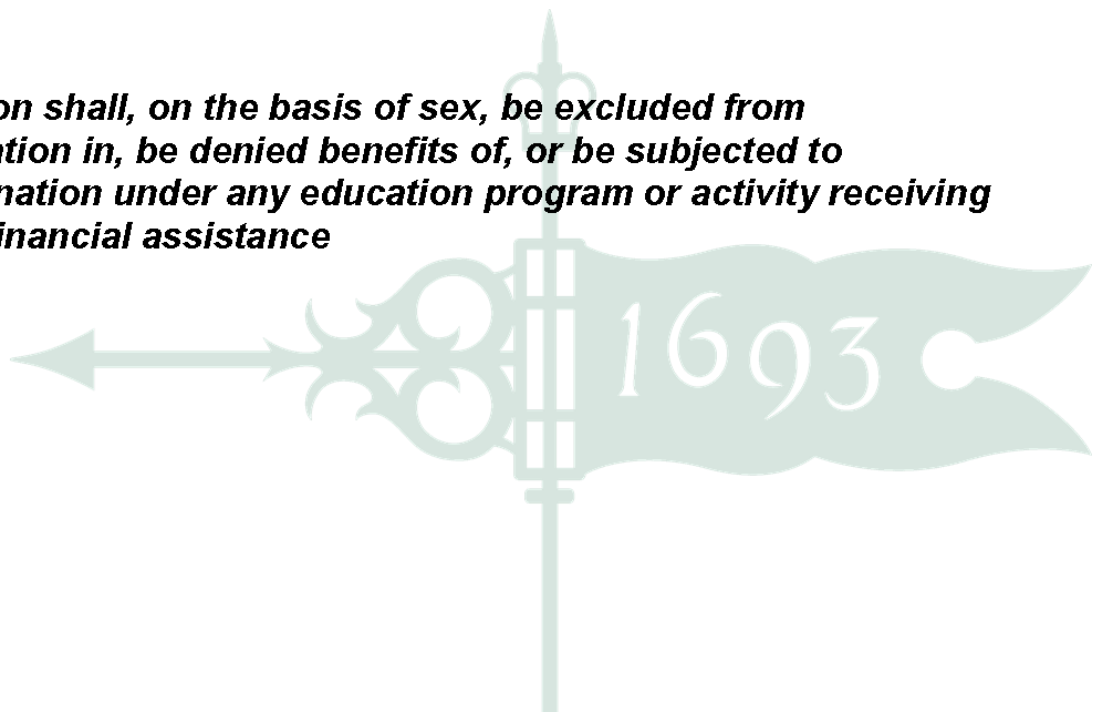


No person shall, on the basis of sex, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance



2017 Annual Report: Sexual Misconduct Prevention & Response



WILLIAM & MARY

CHARTERED 1693

2017 Annual Report: Sexual Misconduct Prevention and Response

Published September 27, 2017

Introduction

William & Mary is committed to providing a safe environment for campus community members to work, learn, live, and socialize together without fear of assault, harassment or discrimination. ([2016 Strategic Plan](#)) This report helps promote a safe, harassment-free environment by educating the campus community about:

- What W&M does to prevent sexual misconduct
- How W&M detects misconduct that occurs and responds to reported violations
- Resources for those affected by discrimination or harassment.

This is William & Mary's second Annual Report: Sexual Misconduct Prevention and Response. The report is organized into the following sections:

- I. Overview of Title IX at W&M**
- II. Prevention: Policies, Education & Awareness Programs, and Campus Security**
- III. Detection and Response: Reporting/Complaint Mechanisms and Support Services**
- IV. Data on Reports, Investigations, and Outcomes**
- V. Conclusion; Areas of Strength and Continuing Improvement**

Appendix: William & Mary Sexual Misconduct Data 2014-2017

This year's progress and developments are highlighted throughout the report - steps taken and changes made during the year July 1, 2016 through June 30, 2017.

I. Overview of Title IX at W&M

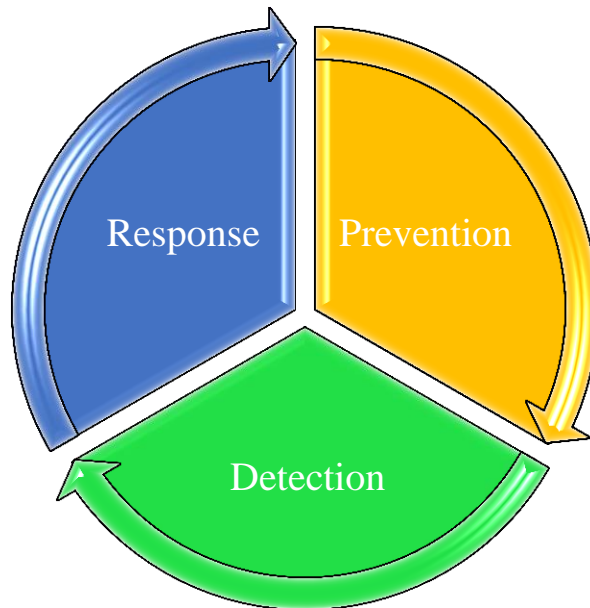
What is Title IX? We use “Title IX” as shorthand to refer to the university’s efforts to prevent and respond to sex- or gender-based discrimination and harassment, including sexual violence. Title IX is a federal statute – Title IX of the Educational Amendments of 1972 – that provides:

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

Title IX is only one of the laws that prohibit sex- or gender-based discrimination. Another important law is Title VII of the Civil Rights Act of 1964, which prohibits discrimination based on sex (or race, color or national origin) in the employment context. The Violence Against Women Act (VAWA) is another major statute. VAWA requires universities to have education and awareness programs and policies and procedures about dating and domestic violence, stalking, and sexual assault.

These laws are designed to protect students and employees from discrimination and sexual violence, which is a type of sexual harassment. These laws are one of the reasons why educational institutions work hard to prevent and respond to discrimination. But William & Mary is not just trying to comply with the law. We know that our students, faculty, and staff need and deserve a learning, living, and working environment free from discrimination and harassment, and we are dedicated to providing that environment.

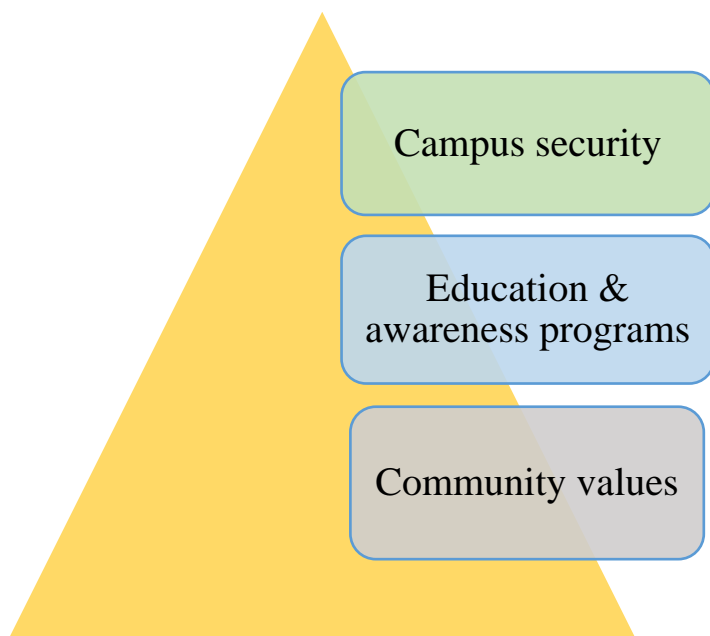
What is Title IX work? Our ultimate goal is to prevent any form of discrimination or harassment. But we also must detect problems that arise, and respond to them. Our response efforts allow us to remedy any discrimination or harassment that occurs, and inform our prevention efforts:



Overview of Prevention at W&M.

Our main prevention efforts fall into three categories, illustrated in the graphic below:

- (1) **developing community values** by setting standards and expectations for how people treat one another, usually through policies.
- (2) **education and awareness programs**, ranging from disseminating information about our policies to helping people understand how to have healthy relationships to teaching people how to recognize and potentially intervene in a situation (bystander intervention).
- (3) **campus security programs**, particularly for prevention of sexual violence, relationship violence, and stalking. Police patrolling and response, building access protocols, emergency notification systems, emergency phones, campus lighting, and security cameras are part of our physical safety programs.



Section II of this report gives more detail about our prevention efforts. Deterrence is also a form of prevention, which means that when we enforce our policies such as through an investigation and taking appropriate disciplinary action, we are helping prevent future misconduct. Investigation and disciplinary actions are described below under detection and response.

Overview of Detection and Response at W&M.

Detection and response are the remaining two elements of our Title IX work, and they are closely related. We **detect** problems (ranging from sexual assaults to harassing conduct) by

- making it easy for people to report problems, concerns, and incidents - online, in person, confidentially, anonymously, to law enforcement, to administration.
- ensuring that our faculty and staff are aware of their reporting obligations.

- conducting expert intake and assessment of reported incidents, using trained, cross-functional teams.

Our detection work builds on our prevention work – people can only report a situation if they are able to identify it as problematic and if they are aware of community expectations.

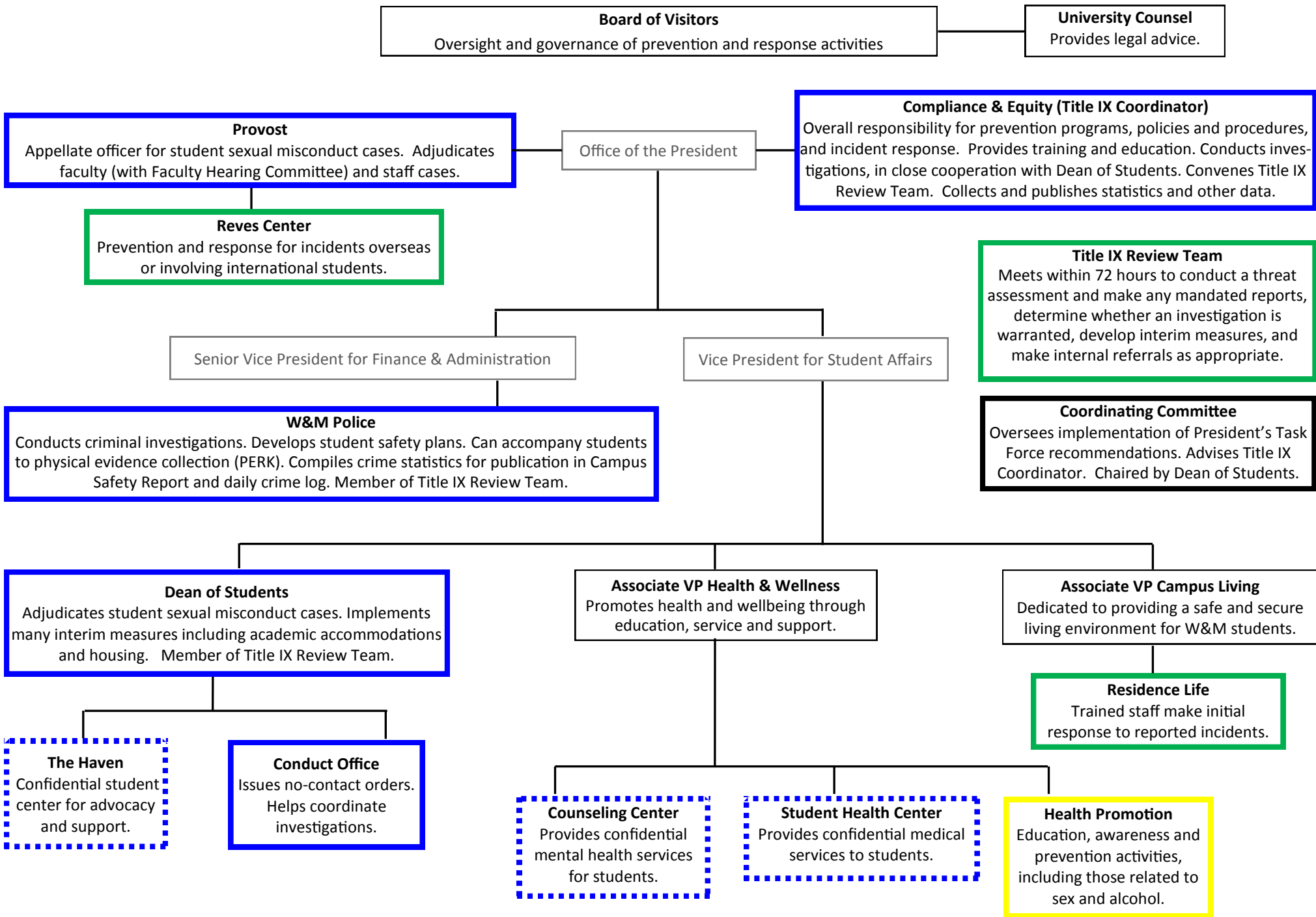
We **respond and remedy** problems through one or more of: (1) conducting an investigation, (2) taking non-disciplinary remedial actions, or (3) providing support services to the person(s) affected, if feasible. The approach taken depends on many factors, with two important factors being whether or not the identity of the people involved is disclosed in the report and, if known, the wishes of the person affected. An important aspect of our response work is assessing every report in order to promptly and carefully determine the appropriate response.

Section III of this report provides more information about our detection and response work.

Who Does What at W&M? Our Title IX work is overseen by the [Title IX Coordinator](#), who heads the [Office of Compliance & Equity](#). 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 [Dean of Students](#) chairs the Coordinating Committee, and the Dean's Office plays several other key roles. Other departments within the division of Student Affairs – particularly the Office of Health Promotion, Fraternity/Sorority Life and Residence Life – partner in this work. William & Mary Police not only perform criminal investigations, but also provide services to survivors of assault and lead many campus security efforts.

This chart shows the roles of these offices. The color coding indicates whether the office is primarily involved in prevention work (yellow), detection work such as complaint intake, assessment or procedure maintenance (green), or response efforts (blue, with broken blue lines highlighting those offices that provide support services (as opposed to conducting investigations, for example). Biographical information about individual members of the [Title IX Collaborative Staff](#) is made available online, on the sexual violence website.

STUDENT SEXUAL HARASSMENT/ASSAULT INFRASTRUCTURE — WILLIAM & MARY



Color coding indicates primary function of each office/entity.

Yellow = prevention. Green = detection (complaint intake, assessment). Blue = response (investigation, adjudication, interim measures). Broken blue = support services.

II. Prevention: Policies, Campus Security, and Education & Awareness Programs

Our prevention work involves setting community standards, awareness and education programs, and campus security protocols and systems.

Community Standards: University Policies. We set community standards through policies. The policies also include provisions about reporting: information about reporting options and protections and obligations for faculty and staff to report certain incidents. W&M's two main Title IX-related policies are:

1. The [Discrimination Policy](#) (Policy on Discrimination, Harassment, and Retaliation) prohibits discrimination (including harassment) on the basis of any irrelevant personal factor, including sex, sexual orientation, gender identity or expression, pregnancy, and parenthood/caretaker status. Sexual harassment is a form of sex-based discrimination, and sexual assault and some other forms of sexual misconduct are types of sexual harassment. The Discrimination Policy refers to the Sexual Misconduct Policy for definitions of sexual assault and sexual misconduct. The Policy recognizes that faculty and staff are "responsible employees" under law, required to report incidents of sex-based discrimination of students.
2. The [Sexual Misconduct Policy](#) (Policy on Sexual Misconduct, Relationship Violence, and Stalking) helps implement the Discrimination Policy by defining specific types of prohibited sexual harassment and misconduct. The Sexual Misconduct Policy also covers confidentiality, anonymity, amnesty, and other issues relating to reporting. It applies to all faculty, staff, students and third party contractors.

The Sexual Misconduct Policy was approved February 2015. It is reviewed and updated annually each August/September. Minor revisions to policy definitions are currently being finalized. (The revisions are detailed in [Section VII of the Policy](#).)

More information about [Title IX-related policies and procedures](#) is provided on the Title IX Coordinator website.

Education and Awareness Programs. The Violence Against Women Act (VAWA) requires universities to provide education and awareness programs relating to sexual assault, dating and domestic violence and stalking. In keeping with these obligations and our institutional goals, we have established primary prevention programs, primary awareness programs and ongoing prevention and awareness programs. Our education and awareness efforts are informed by recommendations from the President's Task Force and the Coordinating Committee.

Our education and awareness programs are led by the Sexual Violence Prevention Specialist in the Office of Health Promotion, who coordinates efforts of many university offices and programs, with the primary partners being the Dean of Students Office, Residence Life, Fraternity/Sorority Life, the Haven and the Compliance & Equity Office

The most important components of our Title IX education and awareness programs are:

- **Orientation programs for new students:** Prior to starting classes, all new students must take an extensive, mandatory online program for all incoming freshmen and transfer students,

called [Haven](#). The Haven program makes students aware of our expectations and also provides information about how to intervene in a problematic situation, and how to get help if sexual misconduct occurs. Beginning Fall 2017, all new graduate students will also be required to complete an online training program, HavenPlus.

In addition to taking the Haven training module, new students must also attend a 1-hour session developed by the Office of Health Promotion and the Haven (the Survivor Support center on campus) that discusses issues of substance use, consent, bystander intervention and other topics related to sexual misconduct. Furthermore, all new students attend two extended orientation sessions with their residence halls throughout the fall semester that specifically address bystander intervention and healthy relationships.

- **Poster/flyer campaigns:** 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. The flyer is handed out at check-in along with residence keys.
- **Training for faculty and staff:** In late winter 2015, all faculty and staff completed training regarding Title IX and the Violence Against Women Act, which covered reporting obligations and other relevant topics. In late winter 2017, William & Mary renewed this training using a new course, [Haven for Faculty and Staff](#). Beginning in Fall 2017, all new hires are required to complete the training within 30 days of their start date.¹ Staff within Student Affairs receive additional training, and Resident Assistants are trained by the Office of Compliance & Equity on mandatory reporting and sexual misconduct.
- **W&M's sexual violence website and other online resources:** The sexual violence website is an important part of our education and awareness efforts as it provides resources, information and reporting options to members of the community. As part of our efforts to increase faculty and staff education about their reporting obligations, a section of the website provides [faculty and staff information](#) about their reporting obligations. The website content is pushed out to the campus community in various ways, such as through [email blasts or other messages from campus leaders](#).

There are also specialty online resources for members of our community. The [pregnancy and lactation resources](#) page provides faculty, staff and students information about their rights and also provides information about lactation rooms available across campus. Our [LGBTQ](#) page serves as an information hub for those members of our community that identify as lesbian, gay, bisexual, trans, genderqueer, or questioning, as well as their friends, family and allies.

- **Peer education, particularly by HOPE (Health Outreach Peer Educators):** 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

¹ Certain temporary positions may be exempted from the training requirement.

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.

- **Fraternity/Sorority Life Task Force & Steering Committee:** In 2016-17 the Steering Committee was created to implement Task Force Recommendations. Upon recruiting and training new members including IFC, Panhellenic and MPHIC leadership and professional staff, the committee hosted two successful summits for students discussing recommendation implementation plans and garnering feedback and support. The committee then created a new “Educational Liaison” position for each chapter. These liaisons will coordinate sexual violence prevention and response trainings for members.
- **Campus-wide events:** Throughout the year, peer educators and student organizations, with the support of the Coordinating Committee, host a series of initiatives to raise awareness on prevention and support. Two signature campus-wide initiatives are the Red Flag Campaign and Sexual Assault Awareness Month.
 - The 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), 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 Month in April during the 2016-17 academic year involved partnerships between the Coordinating Committee, HOPE, 16(IX)3, 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.
- **Targeted outreach:** Specific trainings for high-risk populations were implemented in 2016-17:
 - 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.
 - Fraternity/Sorority Life: Supporting Survivor trainings were implemented in Spring 2017 for chapter leaders to be able to train their chapters. The training was created and implemented by The Haven Director.

Campus Security Protocols and Systems. William & Mary has an open, residential campus. Prevention-related security protocols include patrols by William & Mary Police, residence hall access protocols, security cameras, emergency phones located in strategic locations on campus, transportation services, and emergency notification systems. The Police also conduct personal safety and security programming, and work with individual students to create personal safety plans.

Prevention-related security protocols are described more fully in William & Mary's Annual Campus Security and Fire Safety Report, which is published and distributed to students, faculty and staff each fall, in compliance with the Clery Act. To read the Report or learn more about the Clery Act, visit [W&M's Clery Act/Campus Safety website](#).

III. Detection and Response: Reporting/Complaint Mechanisms and Support Services

William & Mary detects sexual misconduct in several ways. The two most important are climate surveys and reporting.

Climate Survey and Other Data Collection. Part of the President's charge to the Task Force was to collect quantitative and qualitative data regarding sexual assault and harassment. The Task Force held focus groups and collected other qualitative data, which informed the Task Force's report. The [report](#) is available online. In Fall 2014, the university conducted a student climate survey. The [results of this survey](#) were publicly released. A second survey was conducted in Spring semester 2017.

The 2017 Sexual Misconduct Climate survey was a slightly modified version of the 2015 AAU Climate Survey on Sexual Assault and Sexual Misconduct. The AAU survey was produced by the Association of American Universities and used by a number of universities across the country. The survey assessed incidence, prevalence and characteristics of incidents of sexual misconduct, as well as, campus climate including perceptions of risk, available campus resources and perceived reactions to an incident of sexual misconduct. It was administered online between March 21 and April 2, 2017 to all undergraduate and graduate students.²

National data shows 1 in 5 women and 1 in 16 men will be a victim of sexual violence while attending college; the 2017 Sexual Misconduct Climate survey showed the occurrence rate of William & Mary students to be consistent with this national data.

Other Key Findings:

- 71.3% of respondents indicated they were somewhat, very, or extremely knowledgeable about how sexual misconduct is defined at William & Mary.
- 69.4% of respondents reported being the victim of at least one type of sexual misconduct³. (64.9% harassment, 12.4% stalking, 20.4% interpersonal/domestic violence, 20.9% physical

² 2,672 individuals responded for a university-wide response rate of 30.4 percent. Of those that responded, 1899 individuals completed the survey for a university-wide completion rate of 21.6 percent, thus providing a 95 percent statistical confidence the true results are within 2 percent of the respondents.

³ **Harassment includes:** Making inappropriate or offensive comments about you or someone else's body, appearance or sexual activities, saying crude or gross sexual things to you or trying to get you to talk about sexual matters when you don't want to, emailing, texting, tweeting, phoning, or instant messaging offensive sexual remarks, jokes, stories, pictures or videos to you that you didn't want. **Stalking includes:** unwanted phone calls,

sexual violence (including incapacitation), and 19.9% non-physical sexual violence.) On average, William & Mary students personally know three victims of sexual misconduct.

- Women experience statistically significant higher rates of harassment, stalking, interpersonal/domestic violence, physical sexual violence, and non-physical sexual violence than men.⁴
- There is no statistically significant difference in sexual misconduct occurrence rates of White/Caucasian students and student of color.
- Fraternity and Sorority Life students and (2) Non-Heterosexual/Straight students experience statistically significant higher rates of sexual misconduct.
- For victims of sexual misconduct, the primary reason they did not contact a campus resource was due to not thinking it was serious enough to report.

The survey showed good awareness among students of campus reporting options and other resources. Student awareness is illustrated by this word cloud, showing where students said they would go if they were a victim of sexual misconduct

emails, voice, text or instant messages, or posted messages, pictures or videos on social networking sites or showing up somewhere or waiting for you when you did not want that person to be there in a way that made you *afraid for your personal safety*. **Interpersonal/Domestic violence includes:** a partner trying to control you, being emotionally abusive, or using physical violence against your wishes. **Physical sexual violence includes:** someone using physical force or threats of physical force completed or failed an attempt of kissing, touching someone's breast, chest, crotch, groin or buttocks, grabbing, groping or rubbing against the other in a sexual way, even if the touching is over the other's clothes, sexual penetration; when one person puts a penis, finger, or object inside someone else's vagina or anus or oral sex; when someone's mouth or tongue makes contact with someone else's genitals or while you were unable to consent or stop what was happening because you were passed out, asleep, or incapacitated due to drugs or alcohol. **Non-physical sexual violence includes:** someone kissing or sexually touching you without your active, ongoing voluntary agreement; including threatening serious non-physical harm or promising rewards such that you felt you must comply, initiating sexual activity despite your refusal, ignoring your cues to stop or slow down, went ahead without checking in or while you were still deciding, or otherwise failed to obtain your consent.

⁴

	Harassment		Stalking		Interpersonal/ Domestic Violence		Physical Sexual Violence		Non-Physical Sexual Violence	
	n	%	n	%	n	%	n	%	n	%
Women	1029	71%	225	14%	228	14%	365	22%	331	20%
Men	369	44%	33	4%	81	10%	52	6%	57	7%



Reporting. The university encourages reporting by (1) educating people so that they can identify problems, (2) informing employees of their report obligations, and (3) by making reporting options visible. The W&M sexual violence website does all three of these things. The website is an accessible, user-friendly interface available 24/7 for those with questions, concerns, or wanting to report an incident.

How and Where to File a Report or Complaint

For incidents of sexual violence, assault, or harassment

GET HELP NOW

REPORTING OPTIONS

POLICIES & TERMS

EXIT THIS PAGE

You may always file a report with **the Title IX**

Coordinator:

Kiersten L. Boyce, J.D., CCEP

Chief Compliance Officer

108 James Blair Hall

College of William & Mary

Williamsburg, VA 23185

757-221-3146

klboyce@wm.edu

Students and other individuals may also choose from one or more of these options.

- ▶ **Online reporting (includes mandatory reports made by faculty & staff)**
- ▶ **In-person reporting**
- ▶ **Paper reporting - providing a written report by mail or email**
- ▶ **Anonymous reporting options**
- ▶ **Reporting for criminal prosecution -- reporting to the police**
- ▶ **Other options**



How are reports handled? [More...](#)

REPORT ONLINE



@wm.edu

File an online report of sexual harassment or sexual violence [More...](#)

These reporting options are designed primarily for someone to bring the university's attention to potential misconduct – potential violation of university policy. Some incidents reported to W&M present not only a possible violation of university policy, but also a violation of criminal law. Students and staff may, if they so choose, report both to the police and internally. W&M staff will help people report to the appropriate law enforcement jurisdiction, if desired.

With a handful of exceptions, university faculty and staff are required by law to notify the Title IX Coordinator of any sexual harassment or assault involving a student, when they become aware of it. This helps the university support students as well as our larger prevention and response work. [Faculty and staff are trained](#) in how to respond to a student who shares an incident with them, and in how to report it for administrative review.

In summer 2016, W&M consolidated and streamlined various online reporting avenues to provide a [central reporting portal](#). Reports made through this portal – which allows anonymous and partial disclosure reports as well as full-disclosure complaints – feed directly into the university's confidential incident management system, which tracks complaints from initial report through investigation, resolution, and appeal (if applicable). This system is discussed further below under “Investigation and Complaint Resolution.”

We saw a continued increase in reporting in 2016-17, which suggests that the increased information about reporting options and employee training was effective. (More information about volume of reports is provided in Section IV and **Appendix**.)

Support Services. Our priority, when we become aware of an incident, is the safety and well-being of the reporting party. (We use this term to refer to the person reported to have experienced the sexual misconduct, even though some reports are made by a friend or other “third party”.) After immediate needs such as medical care and forensic evidence collection are addressed, other steps may be taken to support the reporting party and general campus safety. These steps may include:

- Providing counseling services, including free services from the university Counseling Center
- Changing residence location
- Issuing order barring further contact (no-contact orders)
- Making academic accommodations
- Relocating or rescheduling of classes
- Restricting the respondent's presence on campus or to certain areas of campus
- Issuing interim suspension for the respondent from residence, from the campus and/or from any activities of the university to ensure the health or safety of members of the college community
- Issuing a [timely warning](#)

Some of these steps, such as interim suspensions, are usually taken only when an investigation is underway. But others can be implemented even if the reporting party does not wish to participate in an investigative process.

Support services are also provided to respondents in sexual misconduct processes, when appropriate; for example, counseling services and relocation services.

Campus offices and community centers/agencies are important resources for our students. The sexual violence website includes information about confidential and other [campus and community resources](#). One of William & Mary's most important resources for students is the Haven. The Haven is a peer-based *confidential*, welcoming, and inclusive resource center for those impacted by sexual violence and harassment, relationship abuse and intimate-partner violence, stalking, and other gender-based discrimination.

This academic year was the first year The Haven was fully staffed by Liz Cascone, the new Director who was hired in February 2016. There were significant enhancements to the operation of The Haven during this time. The Director implemented a robust **32-hour volunteer training program for approximately 35 volunteers**, created a Standard Operating Procedures (SOP) Manual for volunteers, improved the recruitment and selection process of volunteers, strengthened the capacity of volunteers to adequately respond to survivors of sexual and intimate partner violence utilizing a trauma-informed model, collaborated with other college offices to improve campus response and prevention initiatives, drafted an assessment form to measure trauma-informed practices at The Haven, conducted training and public awareness events across campus, documented **51** confidential reports and provided advocacy services to those individuals, tracked **147** visits to The Haven resource center, and served as an advisor to **9** students going through a Title IX investigation. This academic year, the Director focused on learning and observing the sexual misconduct infrastructure, increasing the capacity of The Haven to achieve its mission, identifying and operationalizing The Haven's core values, and improving The Haven's recognition across campus. In addition, The Haven was awarded an Impact Week Grant which provided enough funding to redesign and redecorate The Haven's space. This project enhanced the visual appeal of The Haven and provided necessary resources that aid in providing advocacy services. There were significant strides made this year in establishing a strong foundation and The Haven is in an excellent position to continue to provide dynamic trauma-informed services as a key part of the sexual misconduct prevention and response system.

Also in 2016, Title IX staff worked with area hospitals to ensure that students have local access to physical evidence recovery collection -- a forensic medical examination by a specially-trained Sexual Assault Nurse Examiner. During this examination, the nurse assembles a Physical Evidence Recovery Kit, or PERK. Evidence and information collected in a PERK may be used in campus investigations. In 2016, the protocol used by university investigators to access PERK evidence was improved. [Information about PERKs](#) and locations where members of our community may obtain a PERK was added to the sexual violence website.

Investigation and Complaint Resolution

Initial Intake and Assessment. A trained team of collaborative Title IX staff meets within 72 hours of any report of sexual violence involving a W&M student or occurring on university property, to assess the report and determine next steps. The next steps typically are one or more of the following:

- (1) An **investigation**. We investigate when remedying a situation requires formal fact-finding – such as when discipline of a student or employee would be warranted.

- (2) A non-disciplinary intervention or other **remedial actions**. We make this type of response when we have a report of harassing behavior that has not risen to the level of a policy violation – we will work with the person reported to have engaged in the behavior to ensure he or she understands the concern and the expectations (community standard). This type of response can also be used when we have a concern about a particular type of activity or program, so will engage in targeted educational efforts. Remediation may involve some inquiry, but not a full, formal investigation.
- (3) **Support services** for the people negatively affected, if these people are identified, but **no investigation or intervention**. This response is appropriate for **non-actionable reports**, for example when a student reports being assaulted by someone with no relationship to W&M or when a student does not want to disclose the name of the person who assaulted him or her. In some cases, specifically when a report provides no identifying information about the people involved, the institution is unable to take any action other than collecting and reporting the matter as a statistic. (Non-actionable reports are discussed further in Section IV of this report.)

The initial assessment process is detailed in [Appendix B to the Sexual Misconduct Policy](#).

In some instances, when the team first meets it does not have enough information to make a final decision as to next steps – for example, the initial report may include no names or other identifying information. Another common situation is a third-party report that does not indicate whether the reporting party knows that a report is being made or whether the reporting party is willing to participate in an investigation. In these situations, the team works to try to learn more, often by making a “soft outreach” to the reporting party. The soft outreach provides information, offers support, and opens the door for the reporting party to directly engage with Title IX staff.

Notification to Local Prosecutor/Law Enforcement. The Title IX Review Team’s initial assessment also decides whether an incident needs to be reported to the relevant law enforcement agency or prosecutor. In cases “in which 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 on the Review Team must consult with the Commonwealth’s Attorney and/or the prosecutor with jurisdiction within 24 hours and provide the information received by the Review Team, withholding any personally identifiable information about the parties. Because this report is made without providing names, it typically does not result in law enforcement action or prosecution, unless the survivor of the sexual violence also engages with law enforcement.

The Review Team also decides whether disclosure of information, including personally identifiable information, is necessary to protect the health or safety of the student or others, in which case full disclosure is made to the relevant law enforcement agency, pursuant to state law. The Review Team has not had to make any disclosures under this provision.

Investigation and Resolution. Schools investigate and resolve complaints using different systems. In recent years, many schools have shifted from traditional hearing-based systems to investigation-based case resolution. This shift reflects the necessity of active evidence collection and analysis. William & Mary procedures:

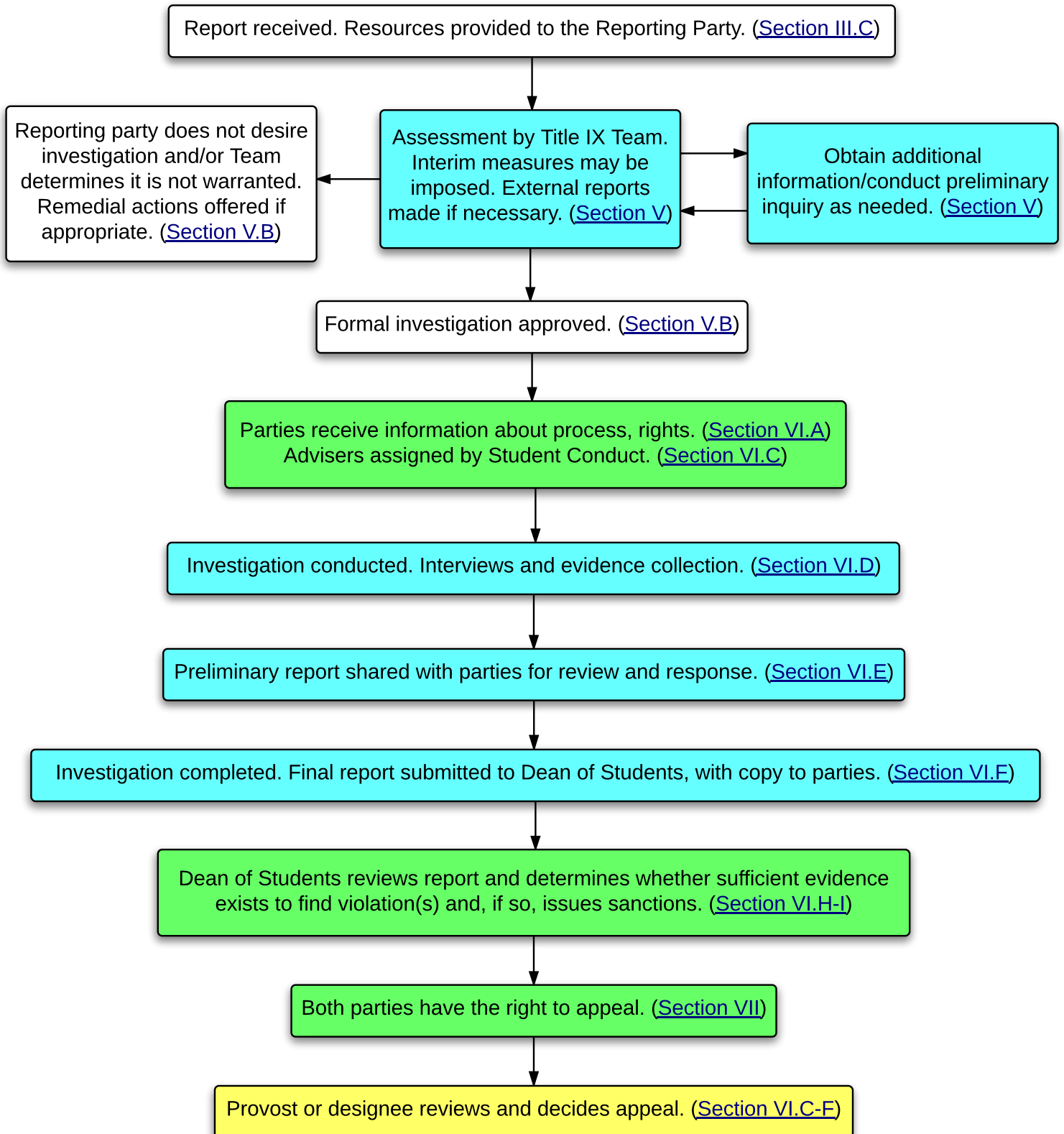
- carefully treat concerns of anonymity/confidentiality.

- include steps (interim measures) and provide for support services, regardless of whether criminal complaint is being made.
- are trauma-informed, to ensure robust evidence-collection and avoid re-victimization of reporting parties.
- rely on trained investigators to collect evidence and prepare a report that is shared with the parties for their response prior to submission to a deciding official.
- provide equitable procedural rights for both parties, including due process protections for respondents.
- ensure prompt resolution, with timeframes specified for all stages of the process.

Most investigations are conducted by staff of the Compliance & Equity Office. Investigators work in close coordination with the Dean of Students Office in assessing, investigating, and resolving student cases. Most sexual misconduct cases are processed under the Student Sexual Harassment and Misconduct Grievance/Complaint Procedure. The flow chart on the next page shows how this process works. All other reports of sexual misconduct are processed under the [Discrimination Grievance/Complaint Procedure](#).

Student Sexual Misconduct Investigation and Determination Process

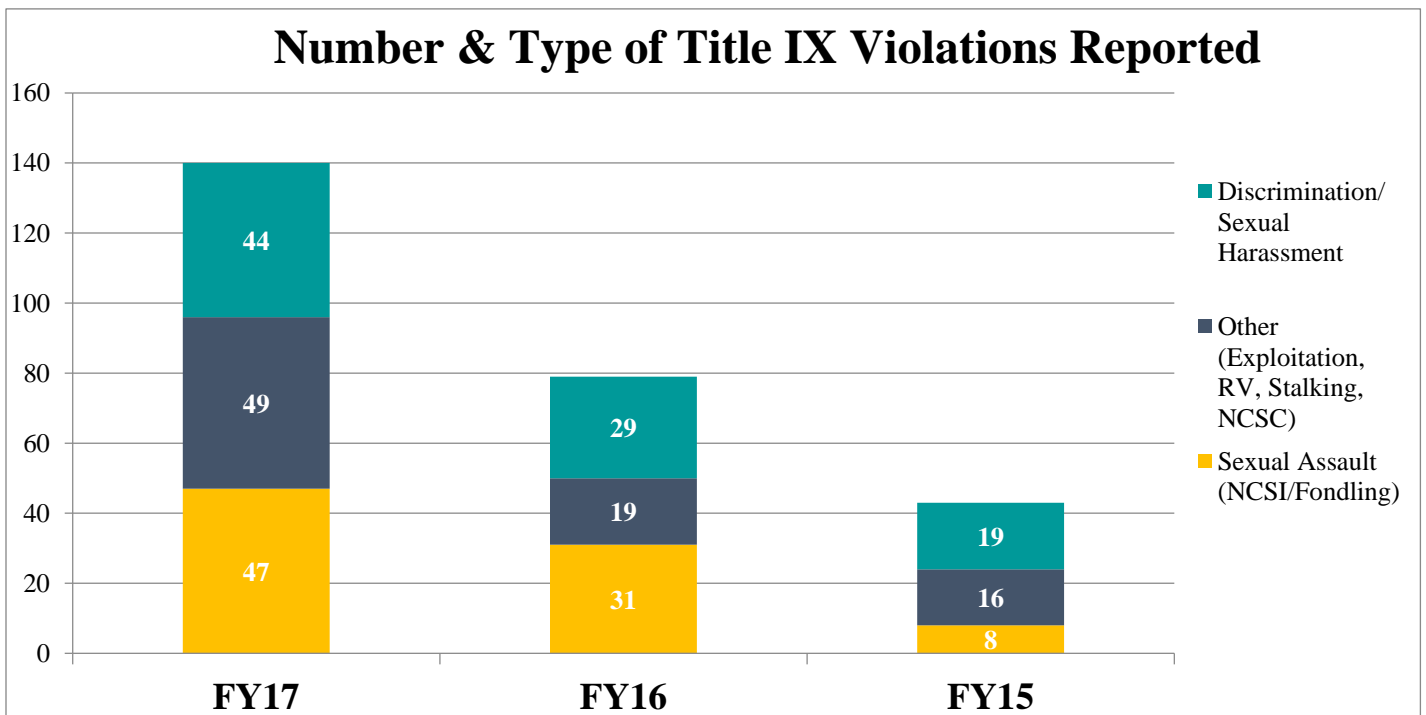
(Parenthetical Citations Reference [Student Sexual Harassment and Misconduct Grievance/Complaint Procedure](#))



IV. Data on Reports, Investigations, and Outcomes

W&M annually publishes information about reports, investigations, and outcomes. The full information is provided as an **Appendix** to this report. Some key data is presented in this Section. This data shows a continuing increase in reporting as well as an increase the volume of non-actionable reports. This gives us some confidence that we are now capturing a relatively high percentage of the incidents experienced by our students.

Reporting is Up. Because sexual assaults and other forms of sexual misconduct are believed to be underreported, as a general matter, and because we can only remedy misconduct that we are aware of, we are pleased to see a continued increase in reporting. The chart below shows the total number of reports made in the past three academic years, broken down by type of sexual misconduct.

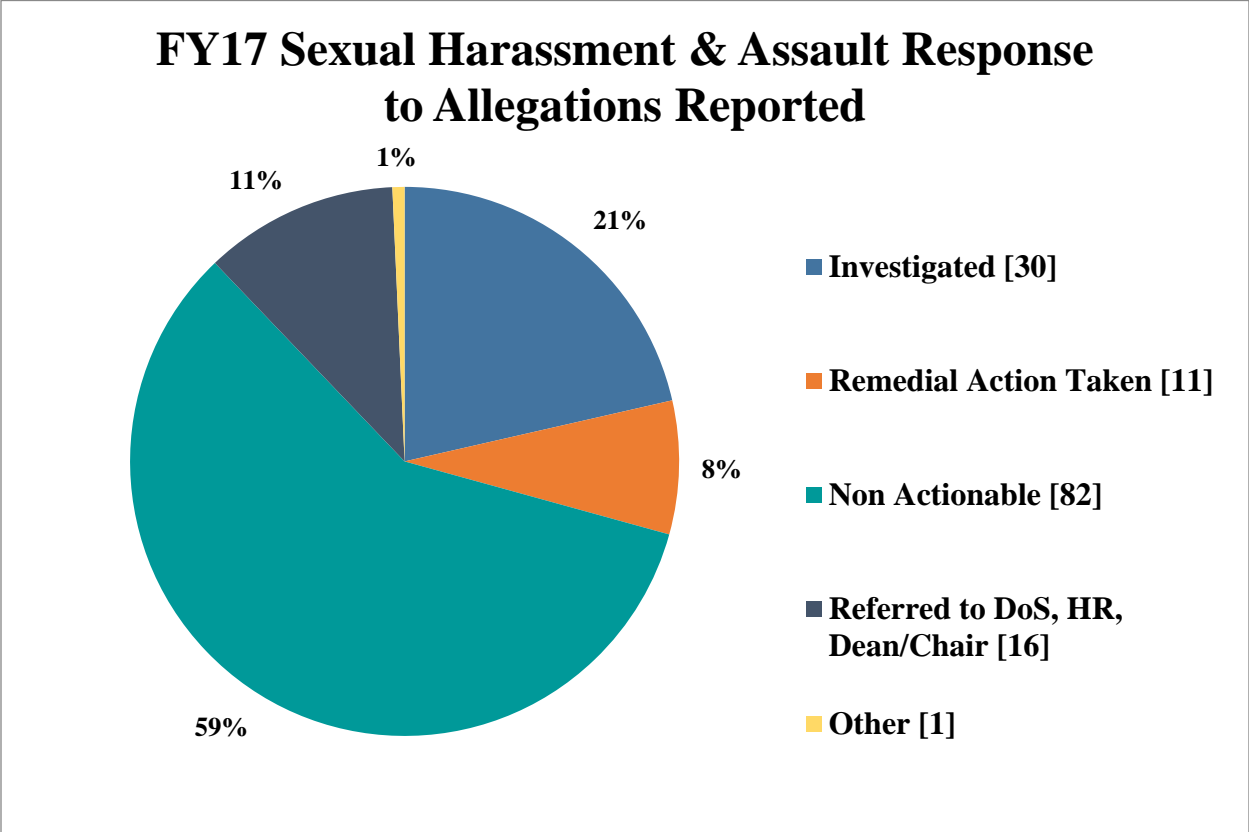


Please note that W&M uses the term “report” broadly to include all types of reports. For example, the chart reflects third-party reports, reports made with no identifying information and reports of assault by a non-W&M person. The next chart (below) distinguishes between the types of reports, based on what action was taken by the university on the report.

The increase in reporting likely reflects many factors, including increased national awareness of Title IX and sexual misconduct, reduced societal stigma for reporting, W&M’s educational campaigns and training for faculty and staff, new online reporting mechanisms, and state and federal legal mandates.

Many Reports are Not Actionable. In 2016-17, approximately 59% of the reports received were not actionable, meaning that we were unable to take either remedial or investigative steps. The three main categories of “non-actionable” reports are:

- Reports made without necessary information. For example, some reports are made anonymously and indicate only that “a W&M student” was assaulted by an unidentified person. For these reports, we can only log and disclose the report as a statistic. Other reports identify one party but not the other; if the reporting party is identified, Title IX staff typically reach out to the reporting party to provide information, support, and resources, and to encourage him or her to share more information.
- The report alleges misconduct by someone who is not affiliated with William & Mary. Here, we may offer support services to the person affected (assuming this person is a W&M student or employee), but investigation is not appropriate.
- The reporting party does not want an investigation. These reports are carefully considered in the initial assessment process, to determine whether the reporting party’s expressed preferences can be respected. In almost all cases, we are able to abide by the reporting party’s wishes.



Information about Investigation Outcomes – Student Title IX Cases

Of the 39 student sexual misconduct cases investigated between 2015-16 and 2016-17 academic years, 23 resulted in a finding of a sexual misconduct policy violation.* Alcohol was a significant factor in the majority of sexual assault allegations investigated, and less commonly a factor in sexual harassment, relationship violence, and stalking cases.

Of the 23 for which a policy violation was found,* the resulting disciplinary action was:

- Three permanent dismissal
- Nine suspensions
- Nine probations
- Two other employee/non-student disciplinary measures

* Notes regarding findings of responsibility:

- (i) One respondent permanently resigned from the institution prior to adjudication.
- (ii) One case is still under investigation as of the date of this Report.
- (iii) Two reports were initially investigated, then determined to not have enough information for formal allegations against an individual or student organization.
- (iv) Some investigations resulted in findings of Student Code of Conduct violations, such as alcohol offenses.

Additional data regarding reports, investigations, and outcomes is provided in the **Appendix** to this Report.

External Investigation – OCR. In April 2014, the Office of Civil Rights of the U.S. Department of Education (OCR) notified William & Mary that it was under investigation for its compliance with Title IX. (See W&M’s [statement to the campus community about the OCR investigation](#) and a [news release made in 2014](#).) This investigation was initiated by OCR in response to a single complaint made by or on behalf of a student. In these investigations, OCR does not share specific details regarding the complaint with the college or school, so we cannot provide more information about what led to the complaint. As part of OCR’s investigation, the requested records and information from William & Mary, interviewed students and administrators, conducted focus groups with students, and reviewed individual student case files. The OCR Title IX investigation remains ongoing, and we cannot predict when the investigation will be completed. To learn more, the Chronicle of Higher Education, an independent newspaper, provides a [“Title IX” tracker](#) with information about OCR’s Title IX investigations generally and about individual schools.

V. Conclusion; Areas of Strength and Continuing Improvement

Preventing and effectively responding to reported sexual misconduct requires an expert, multi-functional approach and intense, focused effort. It is neither simple nor easy. Over the past five years, William & Mary – like many other schools across the country – made sweeping changes in how it approaches this work. Change this significant was possible only through the dedication of all members of the university community – everyone from William & Mary’s governing Board of Visitors to its students.

Areas of Strength

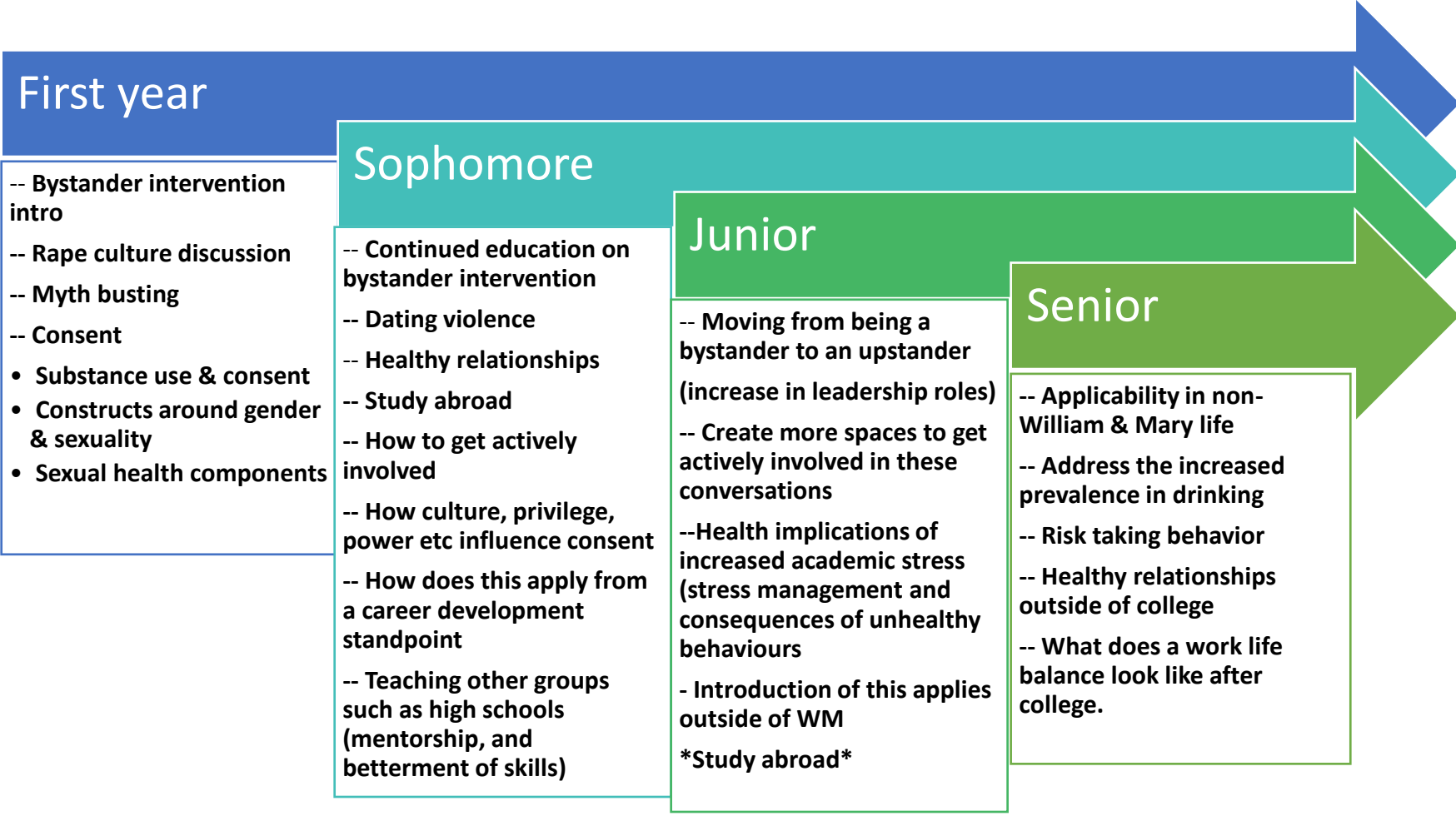
- Policies. W&M’s policies are kept up-to-date with best practices, and are applied consistently to all members of the university community.
- Student Awareness of Reporting Options/Resources. The 2017 Climate Survey indicates that students know where to go for help.

- Faculty and Staff Training. A new online training course was rolled out in Spring 2017, for all faculty and staff. Beginning Fall 2017, this course and related content is more effectively integrated in new employee on-boarding.
- Intake/Initial Assessment of Reports. In 2015-16, W&M formalized and regularized an updated, cross-functional team approach to reviewing and assessing reports of sexual misconduct. The Review Team process continued to develop throughout 2016-17, and ensures prompt, expert assessment of all reports.
- Investigation. Our investigations are fair, thorough and transparent, conducted by trained, experienced professionals. In 2016, we systemized significant improvements in the frequency of communications with parties to investigations, improving the experience for those students, faculty and staff participating in investigations.

Areas of Continuing Improvement

- Awareness and Education.
 - 4-Year Education Plan: During 2016-17 academic year the Coordinating Committee created a benchmarking tool that will guide the campus in its 4+ year educational efforts for students. This tool is a guideline for how education should evolve as students progress through their time at William & Mary. Each year, content changes to meet students where they are in their college experience (i.e. a sophomore will receive more bystander intervention training than a freshman, as a sophomore will have had time to learn about situations in which they could apply such training).

Four Year Sexual Violence Prevention Education Plan



- Video campaign: The Coordinating Committee in partnership with Advancement is creating a video series highlighting sexual misconduct response and prevention to create easy access to information for students. These videos will be short and informative highlighting key offices, people, and processes to break down barriers for victims to report and to raise awareness about campus resources.
- “I Can, I Will” Initiative: The Office of Health Promotion has developed a new William & Mary values-based bystander intervention that builds off of our Authentic Excellence program that all freshmen experience during orientation. This initiative will be launched in the Spring of 2018.
- Graduate student and faculty training: In Fall 2017, all graduate students will take the mandatory Haven Plus program, which is an evidence based baseline training geared towards graduate students.
- Informational Packets for Student Parties in a Title IX Investigation Process. Working with 16(IX)3, a student group, Title IX Staff are finalizing informational packets to be provided to each party participating in an investigation. The packets will include contact information, FAQs on no-contact orders and retaliation, and other resources for students.

Appendix: WILLIAM & MARY SEXUAL MISCONDUCT DATA: 2014 – 2017

This data is for the latest three academic years (July 1-June 30): 2014-15, 2015-16 and 2016-17. A report included in a year indicates that the report was made during that year; the incident reported may have occurred during a prior year.

What does this data show? The data is about alleged incidents of sexual misconduct, which is defined in W&M's [Policy on Sexual Misconduct, Relationship Violence, and Stalking](#). It shows the number of reports, the number of investigations, whether a policy violation was found to have occurred, and the primary sanction.

What is a report? "Reports" includes complaints, reports, or disclosures received or collected by the Office of Compliance & Equity (Title IX office). It also includes reports made by the person who experienced the misconduct as well as "third-party" reports -- reports made by someone who heard about an incident involving someone else. It includes reports made confidentially and anonymously, so long as there was enough information in the report to indicate an allegation that a W&M student or employee had experienced sexual misconduct.

Is this data only about students? The data presented in this Appendix includes any sexual misconduct report to have involved a member of the W&M community - faculty, student, or staff.

Is this the same data in the university's Clery Act (Annual Safety) Report? This data is different from the data disclosed in W&M's [Annual Campus Security and Fire Safety Report](#). This is because that Report must comply with the Clery Act, a federal law that specifies exactly what data must be disclosed. One important difference is that the Clery Act data is only about crimes that occurred on campus or certain other university property. The data presented in this document is not limited geographically, and so is more inclusive. Also, the data in this document includes information about sexual harassment, which is not reportable in the Annual Safety Report. More detail about the Clery Act and its reporting requirements is available on [W&M's compliance website](#).

Why are there more reports than there are investigations or adjudications? Particularly in recent years, since W&M began [requiring faculty and staff to report all sexual misconduct incidents involving students they become aware of](#), we receive a substantial number of reports that we cannot investigate. We call these "non-actionable reports." Common reasons why we cannot investigate a report are:

- the survivor/reporting party does not want investigation or adjudication. For information as to how the university determines whether to investigate against the wishes of a survivor or without a survivor's participation, see the [Policy on Sexual Misconduct, Relationship Violence, and Stalking](#) (particularly [Section IV\(F\)](#) and [Appendix B](#)).
- the report did not include enough information – for example, some reports are made without names or other identifying information.
- the alleged perpetrator was not a W&M student (or staff or faculty) and so not subject to university discipline.
- the report was recanted or withdrawn. (This is an extremely rare occurrence.)

For more information about non-actionable reports, see Section IV of the Annual Report.

How was this data assembled? This data was compiled manually by William & Mary's Office of Compliance & Equity and is subject to revision.

2016-17	Discrimination/ Sexual Harassment ¹	Sexual Assault	Non-Consensual Contact	Sexual Exploitation	Relationship Violence	Stalking	TOTAL
Reported	44	47	3	8	19	19	140 ²
Investigated	7	14	0	3	3	3	30 ³
Determination: Policy Violation ⁴	4	4	0	1	2	2	13
Determination: No Policy Violation ⁴	2	9	0	2	1	1	15
Unfounded	1	0	0	0	0	0	1
Permanent Resignation ⁵	0	1	0	0	0	0	1
Probation	1	0	0	1	0	1	3
Suspension ⁶	2	3	0	0	1	1	7
Expulsion	0	1	0	0	1	0	2
Other (Employee/Non-student disciplinary measures)	1	0	0	0	0	0	1

2015-16	Sexual Harassment ¹	Sexual Assault	Non-Consensual Contact	Sexual Exploitation	Relationship Violence	Stalking	TOTAL
Reported	29	31	7	2	4	6	79 ²
Investigated	7	9	2	1	2	1	22
Determination of Policy Violation ⁴	5	5	1	1	1	0	13
Determination of No Policy Violation ⁴	1	4	1	0	0	1	7
Unfounded	1	0	0	0	1	0	2
Permanent Resignation ⁵	0	0	0	0	0	0	0
Probation	3	1	0	1	0	0	5
Suspension ⁶	0	2	0	0	1	0	3
Expulsion	0	2	0	0	0	0	2
Other (Employee/Non-student disciplinary measures)	2	0	1	0	0	0	3

2014-15	Sexual Harassment ¹	Non-consensual sexual intercourse	Non-Consensual Contact	Sexual Exploitation	Relationship Violence	Stalking	TOTAL
Reported	16	7	5	1	2	7	38 ²
Investigated	9	4	4	1	2	1	21
Determination: Policy Violation ⁴	5	3	2	1	2	0	13
Determination: No Policy Violation ⁴	3	1	2	0	0	1	6
Permanent Resignation ⁵	1	0	0	0	0	0	1
Probation	1	0	1	0	0	0	3
Suspension ⁶	1	3	1	1	0	0	6
Other (Employee/Non-student disciplinary measures)	3	0	0	0	0	0	2

1. Note regarding “Sexual Harassment” Reports: W&M encourages reporting of sexual harassment even if the harassment has not (or has not yet) become so severe or pervasive so as to violate university policy. When in receipt of these reports, investigation typically is not conducted; intervention may be made to prevent the harassment from continuing, for example. To learn more, see the Policy on Discrimination, Harassment, and Retaliation.
2. Note regarding “Total Reports”: a single complaint or report may allege multiple forms of sexual misconduct and/or multiple incidents. In these cases, the chart will reflect multiple reports, even if the reports were made regarding one respondent and/or a single incident.
3. The number of investigations (30) is larger than the number of determinations (28); one investigation is ongoing as of the date of publication of this report, and one investigation did not result in specific charges (formal allegations of policy violation submitted to an adjudicator) being brought because of lack of evidence.
4. Note regarding determination of policy violations: because an investigation may address multiple allegations (potential policy violations), it is possible for an investigation to result in a determination that there was not sufficient evidence to establish sexual exploitation but is sufficient evidence of dating violence (for example).
5. W&M Policy permits students to resign, with no possibility of return, prior to investigation or adjudication.
6. Suspensions are typically multi-semester and designed to allow the reporting party/victim to graduate prior to the student found responsible returning to campus.