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

2016 Annual Report: Sexual Misconduct Prevention & Response

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Introduction

For several years, William & Mary has published data regarding sexual misconduct reports, investigations, and outcomes. This data and information about policy and procedure updates and other prevention efforts is collected on the statistics & community section of the sexual violence website and released in other ways. This report collects the annual data and other information in a comprehensive, easy-to-read document. It is William & Mary’s first Annual Report Sexual Misconduct Prevention and Response.

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 try to prevent sexual misconduct
- How W&M detects misconduct that occurs and responds to reported violations, including data regarding reports, investigations, and determinations (investigation outcomes)
- Resources for those affected by discrimination or harassment.

This 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

Appendices:
A. 2016 Title IX Progress Report
B. William & Mary Sexual Misconduct Data 2014-2016

This year’s progress and developments are highlighted throughout the report - steps taken and changes made during the year July 1, 2015 through June 30, 2016.
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:

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

Title IX is only one of the laws that prohibit sex- or gender-based discrimination; there are several other relevant federal and state civil rights laws, including 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.

These laws are designed to protect students and employees from discrimination, including sexual misconduct and other forms of 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:

- **Prevention**
- **Detection**
- **Response**
Overview of Prevention at W&M.

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

1. **Setting community standards** - expectations for how community members will 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. **Physical safety 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.

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.

Section II of this report gives more detail about our prevention efforts.

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 (or complain of) 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. And detection leads to response – the assessment we do, when a report has been made or information received, is how we decide whether and what type of response is appropriate. 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.

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 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)).
Color coding indicates primary function of each office/entity.
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.

   The Discrimination Policy was approved in 2014 and updated (amended) July 1, 2015 and May 1, 2016. The 2016 revisions were modest, technical amendments designed to highlight the university’s respect for free speech and academic freedom and to establish a role for the Faculty Assembly in approving any future revisions to the policy. (For more detail about the 2016 revisions, see Section V of the Discrimination Policy.)

2. The **Sexual Misconduct Policy** (Policy on Sexual Harassment and Misconduct, Dating and Domestic Violence, and Stalking) helps implements the Discrimination Policy by defining specific types of prohibited sexual harassment and misconduct and covers reporting issues including confidentiality and amnesty.

   The Sexual Misconduct Policy was approved February 2015 (together with the Procedure on Student Sexual Harassment and Misconduct, revising and replacing the Student Sexual Misconduct Policy and Procedure). It was revised and expanded to explicitly cover faculty and staff in August 2015, in an interim form. The Policy was finalized effective August 19, 2016 with an expanded and improvement treatment of the important concepts of consent and incapacitation. (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. In addition to the VAWA mandates, our education and awareness efforts are informed by recommendations from the President’s Task Force.

Our education and awareness programs are a combined effort of many university offices and programs, with the primary partners being Student Affairs (the Dean of Students Office, Residence Life, and Office of Health Promotion), the Compliance & Equity Office, and the Coordinating Committee on Prevention of Sexual Assault & Harassment. A major development in 2016 is the addition of a new position, charged with spearheading the university prevention efforts: the Sexual Violence Prevention Specialist. The Specialist joined William & Mary’s Office of Health Promotion in July 2016, and will work closely with the Title IX Coordinator and Coordinating Committee.

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

- An extensive, mandatory online program for all incoming freshmen and transfer students, called Haven. Students must complete the program prior to beginning the year.
- Orientation programs for new students and faculty.
- Poster/flyer campaigns.
- Training for current faculty and staff, which has a particular focus on their reporting obligations.
- Web-based resources, including the sexual violence website launched in August 2015.
- Peer education, particularly by HOPE (Health Outreach Peer Educators).

Orientation Programming. In recent years, we have expanded and improved programming for incoming students, both at the on-campus orientation sessions and through online training. We have updated Haven, the online training module required by all incoming undergraduates incorporating university policies and procedures and resource information. Extended orientation programming, for freshmen and transfer students, continues through the first six weeks of classes and expands upon the main orientation sessions.

Posters and Flyers. W&M’s Title IX poster campaign was well-received by the community. These posters are aimed at student survivors of sexual assault, 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 was distributed (and will be distributed each fall) to all campus residents. The flyer is handed out at check-in along with residence keys.

Faculty and Staff Training. 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. Later in 2015, William & Mary purchased Haven for Faculty and Staff. The Haven for Faculty and Staff is an interactive, online course, currently being customized for release to the campus community.

Web 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. This information is also available through a link created in Banner (myWM).
In addition to web resources for sexual misconduct, we have created 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.

The website content is pushed out to the campus community in various ways, such as through email blasts or other messages from campus leaders.

Other. In addition to the above actions, we have provided targeted training to select varsity athletic teams and fraternities and other student sub-populations, and in-person educational sessions to faculty and staff across campus. The educational sessions for faculty and staff included the distribution of guidance materials about mandatory reporting and available resources.

Campus Security. 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, including Rape Aggression Defense Training, 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, primarily by conducting climate surveys and by encouraging 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. In Fall 2014, the university conducted a student climate survey. The results of this survey were publicly released. The Coordinating Committee plans to conduct another survey in the upcoming academic year.

The Task Force also held focus groups and collected other qualitative data, which informed the Task Force’s report. The report is available online.
**Reporting.** The university encourages reporting by (1) educating people so that they can identify problems, (2) making sure employees know when they must report, 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. The following screenshots highlight some of the detection and reporting elements of the website:
There are many ways for people to report sexual harassment or assault, or another Title IX-related concern:

- Online reporting
- In-person reporting
- Paper reporting – providing a written report by mail or email
- Anonymous reporting or partial disclosure reports (for example a report providing the name of the survivor of an assault, but not the assailant’s name).

These reporting options basically are designed for someone to bring the university’s attention to a matter. And many of the incidents W&M processes have no criminal element to them. But some do – 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. And W&M staff will help people report to the appropriate law enforcement jurisdiction, if desired. Many W&M students choose to first report to the William & Mary Police. The Police Department’s Pledge to the Community formalizes its commitment to helping students and other community members who have experienced sexual assault.

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 significant increase in reporting in 2015-16, 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 B.)

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 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.

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. In 2016 William & Mary hired its first Director of the Haven: Liz Cascone.

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.** Because investigations take some time and can be challenging for people involved, we investigate when remedying a situation can only be done after formal fact-finding – such as when remedying a situation may require discipline of a student or employee.

(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 often involves some inquiry, information-gathering, or other investigation, 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. We also take this approach when a student (or employee) does not want an investigation, such as if he or she wants to remain anonymous. In some cases, specifically when a report is made with no identifying information provided 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, to avoid potentially overriding a reporting party’s wishes (which can re-traumatize a survivor of sexual assault), 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. Sometimes this soft outreach is made via a friend or the person who filed the third-party report.

**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. The Review Team has not had to make any disclosures under this provision.
These external reporting obligations are mandated by Section 23-9.2:15(F) and (G) of the Virginia Code.

**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 has two procedures for addressing reports. The procedure used is determined by the identity of the person(s) accused, suspected, or reported for misconduct. This person is called the respondent. This is important because grievance/complaint procedures may lead to disciplinary action, and the university's relationship with the person potentially being disciplined determines the nature of and process for discipline. Both W&M procedures:

- carefully treat concerns of anonymity/confidentiality.
- include steps (interim measures) and provide for support services, regardless of whether criminal complaint is being made.
- involve trained investigators who collect evidence and prepare a report – which does not make findings – that is shared with the parties for their response.
- have a final determination made by a trained senior administrator (the Dean of Students or Provost), in most cases (faculty and staff cases may go on to a hearing), using the preponderance of the evidence standard.
- provide equitable procedural rights for both parties.
- allow for resolution (except for any appeal) within 60 days, although resolution may take additional time depending on the complexity of the matter, the academic calendar, Office caseload, and other factors.

Reports of sexual misconduct by a student are processed under the [Student Sexual Harassment and Misconduct Grievance/Complaint Procedure](#). All other reports of sexual misconduct are processed under the [Discrimination Grievance/Complaint Procedure](#).

Most investigations are conducted by staff of the Compliance & Equity Office. In the 2015-2016 academic year, W&M added two new investigator positions. 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.

In the 2015-2016 academic year, the Title IX Collaborative staff, led by the Dean of Students Office, fully customized and implemented a secure Title IX incident management system. This system confidentially logs all sexual misconduct report. For student matters, the systems maintains all related records and has work flow capability for investigation and case resolution.
Student Sexual Misconduct Investigation and Determination Process

1. **Report received; resources provided to the Reporting Party**
   - Review by Title IX Team; threat assessment conducted; interim measures may be imposed; team determines if investigation is warranted and whether remedial action should be taken.

2. **Formal investigation approved**
   - Director of Student Conduct meets with each party; may issue or adjust interim measures; provides information about the process, rights, and resources; advisers are assigned.

3. **Investigation by Office of Compliance & Equity or Student Affairs; interviews conducted and information gathered.**

4. **Draft investigation report created**

5. **Dean of Students reviews report and determines whether sufficient evidence exists to find violation(s) and, if so, issues sanctions.**

6. **Dean of Students meets with any party who has requested a pre-determination meeting.**

7. **Investigators finalize report and provide final report to Dean of Students, with copy to parties.**

8. **Report shared with parties for review and feedback; parties can offer comments, corrections or request for further investigation. Parties may request a pre-determination meeting with the Dean of Students.**

9. **Both parties have the right to appeal.**

10. **Provost or designee reviews and decides appeal**
IV. Data on Reports, Investigations, and Outcomes

W&M annually publishes information about reports, investigations, and outcomes. The full information is provided as Appendix B to this report. Some key data is presented in this Section.

**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 two academic years, broken down by type of sexual misconduct.

![Number & Type of Title IX Violations](chart.png)

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. Many of the reports that we receive are not actionable – meaning that we literally cannot take action on the report. 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 2015-16, approximately 40% 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. These efforts sometimes are successful, and sometimes are not.

• 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.

• Reports where 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.

### 2015-16 Sexual Harassment & Assault Response to Reports

- Investigated [25]
- Remedial Action Taken [18]
- Non-Actionable [31]
- Referred to DoS, HR, Dean/Chair [5]
- Other [2]

#### Information about Investigation Outcomes – Student Title IX Cases

Of the 20 sexual misconduct cases investigated in 2015-16, eleven resulted in a finding of a policy violation. Two were determined to be unfounded; neither of these was a sexual assault case. Of the seven for which a policy violation was found, the resulting disciplinary action was:

- Two permanent dismissals
- Two suspensions
Five probations (note that probation is not used in sexual assault cases)

Two other employee/non-student disciplinary measures.

Additional data regarding reports, investigations, and outcomes is provided in Appendix B.

**External Investigation – OCR.** The information in this Section is about investigations that William & Mary conducts. There is also an investigation of William & Mary, being conducted by the federal government.

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, a good resource is provided by the Chronicle of Higher Education, an independent newspaper – 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, multifunctional 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 up-to-date and consistent, applying to all members of the university community.

- **Investigation Procedures.** In the past several years, the university has overhauled its procedures for assessing and responding to sexual misconduct. We believe our current system is equitable, thorough, and effective. 2015-2016 saw major improvements in this area, with significant revisions to the student procedure made in the Fall semester, and an overhaul to the faculty and staff procedure made this Spring.

- **Website.** [www.wm.edu/sexualviolence](http://www.wm.edu/sexualviolence), brought online in Summer 2015, is a strong information hub, particularly for students.
• Student Awareness of Reporting Options/Resources. Our poster campaign, begun in August 2015 and updated in Spring 2016, was very well-received. Orientation programming also helped create awareness.

• 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. With new software, internal protocols, and procedures, this team promptly and expertly assesses reports and complaints and determines initial actions.

Areas of Continuing Improvement

• Timeliness of Investigations. W&M’s goal is to resolve every complaint through a prompt, equitable, and thorough investigation. To meet these goals, we need well-crafted procedures and trained staff. In the past year, W&M finished overhauling its procedures and increased its investigative staff. With these improvements, we hope to more consistently meet our goals in terms of timeliness of resolution.

• Communications with Parties to Investigations. It is important for parties to an investigation to be kept apprised of the investigation’s progress and to be informed of issues and decisions made relating to the investigation. University procedures specify that both parties receive notification of major development/stages of an investigation, but beyond that, parties are best served when they have regular, frequent updates. Recognizing this, in late Fall 2015, W&M instituted new practices to increase the flow of information to parties, but work remains to consistently meet expectations of parties, parents, and others.

• Faculty and Staff Training. In early 2015, all faculty and staff were trained in Title IX and VAWA. This is an ongoing effort, however, that must be continued (rather than being “once-and-done”) and expanded to build skills, ensure retention of knowledge, and capture new employees.

• Other Awareness and Education. Some major steps were taken in 2015-16, particularly regarding orientation and the poster/flyer campaign. With the new Sexual Violence Prevention Specialist, many other Task Force recommendations and goals will now move to the forefront.
Appendix A:

Title IX at W&M: 2016 Progress Report

In September 2015, the President announced the completion of the Task Force on Prevention of Sexual Harassment and Assault’s work and adoption of its recommendations. This announcement discussed recent actions taken to improve our prevention and response, including (1) shifting to an investigative model for addressing student-on-student sexual assault (and other forms of sexual misconduct), (2) creating additional staff positions (two investigators, a survivor advocate expert, and a prevention specialist), and (3) centralizing prevention, education, and training oversight. The results of the campus climate survey were also released. The Coordinating Committee for Prevention of Sexual Assault and Harassment, assembled in fall 2015, is continuing the work of the President’s Task Force.

This document summarizes key actions taken during the academic year 2015-2016, since the President’s announcement. Many of these actions implement Task Force recommendations.

Policy Actions. Policies are necessary for both prevention and remedy of sexual harassment. By defining institutional expectations, they are the foundation of prevention; by establishing prohibited conduct, they permit enforcement and remediation.

- Revision of the Discrimination, Harassment and Retaliation Policy. The revisions make minor improvements/clarifications to provisions on reporting obligations and treatment of reports of harassing conduct that has not (yet) created a hostile environment.

- Revision of the Policy on Sexual Misconduct, Dating and Domestic Violence, and Stalking. This policy, formerly applicable to students, now extends to faculty and staff. (Faculty and staff were subject to policies prohibiting sexual misconduct prior to these revisions, but the revision creates a clearer, more direct policy prohibition for these members of the campus community.) The policy was revised effective August 17, 2015, in interim form. Finalization is anticipated summer 2016.

Education and Awareness Actions. These actions include both policy promotion efforts as well as education and outreach on issues such as safe alcohol use and healthy relationships.

- General Actions:
  - A new professional position focused on education was created: a Sexual Violence Prevention Specialist. This position is being filled summer 2016.
  - Changed the name of the Title IX Coordinator’s Office to the “Office of Compliance & Equity” and improved the Office website to clarify the central oversight role of the Title IX Coordinator with respect to education, prevention, and training efforts, in accordance with Task Force recommendations.
  - Continued build-out of the sexual violence website launched in August 2015, for example to provide information about PERKs.
• **Student-targeted actions:**
  
  o Posted broadly across campus [posters for student survivors of sexual assault](#), describing reporting options and resources and encouraging preservation of evidence. These posters are hung in bathroom stalls and bulletin boards and kiosks, to maximize student exposure. Updated posters were disseminated in April 2016, as part of recognition of Sexual Assault Awareness Month.

  o Distributed a one page informational flyer to all on campus residents, approximately 5,000 students, in the fall of 2015. This flyer is handed out at resident check in along with the student key.

  o Expanded and improved programming for incoming students:
    
    ▪ [Updated online training required by all incoming undergraduates](#), the Haven, incorporating updated policies and procedures and resource information. Students were required to complete this program prior to coming to campus.

    ▪ Expanded bystander intervention education and training as part of new student on-campus orientation activities, with required follow-up programs continuing into the fall semester. Sessions include an enhanced focus on the definitions and implications of “consent” and “incapacitation” in the context of sexual interactions and decision-making.

  o [Title IX Collaborative Staff](#) participated on a panel discussion about relationship abuse and sexual assault on campus. The event was presented by a campus sorority chapter and included the Title IX Coordinator, as well as other campus resources for support and response available for victims.

  o Discussed campus climate survey with members of the fraternity/sorority community as well as with chapter advisors.

  o Expanded and improved programs for law students and Arts & Sciences graduate/teaching assistants.

  o Bystander intervention and/or other sexual violence educational programming delivered in-person to the selected varsity athletics teams and fraternities.

• **Faculty/Staff-targeted actions:**

  o In summer 2015, W&M purchased a new training course provided by EverFi – Haven for Faculty and Staff. This course was produced by EverFi working in partnership with the University of Michigan to comply with Title IX and the Violence Against Women Act. W&M is currently customizing the course for release to the campus community. This course will replace the online training completed in Winter/Spring 2015.

  o Created a [section of the new sexual violence website](#) aimed at responsible employees (faculty and staff) with information about their reporting obligations. Faculty and staff also have access to this information through Banner (myWM).
In-person educational sessions were provided in fall 2015-spring 2016 by the Title IX Coordinator or Deputy Title IX Coordinator to (1) new faculty in Arts & Sciences and the Arts & Sciences department chairs and program directors, (2) the Business School faculty, (3) the Virginia Institute of Marine Science faculty and administrative staff, (4) the School of Education and School of Business faculty and administrative staff, (5) Law School faculty, (6) Teaching Assistants and Graduate Assistants, (7) Haven volunteers, (8) Student Affairs staff, and (9) coaches and other Athletics department staff. These sessions included distribution of guidance materials about mandatory reporting requirements for responsible employees and resources available to victims.

Training Actions. Many of the actions listed under “Education and Awareness” serve some training purpose. The items listed under this heading focus on actions designed to create or increase skills or technical knowledge among investigators, adjudicators, appellate officers, and others directly involved in responding to Title IX/VAWA incidents, including the Title IX Collaborative Staff.

- Conducted a full-day, in person training for investigators, adjudicators, appellate officers, and advisors, attended by the university’s Provost, Vice President for Student Affairs, Dean of Students, University Counsel, and other senior university officials. This interactive training was provided by Daniel Swinton of NCHERM/ATIXA and covered relevant topics including:
  - Title IX, Clery & VAVA
  - Forms of sexual harassment
  - Consent construct with case study
  - Evidentiary standard
  - Bias & prejudice; cultural competency
  - Credibility determinations
  - Sanctioning and appeals.

- Title IX coordinators and investigators completed multiple training and education programs, including:
  - Virginia Department of Criminal Justice Services (DCJS) Investigation of Sex Crimes Training for Campus Police and Public Safety Agencies
  - DCJS training for Investigation of Dating Violence, Domestic Violence, and Stalking for Campus Police, Public Safety and Civil Rights (Conduct/Title IX) Investigators
  - Association of Title IX Administrators Civil Rights Investigator Level One Training and Certification Course (attended by new Compliance & Title IX Investigator).

- Expanded W&M Police’s crime prevention capacity by certifying an additional Crime Prevention Specialist officer through the American Crime Prevention Institute.

- Completed additional required training for every W&M Police officer in (1) Investigation of Sex Crimes for Campus Police and (2) Public Safety and Bystander Intervention.

- Provided in-person training and updated training manual to W&M administrators who serve as advisors to students in Title IX investigations.
Investigation and Remediation Actions. *The changes to the sexual misconduct procedure, described above, are designed to improve investigation and resolution of complaints. These are additional steps:*

- Overhaul of the procedure used to address student-on-student Title IX and VAWA incidents (sexual harassment (including sexual assault). The [Student Sexual Harassment and Misconduct Grievance/Complaint Procedure](#) was revised effective September 16, 2015, and has been used to process all complaints and reports of sexual misconduct received beginning Fall semester 2015. The revised procedure shifts from a hearing-based model to an investigative model. Although the revised Procedure is in interim form, we anticipate only minor changes when it is finalized in non-interim form in summer 2016. In implementing the new investigative process, other improvements were made:
  - Implemented [Title IX Review Team initial assessments](#) of all reported incidents of sexual harassment or misconduct as well as VAWA incidents
  - Improved communications at all process phases, including determination notifications
  - Updated “rights and responsibilities” handouts and [web-based informational resources for students involved in Title IX investigations](#)
  - Allowed parties to use advisors of their choice, including attorneys, and to bring advisors to interviews and other meetings
  - Specified timelines for all significant phases of the process.

- An additional investigator position was created and filled in April 2016. This is the second full-time investigator position.

- Adoption of a [new, consolidated procedure for addressing reports of employee (faculty or staff) sexual misconduct, harassment, or discrimination](#), designed in accordance with OCR guidance. Developing and adopting this procedure required approval from the Faculty Assembly, the Board of Visitors, and other university-wide committees and officials.

- Retained expert assistance for the Provost (appeal officer for student misconduct cases) to assist in review and communication of appeals.

- Creation of a new full-time professional staff position: the Haven Director. [The Haven](#) is a student-centered resource, equipped to help survivors of sexual assault understand their options and obtain campus support. The Haven Director is a full-time administrator and a new core member of our collaborative Title IX staff. The Haven Director began work in February, 2016.

- Implementation of a new Title IX module of the Advocate (Simplicity) system for managing Title IX reports and investigations.

- Created new and made improvements to existing reporting mechanisms including:
  - Created a [third-party reporting form](#) for responsible employees to make mandated reports of Title IX incidents.
Improved the **anonymous report form** to permit filers to provide more information (while remaining anonymous).

**Outreach and Climate Actions.**

- A section of the new sexual violence website, **Statistics and Community**, is dedicated to sharing outreach and climate information as well as historical Title IX statistics (e.g. number of reports, non-individualized adjudication outcomes) for the campus.

- The Clery Act **Annual Security Report**, released to the campus community on September 28, 2015, contained improved and enhanced policy statements and other information relating to Title IX and VAWA crimes.

This data is for the latest two academic years (July 1-June 30): 2014-15 and 2015-16. 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. Data for previous academic years (2011-12, 2012-13, and 2013-14) are available online at http://www.wm.edu/offices/compliance/title_ix_coord/TitleIX_stats/index.php.

What does this data show? The data is about alleged incidents of sexual misconduct, which is defined in W&M’s Policy on Sexual Harassment and Misconduct, Dating and Domestic 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. The data for earlier academic years (available online) focuses on sexual misconduct reported to have involved a W&M student.

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, Dating and Domestic 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. Almost a quarter of all reports received in 2015-16 fell into this category).

- 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.
<table>
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<tr>
<th>2015-16</th>
<th>Sexual Harassment</th>
<th>Non-Consensual Sexual Contact</th>
<th>Non-Consensual Intercourse</th>
<th>Sexual Exploitation</th>
<th>Relationship Violence</th>
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<tr>
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<td>4</td>
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Footnotes to data:

1. **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.

2. **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.

3. **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).

4. **Note regarding permanent resignation**: W&M Policy permits students to resign, with no possibility of return, prior to investigation or adjudication. See Section VI(B) of the Interim Sexual Misconduct Procedure.

5. **Note regarding suspensions**: Suspensions are typically multi-semester and designed to allow the reporting party/victim to graduate prior to the student found responsible returning to campus.