alarm Panels in all units
- Sorority House 10 – New Fire Alarm Panel
- Barrett Hall – New Fire Alarm Panel
- Old Dominion Hall – New Fire Alarm Panel

#### *Completed FY 2022 Improvements:*

- None

### **Fire & Life Safety Education Programs**

*RA Annual Training*--- Each August we provide approximately one hundred (150) resident assistants classroom instruction on fire safety practices and conclude with hands-on portable fire extinguisher training utilizing a “live fire” Bull-Ex fire training simulator. The WFD also participates in the hands-on training by taking RAs through their Fire Safety House where they talk about kitchen safety and sleeping room evacuation.



*AED*—William & Mary currently maintains an Automated External Defibrillator Program (AED). Seventy Four (74) AED's have been strategically placed in buildings throughout the campus in order to provide a reduction in response time to life threatening emergencies. Twenty-two (22) of the 74 AED's are located in residence halls. Our Student Assembly completed a study in 2007 to determine AED location placement at distances taking no more

than three (3) minutes to retrieve any AED unit from the area of the emergency. The WFD provides emergency medical response that includes basic and advanced life support, CPR, and emergency cardiac care. The goal of the AED program is to participate actively in the Chain of Survival. The chain of survival includes early access; early CPR; early defibrillation; and early advanced care. The EH&S Office is an accredited ASHI (American Safety and Health Institute) training center for CPR, AED, and Basic First Aid and provides a monthly certification class on a “first come, first serve” basis. Training is voluntary.

*Fire Extinguishers*— William & Mary has approximately 1900 portable fire extinguishers on campus. To fully meet the requirements of the VSFPC and the NFPA 10 Standard for Portable Fire Extinguisher we utilize a bar code tracking system for monthly inspections. Annual inspections and maintenance are completed through a contract with the Virginia Industries for the Blind, this position was insourced in 2022. EH&S conducts training classes each year to students (at the request of their RAs and clubs), science research students, faculty, and staff as to the proper use of portable fire extinguishers. We augment instruction with hands-on training utilizing our Bull-Ex fire training simulator.

*Fireplace Safety*—William and Mary has a professional chimney sweep clean and inspect the fire places each year so that they will be available for use by our residents. The three fireplace safety steps we stress are:

1. Preparing and building the fire
2. Lighting and maintaining the fire
3. Extinguishment and clean up

Artificial logs cannot be burned in W&M fireplaces and we advise that students ensure they have a full array of tools, to include a metal bucket and lid. Further, a screen shall be used that completely covers the fireplace opening to keep sparks from flying out.

*Cooking Safety*—We provide cooking safety briefings annually at each muster point during the winter fire drill. We provide additional classes upon request and we developed a Cooking Safety brochure that is available on our EH&S website.

***Fire Reporting Contact (Non-Emergency)***

William & Mary is required to annually disclose statistical data on all fires that occur in on-campus student housing facilities.

Listed below are the non-emergency numbers to call concerning a fire that has already been extinguished in on-campus housing. These are fires of which a reporter is unsure whether

William & Mary Environmental Health & Safety Office may already be aware. If an individual finds evidence of such a fire or if an individual hears of such a fire, please contact one of the following:

*Environmental Health & Safety Office:*

Teresa Belback, Director: 757-221-2146 (office); 804-370-3877 (cell)

David LaPlante, Fire Safety Officer: 757-221-1745 (office); 757-472-8630 (cell)

*Facilities Maintenance:*

Work Control: 757-221-2270

*William & Mary Police*

Dispatch: 757-221-4596

Questions, comments, or concerns pertaining to this report may be directed to:

David LaPlante, Fire Safety Officer

Dept. of Public Safety - Environmental Health & Safety Office

208 S. Boundary Street, Williamsburg, VA 23185

Desk: 757-221-1745, Cell: 757-472-8630, Email: [dlaplante@wm.edu](mailto:dlaplante@wm.edu)

## FIRE ALARM LOG

Housing Facility	Total Fires in Each Building	Fire #	Date of Fire	Time Occurred	Cause of Fire	Injuries Requiring Treatment at a Medical Facility	Number of Deaths Related to Fire	Value Range of Estimated Property Damaged Due to Fire
Griffin Hall	1	1	3/22/2022	08:55	Oven	0	0	\$1000
One Tribe Place	1	1	4/30/2022	15:04	Cooking	0	0	\$1000
Graduate Housing	1	1	11/28/2022	12:08	Unattended Cooking	0	0	\$100



Fire 1: Griffin Hall oven



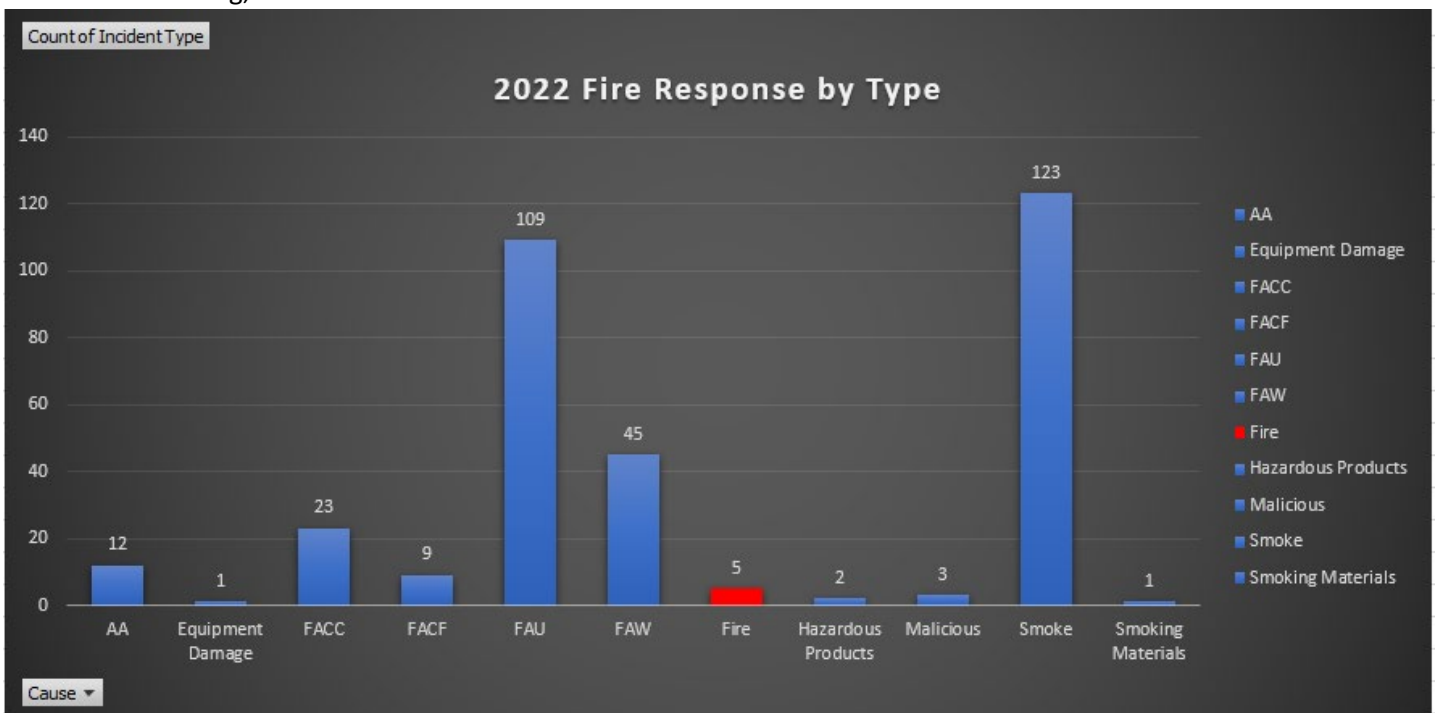
Fire 3: One Tribe Place oven fire

**Unintended Fire Alarm Activation**

In the residence halls, unintended fire alarms accounted for 73% (243/333) of fire department responses in the 2022 HEOA Fire Safety Reporting period. Of the 243 unintended alarms in residence halls, cooking accounted for 27% of all smoke detector activations. This is a decrease of 4% as compared to 2021. Overall, there was a 9% decrease in all unintentional fire alarms in residence halls for 2022. The highest contributing factors for this was unattended cooking, steam from showers and hair

care products. Corrective actions taken included educating students in proper cooking, instructing students to keep bathroom doors closed and conducting preventative maintenance on ventilation systems.

The following information is a compilation of unintended fire alarms that occurred on campus during the CY 2022 Fire Safety Reporting period:



**ANNUAL STATISTICS**

Row Labels	Count of Incident Type
AA	12
Equipment Damage	1
FACC	23
FACF	9
FAU	109
FAW	45
Fire	5
Hazardous Products	2
Malicious	3
Smoke	123
Smoking Materials	1
<b>Grand Total</b>	<b>333</b>

**Fire Safety Summary (Residence Halls)**

Location	# of Beds (2021-2022)	Disabled Resident Rooms	Supervised Fire Alarm System	Sprinkler System	Reports of Fires in 2020	Reports of Fires in 2021	Reports of Fires in 2022
Barrett Hall (313 Jamestown Rd.)	186	Yes/2	YES	YES	0	0	0
Brown Hall (107 N. Boundary St.)	0	NONE	YES	NO	0	0	N/A
Bryan Hall (300 Richmond Rd)	108	NONE	YES	PARTIAL	0	0	0
Cabell Hall (500 C Ukrop Way)	60	NONE	YES	PARTIAL	0	0	0
Camm Hall (300E Richmond Rd.)	62	NONE	YES	NO	0	1	0
Chandler Hall (701 Landrum Dr.)	144	Yes/6	YES	YES	0	0	0
Dawson Hall (300D Richmond Rd.)	52	NONE	YES	NO	0	0	0
Dinwiddie Hall (100 E Wake Dr.)	43	NONE	YES	NO	0	0	0
DuPont Hall (101 Wake Dr.)	272	NONE	YES	NO	0	0	0
Fauquier Hall (100 B Wake Dr.)	86	NONE	YES	NO	0	0	0
Fraternity House 1 (620 Ukrop Way)	17	ALL	YES	YES	0	0	0
Fraternity House 2 (630 Ukrop Way)	17	ALL	YES	YES	0	0	0
Fraternity House 3 (640 Ukrop Way)	17	ALL	YES	YES	0	0	0
Fraternity House 4 (660 Ukrop Way)	17	ALL	YES	YES	0	0	0
Community Building (650 Ukrop Way)	1	ALL	YES	YES	0	0	0
Fraternity House 5 (670 Ukrop Way)	17	ALL	YES	YES	0	0	0
Fraternity House 6 (710 Ukrop Way)	17	ALL	YES	YES	0	0	0
Fraternity House 7 (720 Ukrop Way)	17	ALL	YES	YES	0	0	0
Fraternity House 8 (730 Ukrop Way)	17	ALL	YES	YES	1	0	0
Fraternity House 9 (740 Ukrop Way)	17	ALL	YES	YES	0	0	0
Fraternity House 10 (750 Ukrop Way)	17	ALL	YES	YES	0	0	0
Fraternity House 11 (760 Ukrop Way)	17	ALL	YES	YES	0	0	0
Griffin A-E (700 Ukrop Way)	180	NONE	YES	NO	0	0	1
Eagle F-J (no I) (700 Ukrop Way)	141	NONE	YES	NO	0	0	0
Lion K-M (700 Ukrop Way)	105	NONE	YES	NO	0	0	0
Giles Hall (500 B Ukrop Way)	69	NONE	YES	PARTIAL	0	0	0
Gooch Hall (100 C Wake Dr.)	89	NONE	YES	NO	0	0	0
Graduate Housing Bldg 100 (713 S. Henry St.)	24	NONE	YES	YES	0	0	0
Graduate Housing Bldg 200 (713 S. Henry St.)	35	NONE	YES	YES	0	0	0



**Fire Safety Summary (Residence Halls)**

Location	# of Beds (2021-2022)	Disabled Resident Rooms	Supervised Fire Alarm System	Sprinkler System	Reports of Fires in 2020	Reports of Fires in 2021	Reports of Fires in 2022
Graduate Housing Bldg 300 (713 S. Henry St.)	34	NONE	YES	YES	0	0	0
Graduate Housing Bldg 400 (713 S. Henry St.)	24	NONE	YES	YES	0	0	0
Graduate Housing Bldg 500 (713 S. Henry St.)	20	Yes/4	YES	YES	0	0	0
Graduate Housing Bldg 600 (713 S. Henry St.)	34	NONE	YES	YES	0	0	0
Graduate Housing Bldg 700 (713 S. Henry St.)	28	NONE	YES	YES	0	0	1
Graduate Housing Bldg 800 (713 S. Henry St.)	8	NONE	YES	YES	1	0	0
Graduate Housing Bldg 900 (713 S. Henry St.)	24	Yes/4	YES	YES	0	0	0
Hardy Hall (700 Landrum Dr.)	204	YES	YES	YES	0	0	0
Harrison Hall (500 D Ukrop Way)	24	NONE	YES	PARTIAL	0	0	0
Hunt Hall (202 S. Boundary St.)	59	Yes/3	YES	PARTIAL	0	1	0
Jefferson Hall (231 Jamestown Rd.)	186	YES	NO	YES	0	0	0
Landrum Hall (601 Landrum Dr.)	0	NONE	YES	NO	0	0	0
Lemon Hall (700 Landrum Dr.)	183	NONE	YES	NO	0	0	0
Ludwell 100 (100 Rolfe Rd.)	38	N/A	YES	NO	0	0	0
Ludwell 200 (200 Rolfe Rd.)	34	N/A	YES	NO	0	0	0
Ludwell 300 (300 Rolfe Rd.)	52	N/A	YES	NO	0	0	0
Ludwell 400 (400 Rolfe Rd.)	50	N/A	YES	NO	0	0	0
Ludwell 500 (500 Rolfe Rd.)	29	N/A	YES	NO	0	0	0
Ludwell 600 (600 Rolfe Rd.)	34	N/A	YES	NO	0	0	0
Ludwell 700 (700 Rolfe Rd.)	34	N/A	YES	NO	0	0	0
Madison Hall (300B Richmond Rd.)	61	NONE	YES	NO	0	0	0
Monroe Hall (226 Richmond Rd.)	142	NONE	YES	PARTIAL	0	0	0
Nicholas Hall (500 H Ukrop Way)	30	Yes/1	YES	YES	0	0	0
Nicholson (100 D Wake Dr.)	89	NONE	YES	NO	0	0	0
Old Dominion Hall (201 Richmond Rd.)	125	NONE	YES	NO	0	0	0
One Tribe Place (415 Richmond Rd.)	330	4	YES	YES	0	0	1
Page Hall (500 E Ukrop Way)	16	NONE	YES	NO	0	0	0
Pleasants Hall (500 G Ukrop Way)	70	NONE	YES	NO	0	0	0
Preston Hall (500 A Ukrop Way)	68	NONE	YES	YES	0	0	0

**Fire Safety Summary (Residence Halls)**

Location	# of Beds (2021-2022)	Disabled Resident Rooms	Supervised Fire Alarm System	Sprinkler System	Reports of Fires in 2020	Reports of Fires in 2021	Reports of Fires in 2022
Reves Hall (200 S. Boundary St.)	29	Yes/1	YES	YES	0	0	0
Richmond Hall (902 Richmond Rd)	180	Yes/1	YES	YES	0	0	0
Sorority #1 (111 Richmond Rd.)	20	NONE	YES	NO	0	0	0
Sorority #2 (127A Richmond Rd.)	16	NONE	YES	NO	0	0	0
Sorority #3 (127B Richmond Rd.)	16	NONE	YES	NO	0	0	0
Sorority #4 (127C Richmond Rd.)	17	NONE	YES	NO	0	0	0
Sorority #5 (127D Richmond Rd.)	16	NONE	YES	NO	0	0	0
Sorority #6 (127E Richmond Rd)	16	NONE	YES	NO	0	0	0
Sorority #7 (133 Richmond Rd)	18	NONE	YES	NO	0	0	0
Sorority #8 (151 Richmond Rd)	17	NONE	YES	NO	0	0	0
Sorority #9 (155 Richmond Rd)	17	NONE	YES	NO	0	0	0
Sorority #10 (205 Richmond Rd)	6	NONE	YES	NO	0	0	0
Sorority # 11 (195 Armistead Ave)	12	NONE	YES	NO	0	0	0
Sorority # 12 (197 Armistead Ave.)	7	NONE	YES	NO	0	0	0
Spotswood Hall (100 A Wake Dr.)	89	NONE	YES	NO	0	0	0
Stith Hall (300C Richmond Road)	61	NONE	YES	NO	0	0	0
Willis Hall (112 Jamestown Rd.) (formerly Taliaferro Hall)	52	NONE	YES	NO	0	1	0
Tazewell Hall	1	NONE	YES	NO	0	0	0
Tribe Square (249 Richmond Rd.)	56	YES/ 4	YES	YES	0	0	0
William Randolph Lodge (406 E. Nicholson St.)	0	NONE	NO	NO	0	0	0
Yates Hall (600 Ukrop Way)	266	NONE	YES	YES	0	0	0

## Definitions:

YES: Full fire suppression system- sprinkler system means the entire building is fully sprinklered.

PARTIAL: means only part of the building is sprinklered-- (area varies by building).

NO: the building does not have a sprinkler system.

*Fire & Life Safety Systems Summary (Residence Halls)*

Location	Knox Box	Evacuation Plans Posted	Fire Extinguisher	AED	CO Detectors	Fire Drills Completed	Designated Evacuation Muster Area
Barrett Hall (313 Jamestown Rd.)	YES	YES	12-Dec	YES	NONE	4	YES
Brown Hall (107 N. Boundary St.)							
Bryan Hall (300 Richmond Rd)	YES	YES	12-Dec	YES	NONE	4	YES
Cabell Hall (500 C Ukrop Way)	YES	YES	12-Dec	NO	Yes/8	0	
Camm Hall (300E Richmond Rd.)	YES	YES	12-Dec	NO	NONE	4	YES
Chandler Hall (701 Landrum Dr.)	YES	YES	12-Dec	YES	NONE	4	YES
Dawson Hall (300D Richmond Rd.)	YES	YES	12-Dec	NO	NONE	4	YES
Dinwiddie Hall (100 E Wake Dr.)	YES	YES	12-Dec	NO	NONE	4	YES
DuPont Hall (101 Wake Dr.)	YES	YES	12-Dec	YES	Yes/9	4	YES
Fauquier Hall (100 B Wake Dr.)	YES	YES	12-Dec	YES	Yes/8	4	YES
Fraternity House 1 (620 Ukrop Way)	YES	YES	12-Dec	YES	Yes/1	4	YES
Fraternity House 2 (630 Ukrop Way)	YES	YES	12-Dec	YES	Yes/1	4	YES
Fraternity House 3 (640 Ukrop Way)	YES	YES	12-Dec	YES	Yes/1	4	YES
Fraternity House 4 (660 Ukrop Way)	YES	YES	12-Dec	YES	Yes/1	4	YES
Community Building (650 Ukrop Way)	YES	YES	12-Dec	YES	Yes/1	4	YES
Fraternity House 5 (670 Ukrop Way)	YES	YES	12-Dec	YES	Yes/1	4	YES
Fraternity House 6 (710 Ukrop Way)	YES	YES	12-Dec	YES	Yes/1	4	YES
Fraternity House 7 (720 Ukrop Way)	YES	YES	12-Dec	YES	Yes/1	4	YES
Fraternity House 8 (730 Ukrop Way)	YES	YES	12-Dec	YES	Yes/1	4	YES
Fraternity House 9 (740 Ukrop Way)	YES	YES	12-Dec	YES	Yes/1	4	YES
Fraternity House 10 (750 Ukrop Way)	YES	YES	12-Dec	YES	Yes/1	4	YES
Fraternity House 11 (760 Ukrop Way)	YES	YES	12-Dec	YES	Yes/1	4	YES
Griffin A-E (700 Ukrop Way)	YES	YES	12-Dec	YES	Yes/5	4	YES
Eagle F-J (no I) (700 Ukrop Way)	YES	YES	12-Dec	NO	Yes/5	4	YES
Lion K-M (700 Ukrop Way)	YES	YES	12-Dec	YES	Yes/4	4	YES
Giles Hall (500 B Ukrop Way)	YES	YES	12-Dec	NO	NONE	4	YES
Gooch Hall (100 C Wake Dr.)	YES	YES	12-Dec	NO	Yes/8	4	YES
Graduate Housing Bldg 100 (713 S. Henry)	YES	YES	12-Dec	NO	Yes/1	4	YES
Graduate Housing Bldg 200 (713 S. Henry)	YES	YES	12-Dec	NO	NONE	4	YES

*Fire & Life Safety Systems Summary (Residence Halls)*

Location	Knox Box	Evacuation Plans Posted	Fire Extinguisher	AED	CO Detectors	Fire Drills Completed	Designated Evacuation Muster Area
Graduate Housing Bldg 300 (713 S. Henry)	YES	YES	12-Dec	NO	NONE	4	YES
Graduate Housing Bldg 400 (713 S. Henry)	YES	YES	12-Dec	NO	NONE	4	YES
Graduate Housing Bldg 500 (713 S. Henry)	YES	YES	12-Dec	NO	NONE	4	YES
Graduate Housing Bldg 600 (713 S. Henry)	YES	YES	12-Dec	NO	NONE	4	YES
Graduate Housing Bldg 700 (713 S. Henry)	YES	YES	12-Dec	NO	NONE	4	YES
Graduate Housing Bldg 800 (713 S. Henry)	YES	YES	12-Dec	YES	Yes/1	4	YES
Graduate Housing Bldg 900 (713 S. Henry)	YES	YES	12-Dec	NO	NONE	4	YES
Hardy Hall (700 Landrum Dr.)	YES	YES	12-Dec	YES	Yes/14	4	YES
Harrison Hall (500 D Ukrop Way)	YES	YES	12-Dec	NO	NONE	4	YES
Hunt Hall (202 S. Boundary St.)	YES	YES	12-Dec	NO	NONE	4	YES
Jefferson Hall (231 Jamestown Rd.)	YES	YES	12-Dec	YES	NONE	4	YES
Landrum Hall (601 Landrum Dr.)	YES	YES	12-May	YES	NONE	4	YES
Lemon Hall (700 Landrum Dr.)	YES	YES	12-Dec	YES	NONE	4	YES
Ludwell 100 (100 Rolfe Rd.)	YES	YES	12-Dec	NO	NONE	4	YES
Ludwell 200 (200 Rolfe Rd.)	NO	YES	12-Dec	NO	NONE	4	YES
Ludwell 300 (300 Rolfe Rd.)	NO	YES	12-Dec	NO	NONE	4	YES
Ludwell 400 (400 Rolfe Rd.)	NO	YES	12-Dec	NO	NONE	4	YES
Ludwell 500 (500 Rolfe Rd.)	NO	YES	12-Dec	YES	Yes/1	4	YES
Ludwell 600 (600 Rolfe Rd.)	NO	YES	12-Dec	NO	NONE	4	YES
Ludwell 700 (700 Rolfe Rd.)	NO	YES	12-Dec	NO	NONE	4	YES
Madison Hall (300B Richmond Rd.)	YES	YES	12-Dec	NO	NONE	4	YES
Monroe Hall (226 Richmond Rd.)	YES	YES	12-Dec	YES	NONE	4	YES
Nicholas Hall (500 H Ukrop Way)	YES	YES	12-Dec	NO	NONE	4	YES
Nicholson (100 D Wake Dr.)	YES	YES	12-Dec	YES	NONE	4	YES
Old Dominion Hall (201 Richmond Rd.)	YES	YES	12-Dec	YES	NONE	4	YES
One Tribe Place (415 Richmond Rd.)	YES	YES	12-Dec	YES	YES/20	4	YES
Page Hall (500 E Ukrop Way)	YES	YES	12-Dec	NO	NONE	4	YES
Pleasants Hall (500 G Ukrop Way)	YES	YES	12-Dec	NO	NONE	4	YES
Preston Hall (500 A Ukrop Way)	YES	YES	12-Dec	NO	NO	4	YES

*Fire & Life Safety Systems Summary (Residence Halls)*

Location	Knox Box	Evacuation Plans Posted	Fire Extinguisher	AED	CO Detectors	Fire Drills Completed	Designated Evacuation Muster Area
Reves Hall (200 S. Boundary St.)	YES	YES	12-Dec	YES	NONE	4	YES
Richmond Hall (902 Richmond Rd)	YES	YES	12-Dec	YES	Yes/1	4	YES
Sorority #1 (111 Richmond Rd.)	NO	YES	12-Dec	NO	Yes/2	4	YES
Sorority #2 (127A Richmond Rd.)	NO	YES	12-Dec	NO	Yes/3	4	YES
Sorority #3 (127B Richmond Rd.)	NO	YES	12-Dec	NO	Yes/3	4	YES
Sorority #4 (127C Richmond Rd.)	NO	YES	12-Dec	NO	Yes/3	4	YES
Sorority #5 (127D Richmond Rd.)	NO	YES	12-Dec	NO	Yes/3	4	YES
Sorority #6 (127E Richmond Rd)	NO	YES	12-Dec	NO	Yes/3	4	YES
Sorority #7 (133 Richmond Rd)	NO	YES	12-Dec	NO	Yes/3	4	YES
Sorority #8 (151 Richmond Rd)	NO	YES	12-Dec	NO	Yes/3	4	YES
Sorority #9 (155 Richmond Rd)	NO	YES	12-Dec	NO	Yes/4	4	YES
Sorority #10 (205 Richmond Rd)	NO	YES	12-Dec	NO	Yes/3	4	YES
Sorority # 11 (195 Armistead Ave)	NO	YES	12-Dec	NO	Yes/3	4	YES
Sorority # 12 (197 Armistead Ave.)	NO	YES	12-Dec	NO	Yes/2	4	YES
Spotswood Hall (100 A Wake Dr.)	YES	YES	12-Dec	NO	NONE	4	YES
Stith Hall (300C Richmond Road)	YES	YES	12-Dec	NO	NONE	4	YES
Willis Hall (112 Jamestown Rd.) (formerly Taliaferro Hall)	NO	YES	12-Dec	NO	Yes/2	4	YES
Tazewell Hall	YES	YES	12-Dec	YES	Yes/1	4	YES
Tribe Square (249 Richmond Rd.)	YES	YES	12-Dec	NO	NO	4	YES
William Randolph Lodge (406 E. Nicholson St.)	NO	YES	12-Dec	NO	YES	4	YES
Yates Hall (600 Ukrop Way)	YES	YES	12-Dec	YES	NONE	4	YES

Knox box Locations at Randolph, Botetourt, Graduate and Bryan contain keys for all buildings in that complex

## DISSEMINATION OF THIS REPORT

The Annual Campus Security and Fire Safety Report is distributed as an electronic link to all active William & Mary email accounts of students and employees, including faculty and staff. The report is also posted in a public location on William & Mary's Compliance & Equity website.

Prospective employees are notified of the availability of the report on the <https://jobs.wm.edu>, through which all employment applications must be submitted. Prospects can access an electronic version of the report via a direct link to the URL page where the report is hosted. Prospective students are

notified of the availability of the report via a direct link URL after submitting a request for more information with their personal contact information. Graduate prospective students receive notification on the account creation and/or login page for the respective graduate school application.

Current or prospective students and employees may request a paper copy at no charge from the Office of Compliance & Equity, James Blair Hall, Suite 101, Williamsburg, Virginia, 23185, or by calling 757-221-2743.



## APPENDIX A

### *Student Discrimination and Title IX Complaint Procedure*

#### I. Purpose and Summary of Procedure

- A. **Purpose.** The purpose of this procedure is to provide a fair and effective investigation and adjudication process. This procedure helps the university implement two important policies relating to discrimination, discriminatory harassment, and retaliation, including sexual harassment, gender-based harassment and sexual misconduct:
- The Policy Prohibiting Discrimination, Discriminatory Harassment, Retaliation and Sexual Misconduct, which defines prohibited discrimination against a person that belongs to a protected group or is perceived to belong to a protected group (the “Discrimination Policy”); and
  - The Policy Prohibiting Title IX Sexual Harassment and Gender-Based Harassment (the “Title IX Policy”), which defines the different forms of sexual misconduct and explains reporting options.

This procedure also helps William & Mary comply with Title IX of the Education Amendments of 1972, which prohibits discrimination based on sex, and other federal and state anti-discrimination laws, by providing a fair, prompt and equitable process to respond to complaints, reports, and grievances.

- B. **Summary of Procedure.** Under this procedure, reports of misconduct as defined in the Discrimination Policy or the Title IX Policy are assessed initially within 72 hours by the Civil Rights Review Team to assess ongoing risk, evaluate the requests of the complainant for supportive measures, and determine the appropriate course of action. For formal complaints investigated under this procedure, annually trained investigators interview the parties, relevant witnesses, and collect and analyze evidence (such as text messages, emails, pictures, medical records, social media posts). Each party may review all collected evidence prior to the submission of the investigation report. The final investigation report is submitted to the Determination Official(s) and shared with the parties. Each party may submit a response to the investigation report to the Determination Official(s) prior to final adjudication, either by Administrative Determination or Conference Determination. A live Determination Conference is held for the purpose of assessing credibility of parties and witnesses and evaluating disputed facts according to the Determination Conference process in Appendices A and B. Within three (3) business days of the Determination Conference, the Determination Official(s) makes a finding of responsibility or no responsibility based on the preponderance of the evidence. If the Determination Official(s) finds that any student has violated university policy, the Determination Official(s), in consultation with the Dean of Students, shall impose sanctions within the range of possible sanctions outlined in this procedure. Either party may appeal the determination or sanctions (if any) to the Appellate Officer. The decision of the Appellate Officer is final.

The university seeks to resolve matters promptly, typically within 60-90 business days.

#### II. Scope

This procedure applies to William & Mary as a whole university, including the Virginia Institute of Marine Science (the university).

This is the procedure for investigating any conduct prohibited by the Discrimination Policy and/or the Title IX Policy allegedly committed by a student. A different procedure is used for addressing complaints and concerns of discrimination and discriminatory harassment by employees or third parties (including but not limited to vendors,

contractors, alumni/ae, visitors or local residents); the Dean of Students or their designee can assist students with such complaints or concerns.

This procedure also may be used, under the authorization of the Dean of Students, for investigation and adjudication of other reported violations of the Student Code of Conduct, including other reported violations of the rights of others, particularly those requiring significant investigation, such as allegations of hazing.

This procedure may apply to misconduct that occurs on or off university property. In cases where misconduct under the Title IX Policy is alleged, additional procedural requirements are implemented in compliance with the federal regulations.

### III. Definitions

**Appellate Officer** means the Provost or their designee who responds to appeals of determination and/or sanctions imposed under this procedure.

**Civil Rights Review Team (“Review Team”)** means the group of university administrators that receive and assess all reports of discrimination, discriminatory harassment, retaliation or sexual misconduct. For complaints involving a student the Review Team consists of representatives from the Office of Compliance & Equity, the William & Mary Police Department, and the Dean of Students Office. The Review Team may include a representative from Human Resources or the Dean of Arts & Sciences, if staff or faculty is a complainant or respondent in the reported matter. The Review Team operates pursuant to Va. Code §23.1-806(D) and has access, under Virginia law, to certain otherwise confidential information, including law enforcement records and criminal history information, as provided in Va. Code §19.2-389 and §19.2-389.1; health records, as provided in Va. Code §32.1-127.1:03; university disciplinary, academic and/or personnel records; and prior reports of misconduct maintained by the Chief Compliance Officer.

**Complainant** means an individual who is alleged to be the victim of conduct that could constitute discrimination, discriminatory harassment, including Title IX sexual harassment, retaliation or sexual misconduct as defined in the Discrimination Policy and the Title IX Policy.

**Determination Official** means the person or persons who make the determination of a responsibility or non-responsibility for each allegation investigated, and issues sanctions under this process.

**Formal complaint** means a document either filed by a complainant who is participating in or attempting to participate in an educational program or activity of the university or signed by the Title IX Coordinator alleging Title IX sexual harassment, Gender-Based harassment, discrimination, discriminatory harassment, retaliation or sexual misconduct (“misconduct”) against a respondent and requesting that the university investigate the allegations.

**Investigator** means the person or persons assigned to gather facts about an alleged violation of the Discrimination Policy or the Title IX Policy, to assess relevance and credibility, synthesize the evidence, and to compile this information into an investigation report.

**Mandatory Reporter** means a faculty or staff (including some student staff such as Resident Assistants, Teaching Assistants) of the university who is obligated by federal and/or state law (which designates such employee as a “Responsible Employee”) to share knowledge, notice, and/or reports of sexual harassment, gender-based harassment, and sexual misconduct as defined in the Discrimination Policy or Title IX Policy with the Title IX Coordinator.



**Report** means information about alleged discrimination, discriminatory harassment, or retaliation, including sexual harassment or sexual misconduct affecting a member of the university community, including a student, that is conveyed to a mandatory reporter of the university and is communicated to the Chief Compliance Officer/Title IX Coordinator.

**Respondent** means an individual who has been alleged to be in violation of university policy through conduct that could constitute discrimination, discriminatory harassment, or retaliation, including sexual harassment or sexual misconduct.

**Retaliation** means any adverse action taken by a respondent or allied third party against a person because the person made a good faith report of discrimination or discriminatory harassment, including sexual harassment or sexual misconduct, or the person is involved in or participated in an investigation or proceeding of such reported allegation under the Discrimination Policy, or Title IX Policy. Retaliation includes, but is not limited to, threatening, intimidating, harassing, coercing or any other conduct that would deter a reasonable person from engaging in activity protected under this policy. Retaliation does not include good faith counter complaints lawfully pursued in response to a report of discrimination or harassment, or non-discriminatory adverse actions taken for legitimate purposes (e.g. employee discipline for tardiness, student honor code charges for separate plagiarism incident)

**Student** means all persons taking courses at the university, either full-time or part-time, persons pursuing undergraduate, graduate, or professional studies, and persons enrolled as a non-degree seeking students.

**Supportive measure** means non-disciplinary, non-punitive, individualized service offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after making a report or filing of a formal complaint. Examples of possible supportive measures include:

- Issuing orders barring further contact between the complainant and the respondent (Campus No Contact Orders)
- Providing an escort to ensure that a party may move safely between classes and activities
- Providing counseling or medical services, including free services from the university Counseling Center or access to services at the Student Health Center
- Making academic modifications, such as an extension for an assignment or late withdraw from a course
- Relocating or rescheduling of classes
- Changing residence locations when a complainant or respondent requests to move
- Emergency Removal of a respondent from the university upon risk analysis and determination by the Review Team that the respondent poses an immediate threat to the physical health or safety of any student or other individual arising from allegations of sexual harassment or sexual misconduct. The risk assessment justifies removal on an emergency basis. The respondent shall be provided with written notice of the emergency removal and an opportunity to challenge the decision to the Dean of Students or designee, which will be evaluated and reassessed within 24 hours of the challenge.

**Title IX Coordinator** means an official designated by the university who is responsible for ensuring the university's compliance with Title IX regulations and the person who is responsible for coordination of this process for any investigation and adjudication of discrimination, discriminatory harassment, retaliation, sexual harassment, gender-based harassment, or sexual misconduct.

#### IV. Reporting, Retaliation, and Other Initial Matters

- A. Filing a Report.** Please see Section V of the Discrimination Policy or Section V of the Title IX Policy for how and where to initially report misconduct.
- B. Initial Intake of Report; Immediate Services and Support Offered.** Whenever the university receives a report that a person has experienced misconduct prohibited by the Discrimination Policy or the Title IX Policy, whether the offense occurred on- or off-campus, the Title IX Coordinator or designee will provide the complainant with a written explanation of their rights and options, including the availability of supportive measures.

If a person files a formal complaint for investigation under this procedure, the Title IX Coordinator will initiate the process under Sections VI and VII of this procedure. **Timing of Reports.** William & Mary encourages reporting misconduct as soon as possible in order to maximize the university's ability to respond promptly and effectively. Because the passing of time decreases the ability to collect evidence and statements from witnesses, formal complaints must be submitted to the Compliance Officer within 365 calendar days of the most recent occurrence of the alleged misconduct, except for conduct that may violate the Title IX Policy or for conduct defined as Sexual Misconduct under the Discrimination Policy.

The Chief Compliance Officer reserves the right to extend the time limits when circumstances justify an extension.

- C. Jurisdiction.** The university has jurisdiction to investigate and adjudicate alleged misconduct committed by a respondent when the conduct:
- occurs on campus or on property owned or controlled by the university (university property);
  - occurs in the context of a university employment or educational program or activity including, but not limited to, university-sponsored study abroad, research, or internship programs;
  - uses university resources, such as workplace telephones or e-mail; or
  - occurs off-campus and outside a university program or activity, but such conduct has continuing adverse effects on or poses a substantial risk of creating a hostile environment for any member(s) of the campus community while on university property or in any university program or activity.

The university has jurisdiction to investigate and adjudicate alleged misconduct by the respondent when the respondent is a student as defined in Section III of this procedure or when the respondent is eligible to return as a student without applying for readmission to their current program. Where the respondent is a degree candidate at the university, the Title IX Coordinator will consult with the Dean of Students concerning the respondent's intended date of graduation and encourage the complainant to file a formal complaint in a timely manner to avoid loss of authority over the student due to graduation. The university will postpone degree conferral in the event that a formal complaint has been filed and is being adjudicated through this process. Where a respondent has otherwise met all requirements for graduation, they may request permission to participate in commencement activities prior to a final determination.

The Review Team will determine whether the university has jurisdiction and/or authority to conduct an investigation. (See Section VI.D. below) Even if the university does not have jurisdiction to investigate a formal complaint or the Review Team does not authorize an investigation, the university will take steps, when appropriate, to protect the complainant's rights to participate in and enjoy the university's programs and activities, such as by providing supportive measures for the complainant and preventing recurrence of

discrimination, discriminatory harassment, including sexual harassment, retaliation or sexual misconduct by the respondent.

- D. Retaliation.** Under university policy, it is a violation to retaliate against any person for making a report of misconduct or against any person for filing a formal complaint or cooperating in an investigation (including serving as a witness). Retaliation should be reported promptly to the Title IX Coordinator or investigator.
- E. Effect of Criminal Proceedings.** Because misconduct may constitute both a violation of university policy and criminal activity, the university encourages people who have experienced criminal misconduct to report promptly to law enforcement. The university also reports certain matters directly to law enforcement and/or the prosecutor with jurisdiction, as described in Section IV (F).

The standards for finding a violation of criminal law are different from the standards for finding a violation of university policy. This means that conduct may violate university policies even if it is not a crime or law enforcement agencies lack sufficient evidence of a crime and therefore decline to prosecute.

This procedure is independent of any criminal investigation or proceeding. The university generally will not wait for the conclusion of any criminal investigation or proceedings to commence its own investigation and implement supportive measures to protect the complainant and the university community. The university will consider law enforcement requests to delay temporarily and may grant such delays at its discretion.

- F. False Report or Deceitful Allegations.** Knowingly making a false report and/or alleging accusations of misconduct that are deceitful is a violation of university Honor Code and is subject to appropriate disciplinary action. Complaints made in good faith that are not in fact a policy violation or that are not substantiated to find responsibility for a policy violation are not consider false reports.

Knowingly providing false statements or evidence, purposefully tampering with or destroying evidence after being directed to preserve such evidence, or deliberately misleading any university administrator or official involved in this process is a violation of the university Honor Code and parties or witness who commit such violations are subject to appropriate disciplinary action.

## **V. Timeline and Other General Procedural Considerations**

- A. Timeline, Deadlines and Extensions.** The university aims to conclude the investigation and adjudication within 60-90 business days. Scheduled or unscheduled breaks in university operations (including winter and spring break) may extend any time period or deadline in this procedure.

The timeline for resolution begins on the date when an investigation into a formal complaint is authorized by the Review Team or the Title IX Coordinator. See Section VI.

Time periods may be extended as necessary by the administrator with oversight of the relevant process stage: the Title IX Coordinator, the Determination Official(s), or the Appellate Officer. Extensions will be made to ensure the integrity and completeness of the investigation and/or for appropriate cause, such as compliance with a request by law enforcement, availability of witnesses or parties, scheduled or unscheduled university closings or breaks (including winter and spring breaks or closures due to weather events), vacations, complexities of a specific case including the number of witnesses and volume of information collected, and health or other emergencies.

- B. **Roles/Conflicts.** The administrators with specified roles in this process (Title IX Coordinator, Investigator, Determination Official(s), Appellate Officer) shall recuse themselves, and/or delegate their roles to others as necessary to ensure impartiality or to accommodate leave or professional or personal conflicts. A party may request recusal or substitution of an investigator or advisor through the Title IX Coordinator or designee by specifying the nature of the conflict. The Title IX Coordinator or designee will consider the request, the alleged conflict, and determine the appropriate steps for managing any conflict that exists. A request for the Title IX Coordinator to recuse themselves will be considered by members of the Review Team and if determined that the Title IX Coordinator must recuse themselves, a designee will be appointed by the Office of Compliance & Equity.
- C. **Parties Participation or Refusal to Participate in the Process.** This grievance procedure is designed primarily to address formal complaints of discrimination, discriminatory harassment, including sexual harassment, retaliation or sexual misconduct that may require formal discipline of a student. The process anticipates the involvement of the complainant and the respondent to ensure full due process for the parties. Investigation and adjudication may be undertaken, however, with or without the participation of one or both parties, depending on the nature of the allegations and otherwise available evidence. If a party declines to participate or declines to answer certain questions, this will not be considered in assessing the party's credibility. However, if a party or witness does not participate in the determination conference including answering direct questions by the other party's advisor, no statements made by that party or witness during the investigation process may be considered in making the determination of a policy violation.

If a complainant initially participates in a process but wishes to cease involvement in the process, or no longer wants the process to continue, the Review Team will consider carefully whether it is in the best interest of the university to proceed forward or whether the party's wishes may be respected, based on the factors described in Section VI of the Title IX Policy.

- D. **Combined or Multiple Complaints.**
1. Multiple complaints or allegations. The university typically investigates and adjudicates multiple allegations (potential policy violations) at one time if they stem from the same incident or are based on a pattern of behavior close enough in time or related sufficiently by their nature to be reasonably resolved in a single proceeding. Questions about the use of a single proceeding to resolve multiple allegations will be decided by the Chief Compliance Officer and/or Title IX Coordinator, with the approval of the Dean of Students or designee, if there is an allegation of a violation of the Student Code of Conduct.
  2. Students participating in an investigation process or who have made a formal complaint are protected from retaliation and the university must guard against a report or allegation being used as a tool of retaliation or as a strategic effort to discredit or preempt another report. When both (all) parties involved in a formal complaint allege that the other party(s) violated their rights, for example, the Review Team will carefully assess all formal complaints to determine the appropriate course of action. Because an investigation under this procedure is designed to collect evidence relevant to both parties' perspectives, the appropriate course of action often will be to conduct a single investigation under this procedure. In determining which student will be treated as the complainant and which as the respondent, the Review Team will consider relevant factors including those specified in Section VI of

this procedure. The Review Team also may initiate an investigation in which both (or all) students are respondents.

3. **Alleged violations of different policies.** Should an incident result in an allegation that a student has violated the Discrimination Policy and/or the Title IX Policy and another applicable policy, such as the Honor Code or the Student Code of Conduct, the allegation will be processed under this procedure to ensure compliance with federal law. A respondent may not face more than one proceeding to determine the final disposition of a single incident.
  4. **Amnesty.** In order to facilitate full and truthful cooperation from parties and witnesses in this procedure, the Dean of Students generally does not charge parties or material witnesses with Student Code of Conduct violations for drug or alcohol misconduct, such as consuming alcohol underage or consuming illegal drugs, unless such behavior relates directly to the sexual misconduct allegation. An example of a Code of Conduct violation that relates directly to a sexual misconduct allegation would be provision of alcohol to an underage complainant by a respondent, when there is an allegation that the respondent provided the alcohol as a means to facilitate a sexual assault.
- E. **Advisor and Silent Supporter for Complainant and Respondent.** Each party may choose one (1) advisor to provide consultative advice and one (1) silent supporter to provide emotional support to them through the administrative process. Both the advisor and the silent supporter may accompany the student to all interviews, meetings, and the determination conference. The university will coordinate with the advisor of choice, but not the silent supporter, on their availability for meeting, interview and determination conference times. The advisor will be copied on all communications with the student, including the investigation report, the determination conference agenda, and determination notice.

William & Mary trains a group of faculty and staff to serve as advisors and assigns an advisor to each party based on advisor availability. A party may choose instead to use an advisor of their choice, such as a friend, family member, or lawyer. If a party uses an advisor of their choice, the party will continue to have access to the university's trained administrative advisor. In this situation, the trained administrative advisor will serve as a consultant to the party, but only one advisor of the party's choice will be permitted to accompany the student to interviews or meetings, or to the determination conference. Parties who retain advisors of their choice are responsible for any costs associated with hiring such advisors. A party may change advisors during the process.

- F. **Role of the Advisor.** During interviews or meetings, an advisor may confer with or advise the party, may request a brief pause in the proceeding to confer with the student privately, and is provided a limited opportunity to ask questions or raise concerns during meetings or interviews. The university expects parties to speak on their own behalf; an advisor does not respond to questions on the party's behalf. An advisor who disrupts a meeting, interview or proceeding will be required to leave the proceeding.

In a Determination Conference that involves an allegation of Title IX Sexual Harassment as defined in the Title IX Policy, the party's advisor is permitted to directly ask the parties and any witnesses all relevant questions and follow-up questions, including questions that challenge the person's credibility (See Section VII (H)(2) of this procedure). In a Determination Conference that involves allegations of misconduct under the Discrimination Policy, the Determination Official(s) are the only person(s) permitted to directly ask the parties and any witnesses all relevant questions and follow-up questions, including questions submitted in writing by a party.

Parties may share records and investigation communications with their advisor. If a party engages an external advisor of their choice, they and the advisor must agree to consent and confidentiality requirements.

- G. **Role of the Silent Supporter.** During interviews or meetings, a silent support is permitted to provide emotional and psychological support for the party and may request a brief pause in the proceeding to confer with the student privately. The silent supporter may not ask questions or raise concerns during meetings, interviews or the determination conference. The silent supporter may not respond to questions on the party's behalf. A silent supporter who disrupts a meeting, interview or proceeding will be required to leave the proceeding. If a party engages an external silent supporter, they and the silent supporter must agree to consent and confidentiality requirements.
- H. **Disability Accommodations.** The university is committed to providing reasonable accommodations for students with documented disabilities, in accordance with the Accommodation Policy and Procedure. Such accommodations may include, but are not limited to, administrative assistance, and additional time. Students with disabilities who need reasonable modifications to address a suspected violation of the Discrimination Policy or the Title IX Policy are encouraged to contact the Director of Student Accessibility Services ([sas@wm.edu](mailto:sas@wm.edu)) as early in the process as possible to identify and plan specific accommodations. Students typically will be asked to provide medical documentation. The Director of Student Accessibility Services will inform the Title IX Coordinator of appropriate accommodation(s).
- I. **Witness Failure to Cooperate.** If a student or employee witness fails to appear for a scheduled appointment or otherwise refuses to cooperate in an investigation and adjudication, the person may be subject to discipline or held responsible for conduct charges and or failure to comply.
- J. **Notice.** Proper notice will consist of an email sent to a student's or employee's official university email account, written notice delivered through either university or U.S. Mail to an address in the Registrar's or Human Resource's records, or a letter delivered personally by university staff, including Residence Life student staff or supervisor. In general, correspondence will be sent via email.
- K. **Witness Intimidation.** Parties who contact witnesses or other parties with the intent to intimidate them, influence or collaborate regarding testimony, harass, or circumvent the process in any way, may be responsible for retaliation or a charge of abuse of process under Section III(C)(7) of the Student Code of Conduct. Parties may not circumvent this provision by requesting or permitting advisors, friends or others to perform such actions on their behalf or for their benefit. In general, it is expected that the university will conduct the investigation pursuant to this procedure prior to and free from interference by any independent investigation by or on behalf of a party.
- L. **Past Sexual Histories/Evidence of Other Sexual Misconduct or Harassing Conduct.** In general, parties' prior sexual history, character or reputation is not relevant and will not be considered as evidence of character or reputation during the investigation. Where there was a relationship between the parties and consent is at issue, the prior sexual history between the parties may be relevant to assess the manner and nature of communications between the parties or to explain physical evidence. As specified in the Title IX Policy, however, the mere fact of a current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent.

Evidence of prior sexual history of a party with other individual(s) may be prejudicial in nature, and so will be included only after assessing its relevance (probative value) and prejudicial nature. Examples of evidence that may be admissible may be considered and included in the investigation report are: (a) evidence of conduct similar in nature to the alleged misconduct by the respondent, (b) evidence of a pattern or to be considered together with the alleged misconduct in determining whether a hostile environment was created, (c) evidence relevant to proving intent, state of mind, injury, or identity. Such evidence may be considered regardless of whether there has been a finding of responsibility as to the other conduct, subject to the general determinations for admissibility of evidence described in Section M.

**M. Rules of Evidence.** University proceedings are not judicial procedures designed to enforce laws. They are internal, administrative processes designed to address formal complaints of violations of university policy while affording due process to the parties. Universities do not conduct judicial proceedings and do not follow the rules of evidence employed by courts of law. Information that does not come from a first-hand source (hearsay) may be considered where it is relevant. Lie detector/polygraph evidence is not permissible. Except as specifically provided in this procedure, the university is not required to consider any specific piece of evidence and may make reasonable determinations as to which evidence to exclude or consider. Investigators exercise their professional judgment to determine what evidence is relevant and material to the case, and may exclude evidence that is unfairly prejudicial, that relates to collateral issues, or that is confusing, misleading, or needlessly cumulative. Investigators will also consider the process by which the evidence was collected and the source of the evidence; for example, notes made by a private investigator hired by a party typically are not considered reliable and unbiased enough to introduce as evidence. Witnesses' (including parties') observations and opinions as to events or motivation may be considered as evidence; the investigators and the Determination Official are trained to evaluate such evidence appropriately and do not accept an opinion as a statement of fact.

If a party introduces evidence not considered in the investigation and documented in the investigation report, such as in a personal statement or an appeal, the Determination Official or Appellate Officer has the discretion in determining whether to consider such evidence; evidence impermissible under this procedure may not be introduced or considered. The Determination Official may request additional information, guidance or investigation from the investigators or Title IX Coordinator regarding the evidence. Additionally, administrators with roles in this process shall not use, rely on, or seek disclosure of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

**N. Formal Interviews and Other Meetings.** Interviews and any other meetings generally are conducted in person in university facilities. Remote interviews, meetings or conferences may be necessary and appropriate, in certain circumstances, and/or may be conducted when necessary to provide prompt resolution.

1. *Interviews with Parties.* Typically, there is one primary interview with each party and potentially one or more, shorter, follow-up interviews. The primary interview is conducted in person unless (a) extenuating circumstances exist, (b) alternate arrangements are made as an accommodation (see paragraph E, above), as determined by the Title IX Coordinator, or (c) a party is not a member of the university community (e.g. a student or employee). For parties who are not a member of

the university community or otherwise obligated to cooperate (e.g. alumni), the university will make best efforts to conduct an in-person interview. If an in-person interview is not feasible, the general preference is to conduct an interview using video call technology rather than via phone.

A follow-up interview may be conducted in person or remotely, or investigators may submit questions in writing to the party for response, at the investigators' discretion depending on the circumstances including the scope of the follow-up interview.

2. *Interviews with Witnesses.* While in-person interviews remain the preference, interviews conducted telephonically or using video technology with witnesses are permissible. Questions submitted in writing to a witness for written response are also permissible.
- O. **Confidentiality, Need-to-Know, and Records Retention.** Inquiries about and reports of misconduct shall, whenever possible, be treated with confidentiality, in compliance with the Family Educational Rights and Privacy Act (FERPA). Confidential information will be disclosed to others outside the process only when required by law or when personal safety is at risk. However, an investigation/adjudication may require disclosure of information. The university's Student Records Privacy Policy lists the situations in which the university may (or in some cases, must) disclose personal identifiable information from a student's educational record without the student's prior consent.

This procedure specifies notification or consultation with various university offices and individuals with legitimate educational interest. In addition, other internal disclosures may be made, including:

- to the Office of University Counsel, for the purposes of obtaining legal advice;
- to university employees for the purpose of obtaining approval for or implementing supportive measures and preventing retaliation;
- to the University Registrar, for purposes of transcript notation.

External disclosures may be made as required by law, including:

- mandatory reporting to the Department of Education for the Annual Security Report
- responses to search warrants or lawfully issued subpoenas
- responses to Freedom of Information Act requests, with proper/required redaction of personally identifiable information.

Records produced or collected pursuant to this procedure shall be maintained in accordance with federal and state law, including the Records Retention Schedules of the Library of Virginia, which implement the Virginia Public Records Act.

Precautions are taken to protect sensitive, confidential information including the investigation report and related communications, such as use of secure file transfer technology and incident management software systems. Additional steps may be taken when sharing information with people who are not university employees or students, such as providing access to read and review documents rather than providing copies.

## VI. Initial Assessment of Report

Upon receipt of a report or formal complaint of misconduct defined under the Discrimination Policy or the Title IX Policy, the Title IX Coordinator or designee will notify the other members of the Review Team, which shall assess



the report or formal complaint within 72 hours in the case of a reported act of sexual violence and as soon as practicable in all other cases. The Review Team will have access to all available facts and circumstances and may seek additional information about the reported incident through any other legally permissible means.

- A. **Threat Assessment.** The Review Team will review the report and any other available relevant information to assess the threat posed by the reported misconduct and to determine whether external reports are required. The Review Team will make this determination based upon the following factors (the “risk factors”):
1. A formal complaint filed by the complainant;
  2. Whether the respondent has prior arrests, reports and/or complaints related to discrimination, discriminatory harassment, retaliation or sexual misconduct or has any history of violent behavior;
  3. Whether the respondent has a history of failing to comply with university protective measures, and/or any judicial protective order;
  4. Whether the respondent has threatened to commit violence or any form of sexual misconduct;
  5. Whether the reported misconduct involved multiple respondents;
  6. Whether the reported misconduct involved physical violence. Examples of physical violence include hitting, punching, slapping, kicking, restraining, strangling, or brandishing or using any weapon;
  7. Whether the report reveals a pattern of sexual misconduct (e.g., by the respondent, by a particular group or organization, around a particular recurring event or activity, or at a particular location);
  8. Whether reported sexual misconduct was facilitated through the known or unknown provision of drugs or alcohol;
  9. Whether reported sexual misconduct occurred while the complainant was unconscious, physically helpless or unaware that the sexual misconduct was occurring;
  10. Any indications that the report was made in bad faith, such as retaliation or in anticipation of a complaint being filed against the complainant, or is baseless;
  11. Whether the complainant is (or was at the time of the reported incident) a minor (under 18);
  12. Whether any other aggravating circumstances or signs of predatory behavior are present; and
  13. Applicable law, policy and procedure.

The Review Team will refer to the university’s Threat Assessment Team those matters determined to warrant continued threat assessment or management beyond the supportive measures and other steps specified by this procedure.

- B. **Mandated Reports to External Entities.** The Review Team will assess each report to determine if a disclosure to law enforcement, prosecuting attorney’s office, or Department of Social Services must be as required by the Code of Virginia. If the Review Team cannot reach consensus, the W&M Police representative shall make the determination if a mandated report is required.
1. If the Review Team determines that disclosure of the report and personally identifying information to the law enforcement agency that would be responsible for investigating the alleged act of sexual violence is necessary to protect the health or safety of the complainant or other persons, the W&M Police representative will immediately make such disclosure.
  2. If the alleged act of sexual violence would constitute a felony violation of Section 18.2-61 of the Virginia Code, the W&M Police representative shall consult with the attorney for the Commonwealth or other prosecutor responsible for prosecuting the alleged felony. This consultation will not include personally identifiable information, unless such information was disclosed as described under Paragraph 1 above. If this consultation does not occur and any other

- member of the Review Team concludes that the alleged incident would constitute a felony violation of Section 18.2-61, he or she will make the same consultation, within 24 hours.
3. If the reported incident involves abuse (including sexual violence against) of a minor (or someone who was a minor at the time of the incident), the Review Team will designate a team member to report the matter to the Department of Social Services within 24 hours and inform the other team members once the report has been made. If any external report is made under this Section, the Title IX Coordinator will notify the complainant promptly.
- C. **Offer Supportive Measures.** Upon receipt of a report or formal complaint of misconduct defined under the Discrimination Policy or the Title IX Policy, the Review Team will assess supportive measures to be offered to the complainant. The Title IX Coordinator shall contact the complainant and offer supportive measures as recommended by the Review Team and assess any requests by the complainant for personalized supportive measures.
- D. **Determination as to Appropriate Next Steps.** Upon completion of the threat assessment and mandatory reports, and determination of supportive measures to offer the complainant, the Review Team will determine the appropriate course of action in consideration of the requests of the complainant.
1. **No Further Action Requested.** If a complainant has requested no further action or has not filed a formal complaint, and the Review Team's assessment concludes that this request may be honored, the Title IX Coordinator will not sign a formal complaint to initiate an investigation. Supportive measures will continue to be provided to the complainant as necessary.
  2. **Formal Complaint Requesting Investigation of Misconduct Defined under Title IX Policy.** If a complainant wants an investigation and adjudication of a respondent's conduct, they must file a formal written complaint with the Title IX Coordinator. If a complainant files a formal complaint, the university must investigate the allegations under this procedure unless it is required to dismiss the formal complaint or any allegation therein if, at any time during the process, it is determined that:
    - i. The conduct alleged in the formal complaint would not constitute sexual harassment as defined in the Title IX Policy,
    - ii. The conduct alleged did not occur in the university's education program or activity, or
    - iii. The conduct alleged did not occur against a person in the United States.
    - iv. Either party may appeal this decision per Section VIII of this procedure.
    - v. In the event that a Title IX formal complaint is dismissed under this provision, the Review Team shall determine if investigation of conduct under the Discrimination Policy is warranted under this procedure. Generally an investigation will be authorized if the conduct alleged would constitute a policy violation if substantiated and there exists a reasonable basis to find discriminatory intent. If an investigation is authorized, this grievance process shall be used for the policy provisions being investigated.

3. **Formal Complaint Requesting Investigation of Misconduct Defined under Discrimination Policy.** If a formal complaint alleges misconduct under the Discrimination Policy, the Review Team shall determine in its discretion if investigation of the formal complaint is authorized or not authorized under this procedure. If an investigation is authorized, this grievance process shall be used for the policy provisions being investigated. If an investigation is not authorized, the Review Team’s decision is not subject to appeal.

Discretionary Factors Considered by the Review Team. An investigation for allegations of misconduct other than Title IX Sexual Harassment or Gender-Based Harassment may not be authorized for one of the following reasons:

- The information available does not provide a reasonable basis for conducting an investigation under this procedure;
  - The conduct alleged, even if proven true, would not be a policy violation;
  - The complainant is no longer participating in or attempting to participate in an education program or activity of the university;
  - The respondent is no longer enrolled at or employed by the university;
  - The formal complaint is filed many years after the prohibited conduct allegedly occurred and witnesses are no longer available to participate and/or are no longer able to provide direct information about the allegations. Prior to a decision to authorize or dismiss a formal complaint by the Review Team, the Title IX Coordinator may conduct limited inquiry with potential witnesses to further assess their availability and their recollection of direct information about the allegations.
  - A formal complaint contains allegations that are precisely the same as allegations the University has already investigated and adjudicated.
4. **Title IX Coordinator Files Formal Complaint.** If the complainant has requested that there be no investigation, is not participating in the process, or is not participating in or attempting to participate in an educational program or activity of the university, the Review Team will determine whether a formal complaint should be filed by the Title IX Coordinator under this procedure to protect the health and safety of the campus community and/or individual students, or to fulfill the university’s obligations to provide a campus environment free from harassment. In making this determination, the Review Team will consider the Risk Factors and any evidence showing that the respondent made statements of admission or otherwise accepted responsibility for the misconduct, the existence of any independent information or evidence regarding the misconduct, and any other available and relevant evidence other than the complainant’s testimony. If the Review Team determines to authorize an investigation against the request of the complainant, the Title IX Coordinator will file a formal complaint and will notify the complainant promptly. A complainant is not required to participate in an investigation initiated when the Title IX Coordinator files a formal complaint on their behalf.
5. **Report or Formal Complaint Requesting Alternative Resolutions.** Prior to filing a formal complaint or after the Review Team has authorized an investigation of a formal complaint, the complainant

may seek the following resolutions upon the consent of both parties and approval by the university:

- i. *Adaptable Non-Disciplinary Resolution.* Certain types of alleged misconduct may be referred to the Dean of Students or designee to explore available options for Adaptable Resolution. Adaptable Resolution is a remedies-based structured process that balances support and accountability without formal disciplinary action against the Respondent. This alternative process may be initiated before an investigation is authorized or after an investigation has commenced, at any time prior to the Determination Conference being conducted. In cases where the respondent is an employee of the university, referral to this process is not permitted. A complainant's request for this option shall be authorized by the Review Team unless it determines that there is a continuing, ongoing threat to the university community or the Title IX Coordinator has filed a formal complaint per Section VI.D.4.
- ii. *Pre-Determination Conference Resolution.* Upon authorization of an investigation of a formal complaint by the Review Team and at any point prior to the Determination Conference, either the complainant or respondent may request resolution of the allegation(s) through a negotiated process wherein the respondent either:
  1. Accepts a finding of responsibility for the original allegations or other violations defined under either the Discrimination Policy or the Title IX Policy and accepts appropriate sanctions, which may or may not be within the proscribed range of sanctions in this procedure, provided both parties agree to the terms of the resolution as approved by the Title IX Coordinator; or
  2. Accepts primary or secondary sanctions under Section VII.I without a finding of responsibility for a violation, as approved by the Title IX Coordinator.

Either party may choose to stop the negotiated process at any point prior to finalization of the Pre-Determination Resolution at which point the formal complaint process outlined in Section IV. X will resume. See Appendix C for details of the Pre-Determination Conference Resolution process.

- iii. *Remedial Actions.* Upon receipt of a report, but not a formal complaint, or upon dismissal of a formal complaint, the complainant may request that the university take remedial actions. Remedial actions may include remedies offered to the complainant as well as actions designed to address possible areas of concern such as educational or awareness activities, targeted training, increased supervision or oversight of specific clubs or organizations, conversations and guidance provided to specific individuals, or notice communicated to an individual that the conduct is unwelcome. It may be appropriate for reports that do not allege conduct that violates applicable university policy but do allege conduct not consistent with university expectations, such as harassing conduct that has not become severe or pervasive enough to create a hostile environment; the university may take action to prevent such harassing conduct from continuing or repeating and creating a hostile environment. The university, in consultation with the complainant, makes the final determination of what actions to implement.

6. **Discretionary Dismissal of Formal Complaints.** If the Review has authorized an investigation under Section IV.D.2 or IV.2.3 of this procedure, the Title IX Coordinator, may in their discretion, dismiss the formal complaint at any point for one of the following reasons:
- i. The Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein;
  - ii. The Respondent is no longer enrolled at or employed by the university;
  - iii. A Complainant stops participating in the investigative process or refuses to participate in the process; or
  - iv. Discretionary dismissals by the Review Team are not subject to appeal.

## VII. Investigation and Determination of Policy Violation

This Section specifies the process used to investigate a formal complaint. The initiation of an investigation is a decision to collect evidence regarding a report; a respondent is presumed not responsible until a final determination is made.

- A. **Written Notification.** The Title IX Coordinator issues to the respondent written notification of the allegations of discrimination, discriminatory harassment, retaliation or sexual misconduct potentially constituting a policy violation, including sufficient details known at the time and with sufficient time for a respondent to prepare a response before any initial interview with investigators. Complainants are provided a copy of the written notification simultaneously and provided the name of an administrative advisor available to assist them if one has not already been provided or chosen. Written notification shall contain at least:
- the allegations to be investigated, including the specific policy provision(s) at issue, the identity of the complainant, and available information regarding the date and location of incident(s);
  - notice that allegations are subject to change based on information collected, but additional written notification must be provided if new policy violations are being investigated;
  - the process to be used (this procedure)
  - the parties' rights to available resources, including counseling, health, mental health, visa and immigration assistance, financial aid assistance and other services available within the institution and in the community;
  - the name and contact information of the administrative advisor available to assist the party (Section V(E)), the right to choose a different advisor of the party's choice, who may be, but is not required to be an attorney, and a description of the role of the advisor in this process;
  - prohibition against retaliation of the other party or witnesses;
  - prohibition against knowingly making false statements or knowingly submitting false information during the grievance process under this procedure;
  - a presumption that no misconduct has occurred and a determination regarding responsibility of a policy violation is made at the conclusion of the grievance process;
  - the party's right not to incriminate themselves, as defined by the Student Code of Conduct, and for silence not to be held against them.
- B. **Initial Meetings with Parties.** The Title IX Coordinator or designee communicates separately with each of the parties prior to the commencement of the investigation. The purpose of the initial meeting is to review the process for formal complaint investigation and adjudication, to review the roles of the individuals involved in the process, and to provide the parties with information about preparing for meetings with investigators and submission of evidence to the investigation, including the importance of preserving

evidence for investigators to evaluate. Parties are not expected to provide statements, produce evidence, or respond to the allegations at this initial meeting.

- C. **Resignation of Respondent.** Within five (5) business days of the initial meeting, a respondent may request to resign permanently from the university. If approved, the Director of Community Values and Restorative Practices will direct that the student’s official records, including the transcript, will carry a notation as required by Section 23-9.2:18 of the Virginia Code. The student must certify via a notarized letter that the student understands that they will not seek or receive admission into any William & Mary program in the future, unless granted a waiver as described below. The student will not be able to be present on campus property and/or attend university-sponsored functions or activities. The student will leave the university with the status “not in good standing.” Permanent resignation will result in no other disciplinary process being conducted with respect to the resigning student. In exceptional circumstances, when definitive proof of a resigned student’s non-responsibility exists, they may request a waiver of resignation and readmission or a removal of the transcript notation. This request must be made to the Dean of Students. A not guilty verdict in a criminal court is not, in itself, definitive proof of non-responsibility, as courts apply different standards of proof, follow different evidentiary and procedural rules, and adjudicate legal violations with elements different from university policy. Similarly, a failure to prosecute does not constitute proof of non-responsibility. Examples of definitive proof include video recording or DNA evidence proving that a different person committed the alleged misconduct.
- D. **Investigation.** Investigations are conducted by trained investigators. The investigators are objective, neutral factfinders who are responsible for the collection of evidence and production of the investigation report. Investigators receive annual training on the issues related to discrimination, discriminatory harassment, retaliation, domestic violence, dating violence, sexual assault, and stalking and how to conduct a trauma informed investigation that is fair, prompt and equitable.
1. *Interviews.* Investigators may conduct interviews of the parties and witnesses. Interviews with parties will be recorded. Audio recordings will be shared with both parties as proscribed under Section VII(E).
    - i. *Introduction of Evidence.* Each party may introduce evidence during the investigation. Parties are not required to themselves uncover and produce evidence; if a party has cause to believe certain evidence exists, they should discuss the issue with an investigator. See Section V(M).
    - ii. *Witnesses.* Parties may submit names of witnesses— people able to provide relevant information regarding the allegations—to be interviewed. The investigator(s) determines who to interview, based on their professional judgment as to the likelihood of discovering relevant evidence. Character witnesses and witnesses who are suggested because they could offer information relevant to items that are not disputed or that have already been sufficiently supported through the investigation may not be interviewed. The need for prompt complaint resolution must also be considered.
    - iii. *Questions for Other Party.* Each party has the right to suggest issues to be explored with the other party, or questions to be asked. The investigators, exercising their professional judgment in accordance with Section V(M), determine which issues or questions are relevant and the appropriate investigative method for acquiring information. Third parties other than an advisor and a silent supporter are not permitted to be present during

interviews; interviews are attended by the interviewee and the investigator(s), and a note-taker (in the discretion of the investigator(s)). Names and contact information of the advisor and silent supporter must be shared with the Title IX Coordinator.

2. *Documentary Evidence.* Collection and review of documentary evidence such as photographs, text messages, social media postings, medical records, emails or audio recordings, comparisons of timelines of events, visual evaluation of relevant locations and recording of observations through photographs or other means. Students and employees are requested to produce any relevant records upon request. A failure to produce requested records will be noted in the final investigation report.
  3. *Expert Witnesses.* Investigators may seek information from university officials or others with relevant scientific or other specialized knowledge, to help understand evidence, evaluate medical records, or determine a disputed issue. Parties may provide or suggest an Expert Witnesses as well.
  4. *Credibility assessment.* Investigators may assess the credibility of evidence provided by a party or witness based on consistency of statements, plausibility of statements made, and contrary evidence provided. An investigator's assessment that certain evidence lacks credibility is provided as information to assist the Determination Official(s) in considering the relative weight and value of that evidence. If allegations or evidence of retaliation or misconduct relating to the investigation itself (witnesses collaborating or destroying or concealing evidence, for example) arise during the course of the investigation, the investigator will consult with the Review Team to determine whether other measures are necessary to respond to the reported retaliation or misconduct, and to decide whether to address the reported retaliation as part of the current investigation.
- E. **Evidence Review and Response by the Complainant and Respondent.** At the conclusion of the investigation and prior to the distribution of the investigation report, all parties and their advisors are permitted to review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the university does not intend to rely in reaching a determination regarding responsibility, and exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Parties and advisors are provided simultaneous access to the information in electronic format. Parties will have ten (10) business days to review and respond to the information provided by submitting any or all the following to the lead investigator:
- written comments, corrections, or clarifications to any party or witness statement;
  - request for the university to rely on particular evidence for specific reasons that may not be evident in the information;
  - new information or evidence not already provided;
  - request for further investigation or evidence collection with regards to specific information (e.g. a specific witness not interviewed, or a specific detail not queried of a witness previously).
- Any response provided by a party will be shared with the other party(ies).
- F. **Investigation Report.** Investigators will review and consider all relevant evidence, including the parties' responses to the evidence, and produce the investigation report. The report typically includes:
- a description of the allegations investigated including the elements of each alleged policy violation,

- relevant information regarding the parties, key witnesses (if any), and other contextual matters such as locations or specific events,
- a summary of the investigation process, i.e., the witnesses interviewed and evidence collected,
- a timeline of events, if useful,
- relevant records, such photographs and text messages, or summaries or redacted copies of such records as required, and
- a summary of the relevant evidence discovered, outlining which elements of each allegation are contested and relevant corroborating or contradicting evidence. As an example, a report may state that sexual contact was not disputed and that the only disputed issue is whether effective consent was given/received, then proceed to summarize the evidence found relevant to the existence of effective consent.
- The investigation report may include evidence of impact of the alleged misconduct on the complainant, to the extent such evidence is relevant in determining whether the alleged misconduct occurred.

Investigator(s) will provide a copy of the investigation report and relevant evidence collected, including the parties' response to the evidence, to the parties and the Determination Official(s). The investigation report will not conclude if a policy violation has occurred. The investigation report may include the investigators' assessment of the credibility of witnesses' statements and strength of specific evidence.

The parties will have ten (10) business days to review the investigation report prior to the determination conference being conducted or the issuance of an administrative determination, in cases not alleging misconduct under the Title IX Policy. Parties may provide a personal statement to be shared with the Determination Official(s) not to exceed 3,000 words, including any relevant information about personal circumstances to be considered by the Determination Official(s). Any personal statement provided by a party will be shared with the other party(ies) prior to the determination conference. Parties must submit personal statements to the Title IX Coordinator eight (8) business days after receipt of the investigation report.

- G. **Standard of Review.** The Determination Official(s) is (are) responsible for issuing a determination of whether there was a policy violation established by the preponderance of the evidence. Preponderance of the evidence means that it is more likely than not that the alleged conduct occurred.
- H. **Administrative or Conference Determination.** The Determination Official(s) will review the report, any responses and personal statements. The Determination Official(s) may request additional investigation or information by or from the investigator(s). The parties will be notified contemporaneously of any additional investigation or supplemental information provided. After the Determination Official(s) review(s) the case file, they either (1) issue a determination of whether there was a policy violation based on the investigation report, supporting evidence and statements submitted by the parties in response to the investigation report (Administrative Determination) or (2) hold a determination conference (Conference Determination).

A Conference Determination is automatically held if one or more allegation involves misconduct defined as Title IX Sexual Harassment under the Title IX Policy.

For allegations of misconduct defined in the Discrimination Policy that are investigated under the procedure, if the Determination Official deems it necessary to resolve issues of fact, to assess credibility of one or more of the parties or witnesses, or if the Determination Official(s) has (have) questions about the



investigation process, the Determination Official(s) may elect to hold a Determination Conference. Typically, if the critical facts of an allegation are not in dispute, a conference is not appropriate. If there is sufficient evidence substantiating a disputed point - such as photographs, text messages, or witness statements - a conference is not necessary to resolve that point. Parties will be notified of the Determination Official's decision to resolve through administrative determination and have an opportunity to respond prior to the determination notice.

- a. *Administrative Determination.* Administrative determination is documented in a determination notice shared with the parties. The determination notice will be sent to both parties at the same time, with copies to the Dean of Students and the Title IX Coordinator. The determination notice communicates the determination(s) made as to each allegation and the rationale for the determination, including the reasoning for not holding a determination conference if a party objected to the resolution method.. The notice also provides sanctions imposed in cases where a respondent is found responsible for a policy violation. The notice includes the written procedures for appealing the determination and/or the sanctions, as provided in Section VIII of this procedure.
- b. *Conference Determination.* If a conference determination is held, the Determination Official(s) conduct(s) a live hearing according to the guidelines outlined in Appendices A and B of this procedure. The Determination Official(s) interview(s) the parties and relevant witnesses regarding the allegation(s) at issue. The parties may listen to and/or watch the live interviews via audio or video feed. Parties' advisors may attend the conference, subject to the general rules regarding advisor participation (see Section V(E)). Parties may also be accompanied by a silent support person.
  - i. Adjudication of Misconduct Defined under Title IX Policy. Additional procedural requirements for Conference Determination include:
    1. Direct Questioning of Parties and Witness by Party's Advisor. Each party's advisor is permitted to ask either party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. A party may not conduct direct questioning, and the university shall provide an advisor of the university's choice to conduct direct questioning for any party who does not have their own advisor. If the manner in which an advisor attempts to ask the question is harassing, intimidating, or abusive, the university reserves the right to enforce its Rules of Decorum for Determination Conference, including removal of the advisor and require a replacement.
    2. Relevancy. Only relevant direct questions, including relevant questions relating to a person's credibility, may be asked of a party or witness and the decision-maker must determine the relevance of a question before a party or a witness answers.
      - a. Prior Sexual Behavior. Questions regarding sexual behavior unrelated to the alleged conduct are not relevant unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged" or the "questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.
      - b. Medical, Psychological and Similar Records. Questions about any party's medical, psychological and similar records are not permitted unless the

party have given written consent. Other records protected by a legally recognized privilege are not permitted unless waived by the party.

- ii. **Determination Notice.** Within three (3) business days of the determination conference, the Determination Official(s) issue(s) a determination notice to the parties. The notice will be sent to both parties at the same time, with copies to the Dean of Students and Title IX Coordinator. The determination notice summarizes the procedure followed from the receipt of the formal complaint through the determination, including any notifications provided to the parties, any evidence collected, any site visits conducted, and any determination conference held. The determination notice communicates the determination(s) made as to each allegation and the reasoning for the determination, including the findings of fact that support the determination and conclusions regarding the application of the policy to the facts. It provides sanctions imposed in cases where a respondent is found responsible for a policy violation and determines whether remedies designed to restore or preserve equal access to the university's education program or activity will be provided by the university to the complainant. If there are sanctions that do not directly relate to the complainant, the complainant will be informed of these sanctions to the extent permitted by federal law.
  1. The determination regarding responsibility becomes final either on the date that the recipient provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.
  2. The notice includes the written procedures for appealing the determination and/or the sanctions, as provided in Section VIII of this procedure.

- i. **Determination of Sanctions and Remedies.** Sanctions are determined by the Determination Official(s) in consultation with the Dean of Students or designee. The purpose of the sanctions is to prevent recurrence of similar conduct by the respondent or others and to eliminate a hostile environment for the complainant and the campus. Sanctions are imposed within the range specified below for the violation, on a case-by-case basis considering the following factors:
  - nature and specific facts of the violation,
  - any conduct or honor violation history of the respondent,
  - mitigating and aggravating factors,
  - institutional practice, and
  - the university's goals, values and mission.

Depending on the circumstances, a finding of responsibility for rape or non-consensual sexual intercourse will likely result in at least one-semester suspension. If a respondent has completed their degree requirements prior to the determination, the respondent's degree will not be conferred until determination, and if there is a finding of responsibility, the degree will not be conferred until satisfactory completion of all sanctions.

The potential primary and secondary sanctions are:

1. *Primary Sanctions*

- *Permanent Dismissal*: an involuntary separation of the student from William & Mary without the possibility of future readmission in any program. The student must leave the campus and is not eligible to participate in classes or any university-sponsored or university-related activities. The student is not permitted on campus without prior written permission from the Dean of Students or designee. The sanction is noted permanently on the student's transcript.
- *Disciplinary Suspension of a definite or indefinite duration*: an involuntary separation from the university during which the student must leave the campus and is not eligible to participate in classes or any university-sponsored or university-related activities. During the period of suspension, the student is not permitted on campus without prior written consent from the Dean of Students or designee. The sanction is noted on the student's transcript but is removed if the student is reinstated to good standing at the university. A definite suspension is a suspension that ends on a date determined by the Determination Official issuing the sanction. On or after such date the student may apply for re-enrollment. Suspensions are noted on the student's transcript but are removed once the period of suspension has been completed.
  - An indefinite suspension is a suspension that requires the student to petition the Dean of Students for reinstatement to good standing after a minimum period of time. In such instances, the student must satisfy conditions necessary for reinstatement outlined by the Determination Official in the determination notice. Conditions include, but are not limited to, personal progress in counseling, community service hours, reflection statement demonstrating personal growth and an understanding of the reason for suspension, and/or substance abuse treatment.
    - The Dean or her designee determines if the student is entitled to reinstatement to good standing based on evaluation of the conditions of reinstatement. The sanction of indefinite suspension is noted on the student's transcript but is removed if the student is reinstated to good standing at the university.
  - Reinstatement Process
    - When the Determination Official assigns the sanction of indefinite suspension, the Dean of Students or designee determines whether the charged party has met the conditions necessary for reinstatement.
    - The Dean or designee will have access to all file materials from the original determination, may require the respondent to make a personal appearance before the Dean or designee, and may solicit other information to reach a decision.
- *Deferred Suspension*: issued either for violations serious enough to warrant suspension, but where the specific circumstances of the case mitigate the offense or for repeated offenses of a less serious nature. Deferred suspension is a designated period of time during which a student is given the opportunity to demonstrate the ability to abide by the community's expectations of behavior articulated in the Student Code of Conduct and university policies. A student on deferred suspension status is considered not in good standing and cannot represent the university as an official delegate or representative, hold an office (elected or appointed), in university groups of any kind, or participate in university-sponsored travel or study abroad/study away. If the student is found responsible for violating any additional university code, policy or regulation during the period of Deferred Suspension, the Director of Community Values and Restorative Practices (or designee) can issue an immediate suspension from the university, and the student can be subject to additional sanctions for the subsequent violation(s). Deferred suspensions are noted on the student's transcript but are removed once the sanction period has been completed.

- *Disciplinary Probation:* continued enrollment but with a warning that further misconduct or violation of university policy during the period of probation will be referred to the Office of Community Values and Restorative Practices and may result in the student's separation from the university.
- *Warning:* a notation on a student's record confirming that a minor violation of university policy has occurred and that future violations may result in more severe sanctions. No student may receive more than two warnings in an academic year without more serious action being taken.

## 2. *Secondary Sanctions:*

- *Loss or Restriction of Privileges:* the limitation or removal of specified social or personal privileges including, but not limited to, loss or restriction of computer privileges, entertainment of guests in the private areas of a residence hall, participation in social activities sponsored by the university or a residence hall, and/or the right to operate an automobile on campus. In addition, a student's current or subsequent year's Housing Agreement may be terminated or special conditions attached to it, or the student may suffer a reduction in priority of a specified number of places in the room selection process of a subsequent year.
- *Loss of Housing*
- *Deferred Loss of Housing:* the sanction of Loss of Housing may be placed in deferred status. If a student is found in violation of any university rule during the time of the deferred sanction, the Director of Community Values and Restorative Practices (or designee) can remove the student from housing immediately without further review. Additional student conduct sanctions appropriate to the new violation may also be issued. In addition, a student with Deferred Loss of Housing will not be eligible to hold an elected or appointed office in any affiliated housing organization.
- *Housing Probation:* an official notice that the student's conduct is in violation of residence hall rules and/or university rules and that more stringent student conduct sanctions, including removal from housing, may result if future violations occur. In addition, a student serving Housing Probation is ineligible to hold an elected or appointed office in any affiliated housing organization.
- *Educational Requirement:* the requirement that the student complete one or more specific educational activities directly related to the violation committed.
- *Task/Service Participation:* the requirement that the student participate in assigned tasks that are appropriate to the regulation violated or behavior displayed.
- *Restitution:* the requirement that the student reimburse the university, appropriate individual or organization for damage, personal injury, or misappropriation.
- *Alcohol/Substance Abuse Counseling/Education*
- *Written Apology*
- *Essay/Reflection or Research Paper*
- *Counseling with Certified Counselor*
- *Unilateral No Contact Order*
- *Relocation of Housing*
- *Required Withdrawal from Course*
- *Required Withdrawal from Student Organization*
- *Assignment to Mentor Program*

Sanctions are effective immediately upon being imposed by the Determination Official. If the sanction includes suspension or dismissal, however, the effective date of the sanction will be evaluated on a case-by-case basis. In those cases where sanctions are suspended pending appeal, supportive measures typically will continue in effect and additional measures may be imposed during the appeal period, if the Dean of Students determines that the continued presence of the student constitutes a risk of substantial disruption to the educational endeavors of an individual or the educational mission of the university. If the sanction is not imposed immediately, the student will be considered not in good standing and will be subject to the same restrictions as students with Deferred Suspension status (see above) while enrolled prior to the imposition of the sanction.

3. *Expungement.* Under state law, a student with a transcript notation for a policy violation arising from sexual misconduct (Title IX Policy or Discrimination Policy Sexual Misconduct) may request expungement of such notation for good cause after three years according to institutional policy.

- J. **Hostile Environment Assessment; Remedies and Support Services.** The Dean of Students or designee and the Title IX Coordinator will ensure that appropriate remedies and services are offered to the complainant, regardless of the outcome. The goal of remedies is to restore the complainant’s ability to enjoy institutional programs, benefits, and activities, to remedy harm (if applicable), and to prevent a hostile environment from being created and/or continuing. The Title IX Coordinator is responsible for ensuring a hostile environment is not created for the complainant or other students and for effective implementation of any remedies.

The Dean or designee and the Title IX Coordinator will also offer appropriate services or support to the respondent, if there is a demonstrated need or request for such services.

Potential remedies for either party may include:

- arranging to re-take a course or withdraw from a class(es) without penalty,
- extending any supportive measures defined in Section III (or initiating similar measures not already put into place)

Typically, each party will be notified of the remedies and/or services specifically offered to them, but not to the other party.

## VIII. Appeals

The appeal is an objective, independent review designed primarily to detect any significant errors in the investigation or determination. The appeal is not a de novo review—the appellate officer does not review the case as if considering it for the first time. Instead, the appeal is made with deference to the determination and to investigators’ actions, such as decisions regarding relevance of evidence, within the scope of this procedure. Both parties have the right of appeal. The appellate officer reviews all appeals.

- A. **Appeal Grounds and Outcomes.** Parties may appeal the determination and/or the sanction, and complainants may appeal the decision to dismiss a formal complaint or any allegation therein on the following grounds:

1. *Material procedural error.* The appeal must specify the procedural provision that was violated and the impact of this violation; procedural or technical deviations that do not affect the outcome of the determination will not be sufficient to sustain an appeal. Examples of procedural errors that may be sufficient to sustain an appeal include failure to provide a party with an opportunity to review all evidence, including exculpatory evidence collected, failure to provide a party to respond to the investigation report (violation of Section VII(F)) or inclusion of polygraph results as evidence (violation of Section V(M)). If the appellate officer grants an appeal on the basis of procedural irregularity, they typically will remand the matter to remedy the irregularity, if appropriate.
  2. *Inconsistent Decision.* The decision is inconsistent with the weight of the evidence. In reviewing an appeal based on this ground, the appellate officer does not replace the Determination Official's judgment with their own; they review the matter to determine whether the evidence presented appears sufficient to support a determination based on the preponderance of the evidence standard. If the appellate officer grants an appeal on this basis, they may modify the determination or may order further investigation.
  3. *New Material Evidence.* New material evidence that (a) is not merely corroborative or repetitive and (b) was previously unknown or unavailable to the party and pertinent to the case that affected the outcome of the determination. The appealing party must provide an explanation as to why the evidence was unknown or unavailable. If the appellate officer grants an appeal on this basis, they typically will remand the matter to the Determination Official for additional investigation or consideration.
  4. *Bias.* The Title IX Coordinator, investigator(s), or Determination Official had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter. The appealing party must provide details or examples of why the individual had a conflict of interest or bias that affected the outcome of the determination. If the appellate officer grants an appeal on this basis, they typically will remand the matter to the Title IX Coordinator for reassignment to a different investigator or Determination Official. If the appellate officer determines that the Title IX Coordinator was found to have a conflict of interest or bias that affected the outcome of the case, the case will be reviewed by the Provost to determine if the matter should be dismissed entirely or can be remedied for a fair and equitable outcome with another university administrator serving as the Title IX Coordinator.
- B. **Appeal Process and Timeline.** Appeals must be submitted to the Title IX Coordinator within five (5) business days of the Determination Official(s)' issuance of the notification of determination. All appeals must be in writing and clearly cite the ground(s) for the appeal and the evidence supporting it. Appeals are limited to 3500 words, unless an exemption is granted. The Title IX Coordinator or designee submits the appeal and all relevant case records to the appellate officer. A copy of the appeal is shared with the other party. The other party has three (3) business days to provide a written response to the appeal. The appellate officer may confer with appropriate individuals, in order to obtain information necessary to make a fully-informed decision.

The appellate officer shall render a determination on the appeal within ten (10) business days of the receipt of the appeal packet. Written notice of the appeal decision, including the reasons for the decision and that the decision is final will be provided contemporaneously to all parties. The appellate officer's determination is final and not subject to further appeal.

**IX. Approval, Amendment and Interpretation.**

This procedure was approved by the President effective February 6, 2015, by separating the procedure from the Sexual Misconduct Policy and making significant changes to the procedure important modifications and improvements to ensure compliance with applicable law and regulatory guidance.

This procedure was amended by the President, on an interim basis, effective September 16, 2015, to make various changes including to comply with Virginia law effective July 1, 2015, and change the process for making determinations of violations from a hearing panel model to an investigative/administrative resolution model. The procedure was finalized by the President effective September 23, 2016, with certain revisions. The procedure was amended by the President effective October 20, 2017, to modify time periods for investigation and resolution steps, to add a formal opportunity for both parties to respond to the final investigation report in writing, and to make clarifying modifications and additions.

The Title IX Coordinator, with notification to the President, may make minor or technical revisions to this procedure. Effective December 2017, the Title IX Coordinator made two technical corrections relating to time periods.

This procedure was amended by the President effective August 22, 2018, to (1) reduce (shorten) timelines for a number of process steps, (2) create an independent Determination Official role, replacing a process for review and response to a preliminary investigation report with a determination conference held by the Determination Official when deemed appropriate, and separating the role of determination of sanctions and remedies from the role of determination of policy violation, (3) specify the obligation of the Title IX Coordinator to determine whether a hostile environment has been created, (4) modify the provision regarding parties' decision whether to participate in an investigation, (5) make conforming changes regarding sanctions (conforming to changes in terminology used by Student Conduct) and expanding the list of secondary sanctions.

This procedure was amended by the President effective August 14, 2020, to comply with Department of Education amendments to part 106 of title 34 of the Code of Federal Regulations and to Code of Virginia Amendments to §23.1-900.

This procedure was amended by the President effective August 16, 2021 to 1) clarify required and discretionary dismissal of formal complaint; 2) include additional alternative resolution options as permissible under the regulations; and 3) to eliminate in mandatory minimum sanctions for categories of misconduct.

The Title IX Coordinator is responsible for interpreting this procedure.

## APPENDIX B

### *Employee Discrimination Complaint Procedure*

#### I. Purpose & Summary of Procedure

**A. Purpose.** William & Mary is committed to providing a safe and nondiscriminatory environment for all members of the university community, and to respecting the rights of those accused of misconduct. The purpose of this procedure is to provide a fair and effective investigation and adjudication process.

This procedure helps the university implement the [Policy on Discrimination, Discriminatory Harassment, and Retaliation](#) (the Discrimination Policy) and the [Policy Prohibiting Sexual Harassment, Gender-Based Harassment and Sexual Misconduct](#) (the Sexual Misconduct Policy). This procedure also helps William & Mary comply with Titles VI and VII of the Civil Rights Act of 1964,<sup>12</sup> [Title IX of the Educational Amendments of 1972](#),<sup>13</sup> Sections 503 and 504 of the Rehabilitation Act,<sup>14</sup> the Americans with Disabilities Act,<sup>15</sup> the Age Discrimination in Employment Act,<sup>16</sup> the Equal Pay Act,<sup>17</sup> the Vietnam Era Veterans' Readjustment Assistance Act,<sup>18</sup> Federal Executive Order 11246,<sup>19</sup> the Genetic Information Nondiscrimination Act, and Virginia Executive Order No. 2, [by providing a fair, prompt process to respond to reported violations.](#)

**B. Summary of Procedure and Timelines.** Under this procedure, reports are assessed by a Review Team to make initial determinations as to the appropriate course of action. If an initial determination to investigate a report is made, the allegations to be investigated are shared with the parties, and the respondent is given an opportunity to respond. Trained investigators interview the parties and witnesses, collect and analyze evidence such as emails and other records, and submit an investigation report to the Determination Official. Each party may have an advisor of his/her choice, who may attend meetings and interviews. The parties have the right to review and respond to the report. The Determination Official may resolve the matter administratively, subject to certain conditions, and/or may request further investigation or clarification of the report. If not administratively resolved, the Determination Official determines whether and which allegations proceed forward to a hearing. If one or more of the allegations are classified as Title IX sexual harassment under the Sexual Misconduct Policy, the matter automatically proceeds to a hearing. The parties have an opportunity to request reconsideration of this determination to the Provost or designated appellate officer. The hearing is conducted by a hearing panel. The hearing panel's determination is based on the preponderance of the evidence. The Provost sets sanctions, if appropriate. Either party may appeal the hearing panel determination or sanctions imposed to the appellate officer.

The university seeks to resolve matters promptly, within approximately 60-90 business days of a report. Timelines may be extended for a variety of reasons upon written notification to all parties.

#### II. Scope

This procedure applies to William & Mary as a whole university, including the Virginia Institute of Marine Science (the university).

This is the procedure for addressing reports of discrimination, harassment, retaliation, and sexual misconduct that are alleged or suspected to have been committed by any type of employee, including faculty, except as provided in the following paragraph. This procedure is also used to respond to reports of misconduct by third parties (including but not limited to vendors, contractors, alumni/ae, visitors or local residents). Different procedures are used for addressing complaints and concerns of discrimination and harassment by students.



This procedure may not be used for faculty members or former faculty to appeal or complain of decisions not to renew, tenure or promote, except as provided in Section III(C)(1)(d) of the Faculty Handbook. This procedure does not replace other university or Commonwealth Procedures for employees. The Review Team or the Title IX Coordinator may refer the matter to another procedure, such as the Commonwealth Department of Human Resources Managements' Employment Dispute Resolution grievance program, if it would be more appropriately handled under such other procedure.

Any member of the campus community can file a report under this procedure; reporting is discussed in Section III and Appendix A.

### **Exclusions; Special Cases.**

1. Disability Accommodation Decisions. There are separate procedures for qualified employees or students with disabilities to request reasonable accommodation and to appeal determinations made regarding such requests.
2. Applicants. This procedure is not for applicants – either for admission or employment.
3. Investigations in Response to External Complaints, Investigations, Charges, etc. This procedure is designed for investigations resulting from internal complaints or reports or an investigation initiated by the university. Investigations made in response to a complaint, charge or other action from an external agency, such as the Equal Employment Opportunity Commission or the Office of Civil Rights of the Department of Education, must comply with the requirements of those agencies and so typically will not follow this investigation procedure.
4. Contractors or Vendors; People not Directly Employed by W&M. Allegations of misconduct by a contractor, such as a Sodexo employee, are typically handled by the company employing the contractor, such as Sodexo. In some cases there may be contractual provision or guidelines or protocols that dictate how the matter will be handled. As a general matter, W&M does not have the authority to discipline contractors or vendors, but will take steps aimed at ensuring that the appropriate entity addresses the reported misconduct. W&M will also take steps to protect members of the university community who are negatively affected by the reported misconduct, such as by asking the employing entity to transfer the contract worker to another work location (a non-W&M work location), if feasible.
5. Third Parties. The investigation process outlined in this procedure is designed, in part, to respect the due process rights of employees and to provide the university with a basis to take disciplinary action when warranted. Due process rights and discipline are not applicable for cases involving third parties such as visitors. Therefore, to conserve university resources and permit prompt response to reported misconduct, allegations against third parties typically will be investigated through a condensed process including collection of information and, if warranted, action to prevent the inappropriate conduct from continuing to affect the W&M community, such as a direction to the third party to stay away from W&M campus and activities.

### **III. Definitions**

**Appellate Officer** means the Provost or, in cases where the party appeals the sanctions imposed by the Provost, the Provost's designee, who responds to appeals of determination and/or sanctions imposed under this procedure.

**Civil Rights Review Team (“Review Team”)** means the group of university administrators that receive and assess all reports of discrimination, discriminatory harassment, retaliation or sexual misconduct. The Review Team for complaints involving a student consists of representatives from the Office of Compliance & Equity, the William & Mary Police Department, and the Dean of Students Office. The Review Team may include a representative from Human Resources or the Dean of Arts & Sciences, if staff or faculty is a complainant or respondent in the reported matter. The Review Team operates pursuant to Va. Code §23-9.2:10 and has access, under Virginia law, to certain otherwise confidential information, including law enforcement records and criminal history information, as provided in Va. Code §19.2-389 and §19.2-389.1; health records, as provided in Va. Code §32.1-127.1:03; university disciplinary, academic and/or personnel records; and prior reports of misconduct maintained by the Office of Compliance & Equity.

**Complainant** means an individual who is alleged to be the victim of conduct that could constitute discrimination, discriminatory harassment, including sexual harassment, retaliation or sexual misconduct as defined in the Discrimination Policy and the Sexual Misconduct Policy.

**Determination Official** means the person who makes an administrative determination of a responsibility or non-responsibility for each allegation investigated, and/or refers allegations to a Hearing.

**Faculty** means those persons who have teaching and/or research responsibilities and who hold academic appointments in a department, program or school of the university, as well as those administrators who hold an academic appointment in a program, school or department. Professional faculty are not faculty for the purposes of this Procedure.

**Formal complaint** means a document filed by a complainant or signed by the Title IX Coordinator alleging discrimination, discriminatory harassment, or retaliation, including sexual harassment or sexual misconduct against a respondent and requesting that the university investigate the allegations.

**Good Faith Report** means one made with the honest belief that a violation may have occurred. A report is not made in good faith “if it is made with reckless disregard for or willful ignorance of facts that would disprove the allegation.”

**Hearing Panel** is the body who hears evidence and renders determinations as provided in Section IX. For matters involving faculty, the panel will consist of five (5) members of the Faculty Hearing Committee. For matters involving staff, the panel will consist of three (3) members of the university community selected by the Office of the Provost.

**Investigator** means the person or persons assigned to gather facts about an alleged violation of this Policy, assess relevance and credibility, synthesize the evidence, and compile this information into an investigation report.

**Mandatory Reporter** means a faculty or staff (including some student staff such as Resident Assistants, Teaching Assistants) of the university who is obligated by federal and state law to share knowledge, notice, and/or reports of sexual harassment, gender-based harassment, and sexual misconduct as defined in the Discrimination Policy or Sexual Misconduct Policy with the Title IX Coordinator.

**Respondent** means an individual who has been alleged to be in violation of university policy through conduct that could constitute discrimination, discriminatory harassment, or retaliation, including sexual harassment or sexual misconduct.

**Report** means information about alleged discrimination, discriminatory harassment, or retaliation, including sexual harassment or sexual misconduct affecting a member of the university community, including a student, that is conveyed to a mandatory reporter of the university and is communicated to the Title IX Coordinator.

**Retaliation** means any adverse action taken by a respondent or allied third party against a person because the person made a good faith report of discrimination or discriminatory harassment, including sexual harassment or sexual misconduct, or the person is involved in or participated in a formal complaint investigation or proceeding of such reported allegation under the Discrimination Policy or Sexual Misconduct Policy. Retaliation includes, but is not limited to, threatening, intimidating, harassing, coercing or any other conduct that would deter a reasonable person from engaging in activity protected under university policies.

**Staff** means employees who are designated by Human Resources as executive, professional, professional faculty, operational, classified and non-student hourly employees and who do not hold an academic appointment in a program, school, or department.

**Supportive measure** means non-disciplinary, non-punitive, individualized service offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after making a report or filing of a formal complaint. Examples of possible supportive measures include:

- Issuing orders barring further communication between the complainant and the respondent (Campus No Communication Orders)
- Providing an escort to ensure that a party may move safely between classes and activities
- Making academic modifications, such as an extension for an assignment or late withdraw from a course
- Relocating or rescheduling of classes or office location
- Emergency Removal of a respondent from the university upon risk analysis and determination by the Review Team that the respondent poses an immediate threat to the physical health or safety of any student or other individual arising from allegations of sexual harassment or sexual misconduct. The risk assessment justifies removal on an emergency basis. The respondent shall be provided with written notice of the emergency removal and an opportunity to challenge the decision to the Chief Human Resources Officer or designee, which will be evaluated and reassessed within 24 hours of the challenge.

**Title IX Coordinator** means an official designated by the university who is responsible for ensuring the university's compliance with Title IX regulations and the person who is responsible for coordination of this process for any investigation and adjudication of discrimination, discriminatory harassment, retaliation, sexual harassment, gender-based harassment, or sexual misconduct.

#### IV. Reporting, Retaliation and Other Initial Matter

**A. Who May Report a Violation; What is a Report.** Any member of the university community who believes they have been discriminated and/or retaliated against may file a report of misconduct under this procedure. Most reports are made by university students, faculty, or staff who report experiencing misconduct. But reports also may be made by someone who is aware of but has not directly experienced misconduct. Reports may be made by people who are not part of the campus community – external or third parties.

Reports will be assessed as described in Section V to determine whether the university has jurisdiction to address the reported misconduct.

**Reporting party Not the Complainant.** This procedure assumes that the person reporting the misconduct is the person who was discriminated or retaliated against, harassed, assaulted, or otherwise personally and directly experienced the misconduct. However, reports may also be made by people who witnessed or were informed about misconduct or are otherwise aware of misconduct. In those cases, the reporter will not have the rights and role of the complainant under this procedure; instead, the person who experienced the misconduct will be treated as the complainant, if he or she is willing to participate in the procedure.

**Complainant Requesting No Action or No Action on Report.** Typically, the university will not begin an internal administrative investigation or make a referral to law enforcement without a formal complaint filed by the complainant. The university must consider its obligation to the campus community and the Review Team will decide whether an investigation is required after evaluating the Risk Factors, as described in Section IV(A). In such instances, the Title IX Coordinator will file a formal complaint for investigation.

**Complainant Not a Member of the William & Mary Community.** Visitors, guests, and other people who experience misconduct from a William & Mary faculty member or staff member that occurs in the context of their university employment may report using this procedure. Certain modifications to this procedure, particularly those relating to notifications and disclosure to the complainant, will be made in such circumstances.

**B. How & Where to File a Report.** Reports may be made to the Office of Compliance & Equity either in person, in writing, by phone, or by email:

Pamela H. Mason, J.D., CCEP  
Chief Compliance Officer/Title IX Coordinator  
109 James Blair Hall  
William & Mary  
Williamsburg, VA 23185  
757-221-3167  
[reportconcern@wm.edu](mailto:reportconcern@wm.edu)

Information regarding other ways to report and reporting options is provided in Appendix A.

**C. Other Options for Making Complaints or Resolving Concerns.** The university encourages early resolution of all types of grievances. Employees are encouraged to resolve their complaints with the individual most directly responsible, using any applicable procedures. For example, an employee who believes their performance evaluation was discriminatory based on their race should first appeal the evaluation through the applicable personnel policy. In some cases, this type of resolution is not feasible or appropriate, and it is never required; individuals always have the right to make a formal complaint.

The university encourages members of the campus community to resolve matters internally, such as by filing a report or formal complaint under this procedure, before pursuing remedies outside the university. But employees and students have the right to directly contact the appropriate external enforcement agency. Information regarding these agencies is available with the Office of Compliance and Equity.

**D. Timing of Reports and Availability of Procedures.** William & Mary encourages reporting misconduct as soon as possible in order to maximize the university's ability to respond promptly and effectively. Except in matters under the Sexual Misconduct Policy, formal complaints must be submitted to the Compliance Officer within 365 calendar

days of the most recent occurrence of the alleged misconduct.<sup>20</sup> The Compliance Officer reserves the right to extend the time limits when circumstances justify an extension.

**E. Retaliation.** Retaliation should be reported promptly to an investigator or the Compliance Officer and may result in separate allegations and disciplinary action independent of the underlying allegations of misconduct. See Section VI(D) for further information regarding responding to retaliation arising during the course of an investigation.

For more information about retaliation generally, including examples, please visit the [Compliance website](#).

**F. Relationship to Criminal Proceedings.** Because misconduct, particularly sexual misconduct, may constitute both misconduct and criminal activity, the university encourages people who have experienced criminal misconduct to report the incident promptly to law enforcement. The university is also required to report certain matters directly to law enforcement and/or the prosecutor with jurisdiction, as described in Section IV below.

The standards for finding a violation of criminal law are different from the standards for finding misconduct. This means that conduct may constitute a violation of university policy even if it is not a crime or if law enforcement agencies lack sufficient evidence of a crime and therefore decline to prosecute.

This procedure is independent of any criminal investigation or proceeding. The university generally will not wait for the conclusion of any criminal investigation or proceedings to commence its own investigation and impose supportive measures to protect the complainant and the university community, although the university will consider law enforcement requests to delay temporarily (generally no more than fourteen (14) days).

**G. False Report or Deceitful Allegations.** Knowingly making a false report and/or alleging accusations of misconduct that are deceitful is a violation of university Honor Code and is subject to appropriate disciplinary action. Complaints made in good faith that are not in fact a policy violation or that are not substantiated to find responsibility for a policy violation are not consider false reports.

Knowingly providing false statements or evidence, purposefully tampering with or destroying evidence after being directed to preserve such evidence, or deliberately misleading any university administrator or official involved in this process is contrary to the university value of integrity and parties or witness who commit such violations are subject to appropriate disciplinary action.

## V. Initial Assessment of Report and Supportive Measures

**A. Initial Assessment.** Upon receipt of a report, the Review Team will conduct an initial assessment. The Review Team may conduct confidential, preliminary inquiry, not including interviews with parties, to verify enrollment or employment status, to help determine jurisdiction and/or the appropriate procedure under which to process the matter.

The Review Team makes an initial determination as to the appropriate course of action after considering

- the reported misconduct;
- any information provided or collected;
- applicable law and policy, determining which university procedure has jurisdiction over the reported misconduct;
- the complainant's filing of a formal complaint; and
- any evidence that a report was not made in good faith or is baseless.

For sexual violence reports, the Review Team also assesses the threat posed by the reported misconduct and determines whether external reports<sup>21</sup> are required. The Review Team will make this determination based upon the following factors (the “Risk Factors”):

- Whether the respondent has prior arrests, reports and/or complaints of related misconduct or has any history of violent behavior;
- Whether the respondent has a history of failing to comply with any related university protective or disciplinary measures, and/or any judicial protective order;
- Whether the respondent has threatened to commit violence or any form of sexual misconduct;
- Whether the reported misconduct involved multiple respondents;
- Whether the reported misconduct involved physical violence. Examples of physical violence include hitting, punching, slapping, kicking, restraining, choking and brandishing or using any weapon;
- Whether the report reveals a pattern of misconduct (e.g., by the respondent, by a particular group or organization, around a particular recurring event or activity, or at a particular location);
- Whether the misconduct was facilitated through the use of drugs or intoxicants;
- Whether the misconduct occurred while the complainant was unconscious, physically helpless or unaware that the misconduct was occurring;
- Whether the complainant is (or was at the time of the reported incident) a minor (under 18); and/or
- Whether any other aggravating circumstances or signs of predatory behavior are present.

B. **Appropriate Course of Action.** The appropriate course of action may be:

1. **No further action under this procedure.** No action under this procedure may be appropriate for formal complaints that do not allege conduct that violates applicable university policy, formal complaints for which there is insufficient information to initiate an investigation, or reports where the person reported to have experienced the misconduct has requested no action and the Review Team’s assessment concludes that this request may be honored (see below), or formal complaints of matters for which the university does not have jurisdiction. No action may also be appropriate when there is evidence that a report is baseless or not made in good faith, although more typically some investigation is required to make such a determination.

2. **Remedial, but Non-Disciplinary Action.** The Review Team may recommend, to the appropriate administrator, non-disciplinary remedial actions in response to a report. Examples of non-disciplinary remedial actions include supportive measures or modifications provided to the complainant, educational activities designed to heighten awareness of specific policies or procedures or to clarify institutional expectations, and modifications to institutional policies or practices. These recommended actions may be appropriate to address reports of harassing conduct that has not become severe or pervasive enough to create a hostile environment, retaliatory conduct not adverse enough to have violated university policy, or other conduct inconsistent with the Discrimination Policy that the university has an obligation to address to prevent discrimination or harassment.

a. The Title IX Coordinator or the Review Team may refer a matter to another procedure, for example, the process for appealing a performance evaluation, or the Commonwealth Department of Human Resource Managements’ Employment Dispute Resolution grievance program, if the matter would be more appropriately handled under such other procedure, or may refer the matter for mediation.<sup>22</sup>

3. **Further action under this procedure.** If the reported misconduct involves a faculty member and consists in significant part of conduct potentially protected by academic freedom, such as research activities, classroom discussion, course subject matter, or public writings, the Review Team will consult with the appropriate Dean

or the Provost prior to finalizing the determination to take investigative action under this procedure. The Provost and, if there is a faculty respondent, the Chair of the Faculty Hearing Committee, will be notified.

If the complainant has requested that there be no investigation or requested to remain anonymous or is not participating in the process, in most cases this request will result in no action being taken. The Review Team shall consider, however, whether an internal investigation or some action under this procedure is necessary to protect the health and safety of the campus community or individual faculty members or to fulfill the university's obligations to provide a campus environment free from discrimination, harassment, and retaliation. In making this determination, the Review Team will consider the Risk Factors and any evidence showing that the respondent made statements of admission or otherwise accepted responsibility for the misconduct, the existence of any independent information or evidence regarding the misconduct, and any other available and relevant evidence other than the complainant's testimony. If a determination is made to proceed with an investigation against the request of the complainant, the Compliance Officer will notify the complainant promptly.

C. **Dismissal or Referral of Formal Compliant.** If a complainant has filed a formal complaint requesting an investigation or disciplinary measures and the Review Team determines in its initial assessment not to conduct an investigation, the Compliance Officer will dismiss the formal complaint and notify the complainant promptly.

- 1) **Required Dismissal of Formal Compliant for Title IX Sexual Harassment.** The university must dismiss a formal complaint or any allegations therein if, at any time during the process, it is determined that:
  - a) The conduct alleged in the formal complaint would not constitute sexual harassment as defined in the Sexual Misconduct Policy
  - b) The conduct alleged did not occur in the university's education program or activity
  - c) The conduct alleged did not occur against a person in the United States, or
  - d) At the time of filing a formal complaint, a complainant is not participating in or attempting to participate in the education program or activity of the university.

Such dismissal does not preclude action under another provision of the university's Discrimination Policy or Sexual Misconduct Policy. In the event that the formal complaint is dismissed under this provision, the Review Team shall determine if other action is appropriate under other university policies. If other actions are deemed appropriate, the Review Team will authorize the continuance of this grievance process for the other policy provisions.

- 2) **Formal Complaint for Discrimination, Discriminatory Harassment, Retaliation or Sexual Misconduct Authorized.** If a formal complaint alleges other forms of discrimination, discriminatory harassment, retaliation or sexual misconduct under the Discrimination Policy or Sexual Misconduct Policy that is not Title IX Sexual Harassment or if a formal complaint alleges conduct that did not occur in the university's education program or activity, the conduct did not occur within the United States, or the complainant is not participating in or attempting to participate in the education program or activity of the university, the Review Team may authorize an investigation under this procedure if the university has jurisdiction as described in Section V(C) of this procedure.
- 3) **Title IX Coordinator Files Formal Complaint.** If the complainant has requested that there be no investigation or requested to remain anonymous or is not participating in the process, the Review Team will determine whether a formal complaint should be filed by the Title IX Coordinator under this procedure to protect the health and safety of the campus community and/or individual students, or to fulfill the university's obligations to provide a campus environment free from harassment. In making this determination, the Review Team will consider the Risk Factors and any evidence showing that the respondent made statements of admission or otherwise accepted responsibility for the misconduct, the

existence of any independent information or evidence regarding the misconduct, and any other available and relevant evidence other than the complainant's testimony. If the Review Team determines to authorize an investigation against the request of the complainant, the Title IX Coordinator will file a formal complaint and will notify the complainant promptly. A complainant is not required to participate in an investigation initiated when the Title IX Coordinator files a formal complaint on their behalf.

- 4) **Discretionary Dismissal of Formal Complaints.** If a complainant has filed a formal complaint of discrimination, discriminatory harassment, retaliation or sexual misconduct, and the Review Team has determined that the information available does not provide a reasonable basis for conducting an investigation under this procedure, that the university does not have jurisdiction over the respondent, or that this procedure is not applicable to the conduct alleged, the Title IX Coordinator will notify the complainant promptly. The Review Team may refer the report to another procedure if applicable. Complainants may appeal this decision per Section X of this procedure.
- D. **Supportive Measures.** The Title IX Coordinator, in consultation with the Review Team and the relevant Dean, supervisor, unit head, the Provost and/or University Counsel as needed, will take or cause to be taken interim steps to minimize the impact of the process on the complainant, protect the safety and well-being of members of the university community, protect the integrity of the investigation (if any), and avoid retaliation. These steps may be taken upon initial receipt of report, after the initial assessment, or at a later point in the process. Supportive measures may be adjusted in response to new or additional information, an updated risk assessment, or other developments, and a formal complaint is not required for the complainant to receive supportive measures.

Examples include:

- issuing a no-communication order;
- transferring the complainant to another department;
- modifying the work schedules of either party;
- temporarily modifying supervisory relationships;
- monitoring/increasing supervision of the complainant and respondent to ensure no retaliation; and/or
- notifying William & Mary Police to address any safety/security concerns.

In deciding on supportive measures, the Review Team considers the Risk Factors as well as factors such as:

- the nature and severity of the reported misconduct. Reported quid pro quo harassment makes a more urgent case for strong interim action such as transfer of a party than a complaint about a performance evaluation.
  - whether it is possible for a party to do their job in a different department or under a different supervisor.
- E. **Jurisdiction.** The university has jurisdiction to investigate and adjudicate alleged misconduct committed by a respondent when the conduct:
- occurs on campus or on property owned or controlled by the university (university property);
  - occurs in the context of a university employment or educational program or activity including, but not limited to, university-sponsored study abroad, research, or internship programs;
  - uses university resources, such as workplace telephones or e-mail; or
  - occurs off-campus and outside a university program or activity, but such conduct has continuing adverse effects on or poses a substantial risk of creating a hostile environment for any member(s) of the campus community while on university property or in any university program or activity.



The Review Team will determine whether the university has jurisdiction and/or authority to conduct an investigation. Even if the university does not have jurisdiction to investigate a formal complaint, the university will take steps, when appropriate, to protect the complainant's rights to participate in and enjoy the university's programs and activities such as by providing supportive measures for the complainant and preventing recurrence of discrimination, discriminatory harassment, including sexual harassment, retaliation or sexual misconduct by the respondent.

## VI. General Procedural Considerations

**A. Advisors and Silent Supporters.** Each party may have an advisor of his or her choice, who may be a lawyer. Each party may also have a silent supporter. The advisor and silent supporter may attend meetings, interviews and hearings to advise and support the party.

- An advisor may accompany the party he or she is advising to that party's interviews, meetings, and the hearing (if any). An advisor may quietly and briefly confer with or advise the party he or she is advising, and will be provided a limited opportunity to ask questions or raise concerns during meetings, interviews, or hearings. The university expects parties to speak on their own behalf; an advisor does not respond to questions on the party's behalf. An advisor who disrupts a meeting, interview or proceeding may be required to leave.
- Parties may share records and investigation communications with their advisor, if the advisor agrees to maintain confidentiality.
- Because of the importance of prompt processing of reports, advisors are expected to modify their schedules to attend meetings and hearings. The university typically will not reschedule hearings or grant extensions to accommodate advisor schedules. Arrangements may be made to allow participation by phone or other technologies.
- In a hearing that involves an allegation of Title IX Sexual Harassment as defined in the Sexual Misconduct Policy, the party's advisor is permitted to directly ask the other party and any witnesses all relevant questions and follow-up questions, including questions that challenge the person's credibility.

**B. Confidentiality, Need-to-Know, and Records Retention.** Inquiries about and reports of misconduct shall, whenever possible, be treated with confidentiality. Normally, confidential information will be disclosed to others outside the process only when required by law or when personal safety is at risk. However, an investigation may require disclosure of information. See the university's [Discrimination Policy](#).

This procedure specifies notification or consultation with various offices and individuals. In addition, the following disclosures may be made:

- Limited disclosure to the respondent's and/or complainant's Department Chair, Program Director, and/or Dean, or supervisor and/or unit head, to inform them that an investigation is being conducted, enlist their assistance with supportive measures and retaliation prevention. Such individuals may also be witnesses.
- Disclosure to the Office of University Counsel, for the purposes of obtaining legal advice.
- Limited disclosure to individuals as needed to obtain approval for or implement supportive measures and prevent retaliation.
- Disclosures required by law such as in response to subpoenas or Freedom of Information Act requests.

Records produced or collected pursuant to this procedure shall be maintained in accordance with federal and state law, including the Records Retention Schedules of the Library of Virginia, which implement the Virginia Public Records Act. Under General Schedule GS-103, Series 100479, investigative files relating to discrimination complaints against an employee are to be retained for three years.

Precautions are taken to protect sensitive, confidential information including the investigation report and related communications, such as use of secure file transfer technology. Additional steps may be taken when sharing information with people who are not university employees or students, such as providing access to documents rather than copies.

**C. Timeline.** The university seeks to resolve matters promptly and strives to conclude the investigation and adjudication, including notification of outcome, but not including any appeal(s), within 60-90 business days.

All time periods measured in days, unless otherwise specified, are in business days. To the extent a deadline is calculated in business days and falls on a university holiday or unscheduled closing, the deadline will be effective on the next business day. Time periods measured in hours are actual hours.

Time periods may be extended as necessary to ensure the integrity and completeness of the investigation and/or for appropriate cause. Reasons for extending the timeline include, but are not limited to: compliance with a request by law enforcement; availability of witnesses; scheduled or unscheduled university closings or breaks (including winter and spring breaks); vacations; complexities of a specific case including the number of witnesses and volume of information collected. The timeline for resolution begins with the filing of a formal complaint with the Compliance Officer.

**D. Retaliation, Witness Intimidation, or Other Abuse of Process.** Employees and others involved in an investigation are prohibited from contacting witnesses or parties with the intent to intimidate them, influence testimony, harass, or circumvent the process in any way.

If reports or evidence of retaliation or misconduct relating to the investigation itself (witnesses collaborating, for example) arise during the course of the investigation, the investigator or other administrator becoming aware of the behavior will notify the Provost or Compliance Officer. The Provost or designee will consult with the Compliance Officer to determine whether additional supportive measures are necessary to respond to the reported retaliation or misconduct, and to decide whether to address the reported retaliation or misconduct as a separate matter or as part of the current investigation. If they are addressed as part of the current investigation, the investigation may take additional time to conclude. See the university's [Discrimination Policy](#).

**E. Meetings, Interviews, Communications and Notifications.** Unless otherwise provided in this procedure, meetings and interviews (1) may be conducted telephonically, using Skype, Zoom or other technology, or through written communication, to permit prompt complaint resolution and (2) may not be recorded.

All notifications and communications are made in writing and sent simultaneously to each party unless otherwise noted.

See Section IV (B) for confidentiality.

**F. Combined or Multiple Violations.** In cases where more than one person is charged with misconduct for the same, or substantially similar or related, misconduct or incidents, the university typically will address the misconduct through a consolidated investigation process. If a hearing is held or resolution or determinations made, the findings

or resolution will be specific to each respondent. See also Section VII(F). Similarly, reports of similar or related misconduct by the same person typically will be investigated together.

**G. Rules of Evidence.** University proceedings are not bound by strict rules of legal evidence. Reasonable efforts will be made to obtain the most reliable evidence available. Information that does not come from a first-hand source (hearsay) may be considered. Lie detector/polygraph evidence is not permissible. Except as specifically provided in this procedure, the university is not required to consider evidence and may decide which evidence to exclude or consider.

As a general matter, evidence of character or reputation is not relevant.

**Sexual History, Character, and Reputation of the Complainant.** In general, a complainant's prior sexual history, character, or reputation is not relevant and will not be admitted as evidence at a hearing. Where there was a relationship between the complainant and the respondent and consent is at issue, the prior sexual history between the parties may be relevant to assess the manner and nature of communications between the parties or to explain physical evidence. Prior sexual history of the complainant with other individuals is not relevant and will not be permitted, except to explain injury.

**Evidence of Previous or Other Misconduct or Related Conduct by the Respondent.**

The following types of evidence may be considered, including in a hearing, to the extent considered relevant:

- evidence of conduct similar in nature to the alleged misconduct by the respondent,
- evidence of a pattern of misconduct or previous or other conduct that should be considered together with the alleged misconduct in determining whether a hostile environment was created, and/or
- evidence relevant to proving intent, state of mind, or identity.

**H. Individuals with Disabilities.** The university is committed to providing reasonable accommodations for students and employees with documented disabilities, in accordance with the [Accommodation Policy and Procedure](#). Such accommodations may include, but are not limited to, administrative assistance, additional time, and/or an alternative to the formal hearing process. Reporting parties or respondents with disabilities who need reasonable modifications to address suspected misconduct are encouraged to meet with the Compliance Officer/ADA Coordinator as early in the process as possible to identify and plan specific accommodations.

**I. Complainant Withdrawal of Participation or Request to Halt Investigation or Adjudication Process.** Complainants have the right to participate or decline to participate in the investigation process, and to withdraw from participation. The university may proceed forward without the complainant's participation.

If a complainant no longer wants the process to continue, the Compliance Officer will consider carefully whether the university is obligated to proceed forward or whether the party's wishes may be respected, based on the factors described in Section III(A).

**J. Roles.** The individuals specified in this process who are assigned with responsibilities relating to the initial review, investigation, determination or appeal may recuse themselves or delegate their roles to others as necessary to ensure impartiality or to accommodate leave or professional or personal conflicts.

**K. Duty to Cooperate.** Faculty and staff are expected to comply with all parts of this procedure throughout the investigation and resolution process.

## VII. Investigation

This Section specifies the process used to investigate a formal complaint. The initiation of an investigation is a decision to collect evidence regarding a report; a respondent is presumed not responsible until a final determination is made.

A. **Written Notification.** The Title IX Coordinator issues to the respondent written notification of the allegations of discrimination, discriminatory harassment, retaliation or sexual misconduct potentially constituting a policy violation, including sufficient details known at the time and with sufficient time for a respondent to prepare a response before any initial interview with investigators. Complainants are provided a copy of the written notification. Written notification shall contain at least:

- the allegations to be investigated, including the specific policy provision(s) at issue, the identity of the complainant, and available information regarding the date and location of incident(s);
- notice that allegations are subject to change based on information collected, but additional written notification must be provided if new policy violations are being investigated;
- the process to be used (this procedure)
- the parties' [rights to available resources](#), including counseling, health, mental health, visa and immigration assistance, financial aid assistance and other services available within the institution and in the community;
- the right to choose an advisor of the party's choice, who may be, but is not required to be an attorney, and a description of the role of the advisor in this process;
- prohibition against retaliation of the other party or witnesses;
- prohibition against knowingly making false statements or knowingly submitting false information during the grievance process under this procedure;
- a presumption that no misconduct has occurred and a determination regarding responsibility of a policy violation is made at the conclusion of the grievance process;
- the party's right to provide a written response to the allegations prior to the start of the investigation process, including an interview with the investigator(s).
- the party's right not to incriminate themselves, as defined by the Student Code of Conduct, and for silence not to be held against them.

B. **Initial Meetings with Parties.** The Title IX Coordinator or designee communicates separately with each of the parties prior to the commencement of the investigation. The purpose of the initial meeting is to review the process for formal complaint investigation and adjudication, to review the roles of the individuals involved in the process, and to provide the parties with information about preparing for meetings with investigators and submission of evidence to the investigation, including the importance of preserving evidence for investigators to evaluate. Parties are not expected to provide statements, produce evidence, or respond to the allegations at this initial meeting.

C. **Notification of Investigation.** The Compliance Officer will notify the Provost's Office and the Chair of the Faculty Hearing Committee (FHC), if applicable, for purposes of preparing for possible hearing. The Compliance Officer provides a copy of the allegations to the Provost's Office, and the FHC if applicable, but no other evidence is shared with Provost's Office or the FHC until the point in this process where a hearing or appeal is initiated.

D. **Investigators; Investigation Process.**

1. **Investigators.** The investigators are objective, neutral parties responsible for the collection of evidence.

All investigators receive training in investigation technique, relevant law, university policies and procedures, evaluating credibility, and other relevant topics. In investigations involving a faculty respondent, investigators work as a two-person team assisted by a trained faculty consultant, selected from the Faculty Hearing Committee, whose involvement, as determined by the Provost, might include participating in interviews. In cases where there is, as judged by the Provost, no academic issue involved, the investigation is not assisted by a faculty consultant. In extraordinary circumstances, external investigators may also be used as needed to ensure an unbiased, prompt investigation, such as when investigating allegations of misconduct by a senior academic administrator.

The investigators' job is to gather evidence relevant to the allegations, and to document their investigation and the evidence collected in an investigation report. The investigators do not make a determination of responsibility. Investigators make reasonable efforts to update the plan to reflect significant changes. When the respondent is a faculty member, the investigation plan is shared with the Provost and the Chair of the FHC. The Provost will resolve any disagreements on the plan that may arise.

**2. Interviews.** Investigators may conduct interviews of the parties and witnesses.

**Introduction of Evidence.** Each party may introduce evidence during the investigation. Parties are not required to themselves uncover and produce evidence; if a party has cause to believe certain evidence exists, they should discuss the issue with an investigator.

**Witnesses.** Parties may submit names of witnesses— people able to provide relevant information regarding the allegations—to be interviewed. The party should specify the nature of the information the witness may have to provide. The investigators carefully consider witnesses suggested by the parties, but have discretion to determine, based on their professional judgement, which witnesses appear likely to offer relevant evidence. Character witnesses and witnesses who are suggested because they could offer information relevant to items that are not disputed or that have already been sufficiently supported through the investigation may not be interviewed. The need for prompt complaint resolution must also be considered.

**Questions for Other Party.** Each party has the right to suggest issues to be explored with the other party, or questions to be asked. The investigators, exercising their professional judgment in accordance with Section V(M), determine which issues or questions are relevant and the appropriate investigative method for acquiring information. Third parties other than an advisor and a silent supporter are not permitted to be present during interviews; interviews are attended by the interviewee and the investigator(s), and a note-taker (in the discretion of the investigator(s)).

**Documentary Evidence.** Collection and review of documentary evidence such as photographs, text messages, social media postings, medical records, emails or audio recordings, comparisons of timelines of events, visual evaluation of relevant locations and recording of observations through photographs or other means. Students and employees are required to produce any relevant records upon request.

**Expert Witnesses.** Investigators may seek information from university officials or others with relevant scientific or other specialized knowledge, to help understand evidence, evaluate medical records, or determine a disputed issue. Parties may provide or suggest an Expert Witnesses as well.

**Credibility assessment.** Investigators may assess the credibility of evidence provided by a party or witness based on consistency of statements, plausibility of statements made, and contrary evidence provided. An investigator's assessment that certain evidence lacks credibility is provided

as information to assist the Determination Official in considering the relative weight and value of that evidence.

3. **Modification of Allegations.** The investigators may modify the allegations over the course of the investigation in response to information collected or additional incidents of misconduct reported or detected. The investigators will notify the parties of any significant modifications to the allegations and provide them with an opportunity to respond. If the modification would add a new respondent, the investigators will consult with the Compliance Officer and, if the new respondent would be a member of the faculty, the Provost to determine whether to add the respondent to the existing investigation or whether a separate investigation should be initiated, considering the stage of the investigation, the ability to provide the new respondent with rights provided by this process, including the right to an initial meeting and opportunity to respond as provided in Section VII(A), and other factors. See Section VI(F).

The investigators are supported by and work with the Compliance Officer and Provost or designee to respond to issues that may arise during the investigation such as retaliation concerns, (see paragraph D) or the need for modification to supportive measures.

- E. **Evidence Review and Response by the Complainant and Respondent.** At the conclusion of the investigation and prior to the distribution of the investigation report, all parties and their advisors are permitted to review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the university does not intend to rely in reaching a determination regarding responsibility, and exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Parties and advisors are provided simultaneous access to the information in electronic format. Parties will have ten (10) business days to review and respond to the information provided by submitting any or all the following to the lead investigator:
- written comments, corrections, or clarifications to any party or witness statement;
  - request for the university to rely on particular evidence for specific reasons that may not be evident in the information;
  - new information or evidence not already provided;
  - request for further investigation or evidence collection with regards to specific information (e.g. a specific witness not interviewed, or a specific detail not queried of a witness previously).
- Any response provided by a party will be shared with the other party(ies).
- F. **Investigation Report.** When the investigation is complete, the investigators will provide the Determination Official and the parties with an investigation report summarizing the investigation process and the relevant evidence collected, including the parties' responses to the evidence. The report typically will:
- describe the allegations investigated including the elements of each alleged policy violation;
  - provide relevant information regarding the parties, key witnesses (if any), and other contextual matters such as locations or specific events;
  - describe the investigation process, i.e., the witnesses interviewed and evidence collected
  - include a timeline of events, if useful;
  - relevant records, such photographs and text messages, or summaries or redacted copies of such records, and
  - summarize the relevant evidence discovered, outlining which elements of each allegation are contested and relevant corroborating or contradicting evidence. As an example, a report may state that sexual contact was not disputed and that the only disputed issue is whether effective consent was

given/received, then proceed to summarize the evidence found (witness statements, records, etc.) relevant to the existence of effective consent.

- The investigation report may include evidence of impact of the alleged misconduct on the complainant, to the extent such evidence is relevant in determining whether the alleged misconduct occurred.

Law or policy requires protection for certain types of information including for example, information derived from medical records. Redactions or summaries of relevant information may be made to ensure confidentiality. The investigation report may include the investigators' assessment of the credibility of witnesses and strength of specific evidence. Except for allegations relating to a faculty respondent, the investigation report may include recommended findings as to whether a violation of policy occurred.

The parties will have ten (10) business days to review the investigation report prior to the determination conference or the issuance of an administrative determination. Parties may provide a personal statement to be shared with the Determination Official not to exceed 3,000 words, including any relevant information about personal circumstances to be considered by the Determination Official. Any personal statement provided by a party will be shared with the other party(ies) prior to the determination conference or issuance of an administrative determination. Parties must submit personal statements to the Title IX Coordinator eight (8) business days after receipt of the investigation report.

#### **VIII. Standard of Review; Administrative Resolution; Determination Hearing**

Upon completion of the investigation, the Determination Official and the parties review the investigation report; the Determination Official may request additional investigation or clarification of items in the report and the parties may provide responses. The Determination Official resolves the matter administratively (subject to specified conditions), and/or determines whether and which allegations proceed to hearing.

**A. Standard of Review.** The Determination Official or in the event of a Hearing, the respective hearing committee, is responsible for issuing a determination of whether there was a policy violation established by the preponderance of the evidence. Preponderance of the evidence means that it is more likely than not that the alleged conduct occurred.

#### **B. Administrative Resolution.**

The Determination Official may resolve matters as follows:

- A resolution that does not include a major sanction (see Section III(F)(1)(b)(viii) of the Faculty Handbook and Section XI(B) of this procedure) may be imposed by the Determination Official. Either party may appeal the resolution under Section X, specifying the bases for appeal, with the appellate officer within five (5) business days of notification of the resolution.
- A resolution that includes a major sanction for a faculty or staff member may be made with the consent of both parties who have five (5) business days to provide that consent, provided that each party's consent is limited to those elements of the major sanction directly relating to themselves. This resolution is non-appealable.

In **all cases of administrative resolution**, each party is notified of the resolution, the rationale and any sanction; the complainant is also notified of any remedies offered to them. See Section X(B) for guidance regarding sanctions and remedies.

The Determination Official will strive to conclude any administrative resolution promptly and within the timeline provided in this procedure.

- C. **Authorization of Determination Hearing.** If the matter is not administratively resolved, the Determination Official determines whether and for which allegations a hearing is warranted. For one or more allegation of Title IX Sexual Harassment under the Sexual Misconduct Policy, a hearing is required and shall be conducted in compliance with required federal regulations. Either party may appeal the decision as provided in Section X.

## IX. Hearing, Sanctions & Remedies

The hearing is a process by which the university decides whether misconduct has occurred and/or whether the complainant's rights have been violated through discrimination or retaliation, by deciding whether the allegations are supported by the evidence collected during the investigation. The hearing is not a courtroom-like process and is not adversarial in nature.

- A. **Hearing Preparation.** For hearings of allegations with a faculty respondent, the Faculty Hearing Committee is notified and the Provost submits to the Chair of the Faculty Hearing Committee the investigation report and any response provided by the parties (see Section VIII). For all other matters, the Determination Official submits the investigation report and any response provided by the parties to the selected panel members. Each party is notified in writing of:

- The allegations proceeding to hearing and the rationale for any allegations not proceeding to hearing.
- For cases involving faculty, the right to appeal the decision regarding whether and which allegation(s) proceed to hearing. Such appeal must be made within 72 hours of the Determination Official's notification, and the hearing preparation will continue while the Provost considers such request.
- The right to request to introduce witnesses at the hearing. These requests must be made within three days of the Determination Official's notification and must be justified by explaining the purpose and relevance of the witness.
- The right to suggest topics to be explored by the hearing panel, by providing such topics in writing to the hearing panel within three days of the Determination Official's notification.
- The right to request one postponement of the hearing, citing the reasons for the request in a written statement to the Hearing Coordinator at least 72 hours in advance of the hearing, except in the case of emergency. The party may be requested to provide supporting documentation of the need for delay. The Hearing Coordinator, in his or her discretion, may grant a postponement for good cause.

The hearing panel prepares for the hearing as follows:

- In matters involving faculty members, FHC members with a conflict of interest or bias are excused and other eliminations, such as availability of an FHC member, are made as necessary to establish a five-person hearing panel.
- In matters involving staff members, the Hearing Panel members with a conflict of interest or bias are excused and other eliminations made as necessary to establish a three-person hearing panel.
- The hearing panel members review the investigation report.
- The hearing panel selects a Chair, sets a hearing time and date, and notifies the parties of the time, date, location, and composition (names) of the panel. The university will aim to hold the hearing within ten to fifteen days from receipt of the allegations from the Determination Official. The parties will be given at least ten days' notice of the hearing date.
- The panel reviews any requests for witnesses or topics for exploration submitted by the parties and determines whether and which witnesses it will call and will notify the parties of the witness list at least 48 hours prior to the hearing.



- The panel reviews any new evidence submitted by the parties and determines whether good cause exists to introduce the evidence at the hearing.

#### B. Hearing

- In consultation with the hearing panel, the Provost will designate a trained administrator or faculty member to serve as Hearing Coordinator and summarize the allegations, the investigation, and the relevant areas of dispute for the panel. The Hearing Coordinator also assists in the conduct of the hearing.
- Parties' advisors and/or silent supporters may be present during the hearing as provided in Section VI(A).
- Each party has the opportunity to make a brief statement and/or provide a written statement.
- The panel asks questions of the parties and any witnesses, which typically will include the investigators.
- Employees and others who appear before the hearing panel, whether as parties to the proceedings or as witnesses, are expected to provide truthful and accurate information.
- In a hearing that involves an allegation of Title IX Sexual Harassment as defined in the Sexual Misconduct Policy, the party's advisor is permitted to directly ask the other party and any witnesses all relevant questions and follow-up questions, including questions that challenge the person's credibility.
- Neither party is required to attend the hearing. Each party may request options to allow them to attend without being in close proximity to the other party, such as privacy screen or participating by phone or videoconference from a nearby location.
- The parties may not question each other directly. In hearings not involving an allegation of Title IX Sexual Harassment, a party may submit questions to be explored at hearing by the Hearing Panel.
- The panel may call witnesses to provide professional opinion on the elements of university policy, evaluating credibility, and other topics.
- Hearings are private and confidential.
- The hearing will be recorded via Zoom or other video conference technology and a will be made available for the parties to view without costs, upon request.

- C. **Deliberation and Determination.** The panel determines whether the complainant's rights were violated through discrimination or retaliation and/or whether a respondent engaged in misconduct. The panel deliberates in private. The panel makes its determination by a simple majority vote. The panel may make recommendations as to sanctions and remedies. See Section X(B) for guidance regarding sanctions and remedies, and Attachment B for possible sanctions.

The panel documents their determination, recommendations, and rationale, in compliance with applicable law.<sup>23</sup> This notification is communicated to the Provost and the parties within two (2) days of the hearing.

- D. **Sanctions and Remediation Imposed.** The Provost's role is to determine the sanction, if applicable, and any remedies provided to the complainant or remedies imposed to prevent risk of a hostile environment from developing. The Provost reviews the panel's determination and any sanction recommendations, if applicable.

The purpose of sanctions and remedies is to remedy the effects of the misconduct and to prevent future misconduct. Sanctions may or may not be the action that the complainant requests or prefers. Sanctions must be effective and fair. The appropriate discipline will depend on the facts and circumstances of the case including the nature and severity of the conduct, its impact on the campus community, any disciplinary history of the respondent, and other factors, and will comply with any applicable policy (such as the State Department of Human Resources Policy 1.60 applicable to classified and operational staff). See Appendix B for a list of possible

sanctions. Remedies may be specific to the complainant, such as revocation of an action determined to have been discriminatory, or may relate to a larger group or to the community as a whole, such as outreach activities.

The parties are notified of the determination, appeal options, sanctions, and rationale, as permitted by law; the complainant is notified of remedies offered to them.<sup>24</sup>

## X. Appeals

### A. Decisions available for Appeal.

1. **Dismissal of a Formal Complaint.** A complainant may appeal to the appellate officer any determination to dismiss under Section V(A)(4) of this procedure.
2. **Determination Official Decision.** Either party may appeal the Determination Official's administrative determination or sanction under Section VIII (B), and either party may appeal the Determination Official's to refer a determination of any/all allegations to a Hearing Panel under Section VIII (C).
3. **Hearing Panel Determination.** Either party may appeal the determination of the panel to the appellate officer.
4. **Appeal of Provost Sanction.** Either party may appeal the sanction imposed by Provost.

### B. Appeal Grounds and Outcomes. Appeals for any of the above reasons must be based on the following grounds:

1. **Material procedural error.** The appeal must specify the procedural provision that was violated and the impact of this violation; procedural or technical deviations that do not affect the outcome of the determination will not be sufficient to sustain an appeal. Examples of procedural errors that may be sufficient to sustain an appeal include failure to provide a party with an opportunity to review all evidence, including exculpatory evidence collected, failure to provide a party to respond to the investigation report (violation of Section VII(F)) or inclusion of polygraph results as evidence (violation of Section V(M)). If the appellate officer grants an appeal on the basis of procedural irregularity, they typically will remand the matter to remedy the irregularity, if appropriate.
2. **The decision is inconsistent with the weight of the evidence.** In reviewing an appeal based on this ground, the appellate officer does not replace the Determination Official's judgment with their own; they review the matter to determine whether the evidence presented appears sufficient to support a determination based on the preponderance of the evidence standard. If the appellate officer grants an appeal on this basis, they may modify the determination or may order further investigation.
3. **New material evidence** that (a) is not merely corroborative or repetitive and (b) was previously unknown or unavailable to the party and pertinent to the case that affected the outcome of the determination. The appealing party must provide an explanation as to why the evidence was unknown or unavailable. If the appellate officer grants an appeal on this basis, they typically will remand the matter to the Determination Official for additional investigation or consideration.
4. **Bias.** The Title IX Coordinator, investigator(s), or Determination Official had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter. The appealing party must provide details or examples of why the individual had a conflict of interest or bias that affected the outcome of the determination. If the appellate officer grants an appeal on this basis, they typically will remand the matter to the Title IX Coordinator for reassignment to a different investigator or Determination Official. If the appellate officer determines that the Title IX Coordinator was found to have a conflict of interest or bias that affected the outcome of the case, the case will be reviewed by the Provost to determine if the matter should be dismissed entirely or can be remedied for a fair and equitable outcome with another university administrator serving as the Title IX Coordinator.

- C. **Appellate Officer Determination.** The appellate officer's determination may be:
1. There is insufficient basis to grant the appeal. The decision to dismiss a formal complaint, the decision to refer one or more allegations to a Hearing, or Determination Official's or Panel's determination stands.
  2. Substantial procedural error or Bias occurred that denied a party a fair process. The appellate officer may direct relief or may order a new investigation, a new hearing, or a new deliberation.
  3. The panel's determination was not supported by the evidence. The appellate officer reviews the determination for clear error, including error in evaluation of the evidence. The appellate officer may modify the determination or may order a new hearing or re-submit the matter to the panel to conduct a new deliberation.

## XI. Annual Reporting

The Provost will report annually to the Faculty Assembly an anonymized account of the preceding year's cases involving faculty under this procedure.

## XII. Approval, Amendment and Interpretation

This procedure replaces the procedure formerly included in the Faculty Handbook (Section III(F)(2)), and replaces the Discrimination Grievance/Complaint Procedure. This procedure was approved by the President.

The President has authorized the Provost, with the approval of the Faculty Assembly and the Personnel Policy Committee, to amend this procedure; provided that amendments relating solely to non-faculty employees or third parties do not require Faculty Assembly or Personnel Policy Committee approval. The President has authorized the Compliance Officer, with notification to the Provost and the Faculty Assembly, to make minor, technical revisions to this procedure such as updates to office titles, references to other policies, appendices, or hyperlinks.

Internal policies must comply with applicable law and no internal governance process (including those under the Faculty Handbook) should be understood to abrogate applicable state and federal law.

This procedure was approved as an interim procedure per the *Creating and Maintaining Whole University Policies & Procedures* by the President effective August 14, 2020, to comply with Department of Education amendments to part 106 of title 34 of the Code of Federal Regulations and to Code of Virginia Amendments to §23.1-900.

This procedure shall be interpreted for consistency with other policies of the university (including its Discrimination Policy and Sexual Misconduct Policy). In the event of a conflict, this procedure shall control.