

WILLIAM & MARY

Board of Visitors

Richard Bland College Committee

September 22, 2020 via Zoom

Victor K. Branch, Chair
Barbara L. Johnson, Vice Chair

RICHARD BLAND COLLEGE COMMITTEE

SEPTEMBER 22, 2020

9:00 – 11:00 A.M.

ELECTRONIC VIA ZOOM

VICTOR K. BRANCH, CHAIR
BARBARA L. JOHNSON, VICE CHAIR

- | | | |
|------|---|--------------------------------|
| I. | Introductory Remarks | Mr. Branch |
| II. | Approval of Minutes | |
| | A. May 12, 2020 | |
| | B. August 18, 2020 | |
| III. | General Reports | |
| | A. Report from President and Administration | Debbie L. Sydow |
| | i. Enrollment Report | Maria Dezenberg |
| | ii. Statesman Safe & Secure Plan | Jeff Brown |
| | iii. Budget Report – <i>enclosure</i> | Paul Edwards |
| | iv. Distance Education Initiative | Stacey Sokol |
| | B. Report from Faculty Representative - <i>enclosure</i> | Tiffany Birdsong |
| | C. Report from Student Representative - <i>enclosure</i> | Sarah Moncure |
| IV. | Action Materials | |
| | A. Resolution to Approve Sexual and Gender-Based Harassment and Interpersonal Violence Policy | Resolution <u> 1 </u> |
| | B. Resolution to Approve Revisions to the Discrimination, Harassment and Retaliation Policy | Resolution <u> 2 </u> |
| | C. Resolution to Approve the College Workforce Planning and Development Report | Resolution <u> 3 </u> |
| | D. Retirement of Irene M. Handy, Access & Technical Support Librarian | Resolution <u> 4 </u> |
| V. | Closed Session (if necessary) | |
| VI. | Discussion | |
| VII. | Adjourn | |

MINUTES
Richard Bland College Committee
May 12, 2020
Via Zoom stream

Committee members participating: Barbara L. Johnson, Chair; J.E. Lincoln Saunders, Vice Chair; Warren W. Buck III; Charles E. Poston; Lisa E. Roday; Brian P. Woolfolk; faculty representative Tiffany R. Birdsong and student representative Solomon Asare

Other Board members participating: Rector John E. Littel, Mari Carmen Aponte, Mirza Baig, S. Douglas Bunch, Sue H. Gerdelman, James A. Hixon, Anne Leigh Kerr, Karen Kennedy Schultz and H. Thomas Watkins III

RBC participants: President Debbie Sydow, Provost Maria Dezenberg, Celia Brockway, Jeffrey Brown, Paul Edwards, Mary Gurnick, Tyler Hart, Ken LaTessa, Stacey Sokol, College Counsel Ramona Taylor, and other RBC staff.

W&M participants: President Katherine Rowe, University Counsel Carrie Nee, Kent Erdahl, Michael Fox, Jeremy Martin, Amy Sebring, Jessica Walton, Sandra Wilms and other W&M staff.

Chair Barbara Johnson called the electronic meeting to order at 1:00 p.m. and welcomed members of the RBC Committee, faculty representative Tiffany Birdsong, student representative Solomon Asare, other Board members, Richard Bland staff members, W&M staff members and legal counselors Ramona Taylor and Carrie Nee.

Ms. Johnson expressed her thanks for arranging schedules to participate this morning and also offered greetings to all members of the public, noting that this electronic meeting is permitted by the approval on April 22, 2020, of an amendment to the Budget Bill that permits governing boards to meet by electronic communication means without a quorum of the Board or any member of the Board physically assembled at one location when the Governor has declared a state of emergency in accordance with § 44-146.17, provided that (i) the nature of the declared emergency makes it impracticable or unsafe for the public body or governing board to assemble in a single location; and (ii) the purpose of meeting is to discuss or transact the business statutorily required or necessary to continue operations of the public body. The Governor declared a state of emergency on March 12, 2020, and it is still both impracticable and unsafe to assemble a quorum in a single location for this meeting.

Following instructions regarding how the electronic meeting would be conducted, Ms. Johnson briefly offered opening remarks, noting that we continue to wait for guidance from the state and federal government. She expressed gratitude for the technology and the leadership of RBC, noting that RBC's mission and values are guiding campus leadership during these difficult times.

Recognizing that a quorum was present, Ms. Johnson asked for a motion to approve the minutes of the meeting of February 5, 2020, as amended (Resolution 18, Guidelines for Richard Bland College Public Comment Period on Tuition/Fee Increases was amended to correct the second sentence in the first bullet to bring the RBC Guidelines into alignment with the Guidelines for

William & Mary) and the electronic meeting of April 3, 2020. (Resolution 18 corrected bullet reads: *This workshop/public comment period will be held **during the 30-day window between the date that the public notice is given of the range of the tuition/mandatory fee increase and the Board's vote on tuition and fees.***) Motion was made by Mr. Saunders, seconded by Ms. Roday, and approved by roll call vote of the Committee conducted by Secretary to the Board Michael Fox.

In her opening remarks, President Sydow thanked the Rector and President Rowe for joining the meeting. The President noted there were no findings on noncompliance in the audit and expressed her appreciation for the successful working relationships with William & Mary. The President also commented on the COVID-19 management team and their guiding principles and priorities, noting that two subcommittees were working on fall contingency planning and continuity of operation, briefly reviewed the plans for the on-line Commencement ceremony on May 13, and then introduced the administrative reports.

Acting Director of Academics Mary Gurnick and Director of Student Success Celia Brockway reported on the work of the Fall Planning Committee. Director of Special Projects and Operations Jeff Brown reported on the work of developing strategies for the COVID-19 Re-opening and COOP Steering Committee. President Sydow advised that the Library is in the process of building an archive to chronicle this period under the leadership of head librarian Carly Baskerville.

President Sydow reported on the formation of the Strategic Enrollment Management Steering Committee, chaired by Chief Development Officer Tyler Hart. Mr. Hart commented on the long-term objectives of the committee and the five-year strategic enrollment management plan.

Co-chairs W&M Vice President for Finance & Technology Amy Sebring and Tyler Hart reported on the work of the Shared Services Work Group and provided an update on the process to date and key findings. A brief discussion ensued.

Program Manager for Strategic Initiatives Stacey Sokol reported on the Hybrid Work College Model, and introduced David Cullen, Principal with EAB, and Stephen Davenport, Administrative Manager in the VCU President's Office, who are the consultants on the project. Mr. Cullen and Mr. Davenport provided a brief review of the highlights and recommendations. A brief discussion regarding next steps ensued. Ms. Sokol reported on the RBC Online Education Program and its expansion to online programming, and a discussion ensued regarding the online program launch and process optimization.

Chief Business Officer Paul Edwards provided an update on the budget and commented on the audit, noting that all finance points were removed. He discussed budget assumptions, provided a summary of FY21 tuition and fees, operational efficiencies in planning and noted that a revised budget may need to be submitted in the fall. Discussion ensued.

Provost Maria Dezenberg reported on enrollment optimization and provided a brief update on dual enrollment and outreach efforts. She advised that the new marketing partnership with Carnegie

Dartlett has provided good results from the digital campaign and the College was cautiously optimistic about fall enrollment.

President Sydow expressed her appreciation for her team. Ms. Johnson acknowledged the tremendous progress on the audit issues and thanked Paul Edwards and Amy Sebring for their work.

After brief review of the action items, Ms. Johnson asked for a motion to approve as a block **Resolution 1**, Appointment to Fill Vacancy in the Professional Faculty; **Resolution 2**, Retirement of Dannie Hudson, Associate Professor of Mathematics; **Resolution 3**, Approval of 2020-2021 Operating Budget Proposal, and **Resolution 4**, Approval of 2020-2021 Tuition & Fees. Motion was made by Mr. Saunders, seconded by Ms. Roday and approved by roll call vote of the Committee conducted by Secretary to the Board Michael Fox.

Faculty representative Tiffany Birdsong noted that her written report was sent as a pre-read. She stated that she enjoyed her time working with the Board, and thanked Solomon for his work representing the students.

Student representative Solomon Asare introduced three graduating sophomores – Kwang Sub (Mike) Ahn, Hannah Hale, and Nicole Hu – who each discussed their RBC experience and future aspirations with the members of the Committee.

Following the students presentations, Mr. Asare commented on his experience at RBC, noting his plan to transfer to William & Mary to major in finance and minor in business analytics. He thanked the Board for their kindness during his service as the RBC student representative.

Ms. Johnson thanked Professor Birdsong, Mr. Asare and all the students for their presentations and wished all graduates well.

There being no further business, the Committee adjourned at 11:57 a.m.



WILLIAM & MARY

CHARTERED 1693

BOARD OF VISITORS
RBC COMMITTEE MINUTES
ELECTRONIC MEETING
AUGUST 18, 2020
9:30A.M.

BOARD MEMBERS PRESENT ELECTRONICALLY

Mr. Victor K. Branch, Chair
Ms. Barbara L. Johnson, Vice Chair
Ms. Cynthia E. Hudson
Hon. Charles E. Poston

Ms. Lisa E. Roday
Ms. Karen Shultz Kennedy
Mr. Brian P. Woolfolk

OTHERS PRESENT ELECTRONICALLY

Dr. Debbie L. Sydow, RBC President
Mr. John E. Littel, Rector
Members of the President's Council
Ms. Ramona Taylor, RBC College Counsel
Ms. Carrie Nee, University Counsel
Mr. Michael J. Fox, Secretary to the Board of Visitors
Ms. Jessica L. Walton, Deputy Secretary to the Board of Visitors
RBC and W&M students, faculty and staff, and members of the public via YouTube livestream

CALL TO ORDER

Mr. Victor Branch, Chair called the meeting to order at 9:31 a.m. The Chair welcomed all participants and members of the public watching on YouTube.

The meeting was held in accordance with Item 4-0.01.g of the 2020 Appropriation Act, which provides governing boards with the ability to hold meetings electronically without a quorum present while the Commonwealth is under a State of Emergency.

CHAIRMAN BRANCH'S REMARKS

Chairman Branch stated that these are unprecedented times. He stated that we are dealing with three crises at once: (1) a health crisis that overrides everything, (2) a harsh economic crisis, and (3) social unrest as a result of the George Floyd killing. These are perilous and tumultuous times, he said, and they call for and demand extraordinary leadership. Chairman Branch stated that he is comforted by the fact that we have President Debbie Sydow and her leadership team at the helm. Mr. Branch said that the RBC Committee stands with Dr. Sydow and her leadership team; "we've got your back. Today we are all statesman, wearing those colors proudly."

PRESIDENT SYDOW'S REMARKS

President Debbie L. Sydow thanked Chairman Branch and announced that the new academic year is beginning to get underway with faculty workshops occurring today and throughout the week. The first group of students are scheduled to move into residence halls tomorrow, August 20, in anticipation of classes resuming on Monday, August 24.

President Sydow shared that the College's reopening plan, entitled Statesman Safe & Secure, was painstakingly crafted by a group of professionals who brought the utmost conscientiousness, care and integrity to the process. Jeff Brown who has extensive experience in emergency management led the development of RBC's reopening plan, which the Committee received as a written report. The full plan is also available on the RBC website.

President Sydow announced formation of the Racial Justice & Equity Task Force to address the racial justice and equity crisis that emerged in the midst of the pandemic. Work is now underway to actively identify, confront and alleviate racism and discrimination on campus.

She gave a special commendation to academic leaders Mary Gurnick, Eric Earnhardt, Tiffany Birdsong, Shawn Holt and Provost Dezenberg for their tireless work to design and construct a plan for resuming classes that balances the distinctive academic needs of students with protection for everyone's health and safety.

President Sydow stated that under the leadership of Celia Brockway as Director of Student Success, RBC's newly titled GPS program has evolved into a robust companion to the academic enterprise, aligning student support efforts with academic delivery in a way that makes the RBC student experience truly distinct.

She stated that Eric Kondzielawa and his team have gone above and beyond what is required by VDH and CDC to ensure that the campus is de-densified, has ample PPE, and meets all sanitization standards.

President Sydow stated that IT Services and Communications teams have played an extremely important support role to every unit throughout the spring semester and during the fall planning cycle. The administrative team has consistently monitored enrollment and finances in the face of volatile, uncertain, complex and ambiguous conditions. While striving to optimize enrollment and revenue, RBC is forward-focused. Chief Development Officer Tyler Hart will speak to plans for tapping new enrollment markets and crafting a strategic enrollment management plan that will sustain the College well into the future.

She stated that risk management has been top of mind as we've maneuvered through myriad challenges over the past five months. Ramona Taylor's contributions as Legal Counsel have been essential to our success in developing and executing the RBC Safe & Secure plan.

COVID-19 Planning – RBC Statesman Safe & Secure Re-opening Plan

Ramona Taylor, College Counsel reported to the board on COVID-19 and liability situations within an educational framework. She stated that RBC has had guidance from CDC, VDH and the Department of Labor, there are plans and protections in place, and there are co-sections and acts that were pushed forward from Human Health and Services on Preparedness for when RBC deals with pandemics. Richard Bland specifically has focused on and considered campus access, health care support system and curriculum delivery.

Ms. Taylor further stated that RBC has applied the guidance and the laws to strategically map out

their reopening plan. Warnings have been posted across the campus to serve as notices that COVID is a risk, safety procedures that include the Face Mask Policy have been developed, quarantine zones have been set up, relationships with health service providers in the community have been developed, curriculum delivery has been modified, PPE has been delivered, the sufficiency of precaution has been explored, and the reopening plan has been approved by SCHEV.

Ms. Taylor explained that institutions like RBC that have followed standards of care, taken the reasonable and necessary steps to provide safeguards, and posted notices of the risks are in a good place regarding case law. RBC as a campus and a community has always promoted and focused on the health and safety. Precautions are necessary because we serve a community and we seek to protect our community. RBC is operating under the Reasonable Improvement Standard to evaluate duty of care.

Ms. Taylor further stated that the College's first line of defense are its people, proximity and preparedness. The RBC faculty, staff and students will sign the Statesman Strong Pledge to further safeguard campus and community. RBC's proximity as a rural campus serves the College well and places RBC in a good position to isolate and protect its community from COVID. The planning that has occurred and the policies, equipment and devices that are in place have prepared Richard Bland well, and the College is in a good place.

Mr. Jeff Brown provided highlights from the Statesman Safe & Secure Reopening Plan, which was certified by the State Council of Higher Education (SCHEV) on July 27, 2020.

Dr. Mary Gurnick, provided updates on COVID-driven changes to the academic calendar, course delivery, academic spaces and virtual tutoring and office hours. Ms. Celia Brockway, provided updates on student services during the pandemic. Mr. Eric Kondzielawa provided updates on safety modifications to facilities and residence life. Mr. Jon Garmon described the utilization of information technology to accommodate modified delivery of academic and administrative operations, and Ms. Robin Deutsch provided updates on emergency communications. Dr. Maria Dezenberg reviewed fall enrollment, and Mr. Paul Edwards provided the FY21 budget report. Dr. Tyler Hart provided an update on the progress to date of the Strategic Enrollment Management Steering Committee, and Drs. Evanda Watts-Martinez and Thomas Addington provided an update on the work of the Racial Justice & Equity Task Force.

DISCUSSIONS

A discussion ensued between RBC Administrators and the Committee, led by Chairman Branch.

Rector Littel asked to hear from RBC Student, Sarah Moncure who reported that she is looking forward to the start of the semester.

CLOSING REMARKS

Chairman Branch welcomed new board member Cynthia Hudson and thanked President Sydow and the RBC administration for their outstanding presentation to the board.

President Sydow expressed the appreciation of the entire RBC team to the board for their continued support and encouragement.

ADJOURNMENT

There being no further business, Chairman Branch adjourned the meeting at 11:01 a.m.

September 22, 2020

Page 1 of 1**DRAFT****Richard Bland College
Amended FY21 Operating Budget Summary**

As of: August 31, 2020

	FY21 Approved Budget	FY21 Amended Budget	FY21 Actuals	Percent of Amended Budget
Operating Revenue				
State General Fund*	9,878,294	9,878,294	2,718,372	27.52%
Tuition and E&G Fees	3,425,575	3,335,558	1,820,463	54.58%
Auxiliary Revenue**	4,217,198	3,103,912	1,523,580	49.09%
Other Revenue	603,150	603,150	16,600	2.75%
Total Revenue	18,124,217	16,920,914	6,079,016	35.93%

	FY21 Approved Budget	FY21 Amended Budget	FY21 Actuals	Percent of Amended Budget
Operating Expenditures				
Personnel				
Instruction	3,662,956	3,662,956	782,648	21.37%
Academic Support	202,176	202,176	52,665	26.05%
Student Services	1,600,445	1,736,888	303,459	17.47%
Institutional Support***	3,838,049	3,337,545	760,820	22.80%
Plant Operations	1,097,531	1,097,531	207,024	18.86%
Auxiliary Services	571,918	558,019	72,502	12.99%
Athletics	486,895	459,552	94,176	20.49%
Total, Personnel	11,459,970	11,054,667	2,273,294	20.56%
Total, Non-Personnel Services****	5,911,983	5,113,983	1,331,820	26.04%
Financial Aid	752,264	752,264	2,845	0.38%
Total Expenditures	18,124,217	16,920,914	3,607,958	21.32%

*FY21 Amended budget (final budget pending General Assembly approval of revised appropriations bill).

**Revenue reduction due to fewer enrolled credit hours, resulting in reduced housing revenue and dining revenue, as well as increased online course delivery, resulting in reduced comprehensive fees.

***Expense reduction primarily in salary savings, both planned staffing reduction and attrition.

****Expense reduction due to hiatus of athletics, as well reduced dining costs.

September 22, 2020

Page 1 of 2

Richard Bland College
of WILLIAM & MARY

REPORT OF THE RBC FACULTY REPRESENTATIVE
September 2020

Dr. Tiffany Birdsong

W&M Board of Visitors, RBC Faculty Representative

A glimpse into the classroom: RBC Fall '20

"In the middle of difficulty lies opportunity." – Albert Einstein

The COVID-19 pandemic has posed challenges that have changed the landscape of higher education for the fall 2020 semester and beyond. Utilizing the unprecedented times we have found ourselves in as an opportunity for positive change, the faculty at RBC have spent the last several months expanding their pedagogy to include innovative ways of reaching students. This semester marks the most diverse course offerings across a variety of teaching modes, including blended, hybrid, online, and traditional in-seat classes adjusted to meet CDC recommendations. Faculty have welcomed not only the opportunity to have flexibility in their modes of teaching but also to utilize technology in new ways to engage students and stimulate learning. Below are a few examples of how faculty across our three Academic Departments are enhancing the student academic experience in an effort to increase student success.

Language and Humanities

The Power of podcasts

Like most college campuses, many of our students can be found walking across campus listening to music on their headphones. Dr. Alice Henton has decided to seize this as an opportunity to connect with students in a creative way by delivering certain lectures in podcast form. This format makes lecture content more portable, and thus able to fit into student schedules more easily. Since podcasts use less bandwidth than videos, she has also been considerate of the internet access issues that some students can face. Dr. Henton is also engaging her students in the podcast creation process. For the final project in her Rhetoric and Research II class, students are asked to turn their research papers into podcasts. This assignment is a multimodality exercise, as students have to think about how to alter the original medium to fit the message, as some things work better in podcasts than papers, and vice versa.

September 22, 2020

Page 2 of 2

"I love this assignment because students are often much better at making podcasts than I am: they not only create content but also incorporate music and sound effects, set up fascinating narrative structures, and just generally go all out." - Alice Henton, Ph.D.

Natural Science and Mathematics

Polling to increase participation

Poll Everywhere is an online program that allows faculty to ask their students questions in real-time as a lecture is occurring. Whether students are in a physical or virtual classroom, they are able to answer questions using their mobile phones, Twitter, or web browsers. Both the question and the students' responses are displayed live in the classroom for all students to view. This offers the opportunity for students to participate in a way that they may never have before, while also allowing faculty the chance to gather information from students about a topic or question being presented. During August's Faculty Development week, which was geared toward utilizing technology to enhance new teaching modes, Dr. Rohrbach trained the faculty on how to incorporate Poll Everywhere into their classes.

"I like how Poll Everywhere helps me create an engaging, virtual learning community. While leading virtual classes, Poll Everywhere has been a great tool for me to receive real-time feedback from all my students." - Dr. Timothy Rohrbach

Social and Behavioral Sciences

New teaching modes for increased flexibility

Many classes are being offered in a blended format in which half of a class attends in person and half livestream on alternating days, or an online synchronous format in which all students are logging in via Zoom conferencing at the established day and time of class. This allows for safe, socially distanced learning while also preserving the integrity of a real-time college classroom experience. Faculty and students alike have reported that they appreciate the flexibility that blended and online synchronous courses offer. Dr. Adam Zucconi, 2019 recipient of the Faculty Excellence Award, has embraced the online synchronous modality by coming to campus each day to present his lectures live from a designated, and sanitized, classroom.

"The online synchronous modality helps increase digital engagement in the classroom while encouraging faculty to rethink assignments and pedagogical techniques. Students have enjoyed the ability to be safe while still participating in class with their peers." - Adam Zucconi, PhD



Richard Bland College
of WILLIAM & MARY

REPORT OF THE RBC STUDENT REPRESENTATIVE
September 2020

Sarah Moncure

W&M Board of Visitors, RBC Student Representative

Settling into the New Normal

From their socially distanced dorms and classrooms, or their respective homes and zoom rooms, students are tasked with settling into new academic routines for the fall semester. Given the circumstances regarding Covid-19, the question of how to keep students engaged and united inside, as well as outside, of academics is posed. After a summer of lockdown, students are excited and ready to responsibly rejoin campus life. There are a multitude of regulations and guidelines to be implemented, detailed in the *Statesman Safe and Secure* plan. Students have shown immense resilience and creativity as they keep school spirit and participation alive. Welcome Weekend began with a series of favorite events, including Playfair, meet-and-greets and an introduction to RBC activities, but all with new twists. They were all held via Zoom. Together, faculty, staff and students innovatively worked to achieve a new normal that retains the essence of academic and extracurricular engagement from prior years. Residence Life hosted an outdoor tie-dyeing mask event with regulated social distancing. The event was a fun way to normalize mask-wearing and social distancing on campus, and it was very popular. Second-year student Kathleen Wheeler attended and had a blast. "I was anxious but very eager to come back to RBC," Wheeler says. "The campus offers an environment that is made for students, which is something my house couldn't offer. I was happy to see firsthand that while the College is doing everything recommended for safety and health, students can still have fun and meet people."

Approaching Academics

This semester students have a considerable amount of flexibility regarding how distanced their learning is. The options for class include hybrid, entirely online, or in person, all of which have taken some adjustment but allow students to find their comfort level. Many students have begun to study outdoors, together but distanced, each student remaining on their own picnic blanket. This year peer tutoring will begin via ZOOM. Online tutoring meetings and academic support programs enable students to reach out to one another, improving communication

September 22, 2020

Page 2 of 2

skills. Students are utilizing social media applications, fliers, and other creative ways to spread the word. “The first week was hard but you really just adapt to it,” says first-year student Madison Rich. “The faculty have been amazing and very understanding. If you don’t understand something that is new online, they are willing to help at any time.”

Getting creative with extracurriculars

A priority for the Residence Life staff is to make students not only safe but also engaged with outside-the-classroom programming. Resident Assistants have been working with students to create creative new programs that comply with required school and legal regulations. These events have been held via Zoom and range from cooking competitions from each respective residential dorm room to “tea and topics,” game nights, and Netflix watching parties to name just a few. The Musical Statesmen, a popular club on campus, has transitioned to virtual meetings but it hasn’t deterred their enthusiasm. “Meeting virtually has been a challenge for a singing group, but we are resilient,” says club president Cat Thompson. “For performances we are hoping to layer videos, and fingers crossed, it will be fantastic!” Not only are preexisting programs adapting, but new ones are forming as well. Noah Muskett, a second-year Statesman, is in the process of creating a new student-led support program to assist students struggling with anxiety, academics, or day-to-day stress during this time. The program, originally meant to be face-to-face, is being offered virtually.

Returning Athletes

Despite the news that RBC would not be fielding NJCAA intercollegiate teams this year, student-athletes who returned to RBC are finding ways to stay active and safe. Many have taken it upon themselves to continue training and exercise. Juan Pablo Camacho, a second-year Promise Scholar and soccer team member, says, “as far as staying physically active, I brought my own mat and soccer equipment. I train both in my room and on the soccer field and see other athletes doing the same.”



Richard Bland College
of WILLIAM & MARY

RESOLUTION TO APPROVE THE SEXUAL AND GENDER-BASED HARASSMENT AND INTERPERSONAL VIOLENCE POLICY

WHEREAS, at its November 20, 2015 meeting, the Board of Visitors (“Board”) approved *Resolution 1, Adoption of Changes to Richard Bland College Policy Manual*, and charged the President of Richard Bland College with the responsibility to recommend to the Board revisions that should warrant Board review and approval; and

WHEREAS, pursuant to Chapter 737 of the 2015 Acts of Assembly of the Commonwealth of Virginia, each public institution of higher education shall certify to the State Council of Higher Education for Virginia (SCHEV) that it has reviewed its sexual violence policy and updated as appropriate; and

WHEREAS, following a thorough review, Richard Bland College’s Title IX policy, titled “Sexual and Gender-Based Harassment and Interpersonal Violence” (“Policy”) has been established within the context of all applicable federal and state laws, regulations, and guidance, as required for the SCHEV Institutional Compliance Certification;

THEREFORE, BE IT RESOLVED, that upon the recommendation of the President, the Board of Visitors approves and adopts the Richard Bland College Sexual and Gender-Based Harassment and Interpersonal Violence Policy.

Policy Number: 1091

Policy Name:

Responsibility for Maintenance: Title IX Coordinator

A. Policy Statement

Richard Bland College (RBC or College) is committed to providing an environment that emphasizes the dignity and worth of every member of its community and that is free from harassment and discrimination based on race, sex, color, national origin, religion, age, veteran status, sexual orientation, gender identity, pregnancy, genetic information, against otherwise qualified persons with disabilities, or based on any other status protected by law. Such an environment is necessary to a healthy learning, working, and living atmosphere because discrimination and harassment undermine human dignity and the positive connection among everyone on campus. RBC does not discriminate on the basis of sex in education programs and activities, as required by Title IX.

Our community of trust requires that its members treat one another with respect, dignity, and fairness. This policy is designed to ensure a safe environment for the members of the Richard Bland College community. In pursuit of this goal, this policy prohibits specific forms of behavior that violate Title IX of the Education Amendments of 1972 (“Title IX”); Title VII of the Civil Rights Act of 1964 (“Title VII”); and/or the Virginia Human Rights Act. Such behavior also requires the University to fulfill certain obligations under the Violence Against Women Reauthorization Act of 2013 (“VAWA”) and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”).

This policy also addresses complaints or reports of retaliation against those who have opposed practices prohibited by this policy, those who have filed complaints or reports under this policy, and those who have testified or otherwise participated in enforcement of this policy.

B. Reason for Policy

This policy helps RBC comply with federal and state laws, including the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex (including sexual violence) in education programs or activities. It also helps RBC comply with the Civil Rights Act of 1964, which prohibits discrimination based on race, color, religion, sex, or national origin and with the Violence Against Women Reauthorization Act of 2013 (VAWA), which amended the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (The Clery Act) and requires institutions to prohibit dating violence, domestic violence, sexual assault, and stalking. RBC also is committed to complying with the Uniformed Services Employment and Reemployment Rights Act (USERRA) and the Higher Education Opportunity ACT (HEOA) relating to military and veterans issues.

C. Applicability of the Policy

This policy applies to **on-campus** conduct involving students, employees, faculty and staff, visitors to campus (including, but not limited to, students participating in camp programs, non-degree seeking students, exchange students, and other students taking courses or participating in programs at Richard Bland College), and contractors working on campus who are not Richard Bland College employees, and to students, visiting students, employees, faculty, and staff participating in Richard Bland College-sponsored activities within the United States. This policy is applicable to any conduct that occurs off campus that has

continuing effects that create a hostile environment on campus. This policy also is applicable regarding the College's various technological resources.

This Policy was established by College Counsel on August 14, 2020. This policy supersedes any and all previously adopted policies or procedures for Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence, except those that fall within the purview of the College's Policy on Discrimination, Harassment and Retaliation. Allegations of either on-campus or off-campus violations of this policy should be reported to the Title IX Coordinator's office as stated herein. Allegations of sexual and gender-based harassment occurrences through the use of campus or personal technology also should be reported to the Title IX Coordinator's office.

Should an allegation of conduct not constitute "sexual harassment," does not occur within an "educational program or activity," or does not occur in the United States, the College *must* dismiss the complaint for purposes of Title IX. However, the College is permitted to address such allegations through its code of conduct or other disciplinary code or policy.

D. Definitions

- 1. Discrimination:** Inequitable and unlawful treatment based on an individual's protected characteristics or statuses -- race, sex, color, national origin, religion, age, veteran status, sexual orientation, gender identity, pregnancy, genetic information, disability, or any other status protected by law -- that excludes an individual from participation in, denies the individual the benefits of, treats the individual differently or otherwise adversely affects a term or condition of an individual's employment, education, living environment, or participation in an educational program or activity. This includes failing to provide reasonable accommodation, consistent with state and federal law, to persons with disabilities.
- 2. Harassment:** A form of discrimination in which unwelcome verbal, written, or physical conduct is directed toward an individual on the basis of his or her protected characteristics or statuses, by any member of the campus community. Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents.
- 3. Prohibited Conduct:** Any form of discrimination, harassment, sexual misconduct, or retaliation mentioned in this policy is Prohibited Conduct and is strictly forbidden and subject to investigation and sanctions. Students who violate this policy may receive sanctions up to and including permanent removal from the residence halls and expulsion from Richard Bland College. Employees who violate this policy may receive sanctions up to and including employment termination.
- 4. Complainant:** The individual, who is the alleged to the victim or survivor of conduct that could constitute sexual harassment.
- 5. Respondent:** The individual, who has been reported to be the perpetrator of conduct that could constitute sexual harassment.
- 6. Sexual Harassment:** Under Title IX, there are three types of conduct which constitute sexual harassment. The types are:
 1. Quid pro quo harassment (by an employee);

2. Unwelcomed conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the institution's education program or activity; and
3. Sexual assault, dating violence, domestic violence, or stalking.

For these types of conduct to constitute Title IX sexual harassment, they must occur within an institution's education program or activity against a person in the United States.

7. **Education program or activity:** Any academic, extracurricular, research, occupational training, or other education program or activity operated by the College. Educational program or activity also includes locations, events, or circumstances over which the College exercised substantial control as to both the respondent and the context in which the sexual harassment occurred.
8. **Supportive Measures:** Individualized services reasonably available that are nonpunitive, non-disciplinary, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter sexual harassment.
9. **Formal Complaint:** any document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the school investigate the allegation of sexual harassment.
10. **Quid pro quo:** This type of sexual harassment occurs when the terms or conditions of employment, educational benefits, academic grades or opportunities, living environment, or participation in a Richard Bland College activity are conditioned upon, either explicitly or implicitly, submission to or rejection of unwelcome sexual advances or requests for sexual favors, or such submission or rejection is a factor in decisions affecting that individual's employment, education, living environment, or participation in a Richard Bland College program or activity.
11. **Hostile environment:** A hostile environment may be created by unwelcomed oral, written, graphic, or physical conduct that is sufficiently severe, pervasive and objectively offensive that effectively denies a person to participate in or benefit from educational programs, services, activities and opportunities or the individual's employment access, benefits, or opportunities. Mere subjective offensiveness is not enough to create a hostile environment. In determining whether conduct creates a hostile environment, the following factors will be considered:
 - a. The degree to which the conduct affected one or more individuals' education or employment,
 - b. The nature, scope, frequency, duration, and location of the incident(s),
 - c. The identity, number, and relationships of persons involved,
 - d. The perspective of a "reasonable person" in the same situation as the person subjected to the conduct, and
 - e. The nature of higher education.
12. **Sexual misconduct:** includes sexual assault, sexual exploitation, dating violence, domestic violence, and stalking.
 - a. **Sexual Assault** is intentionally engaging or attempting to engage in nonconsensual bodily contact of a sexual nature. It includes sexual contact or sexual intercourse or penetration

achieved by the use of physical force, threats, intimidating behavior, or coercion or when an individual is incapacitated or otherwise incapable of providing consent. Sexual Assault is:

- i. ***Non-Consensual Sexual Contact*** is any intentional or attempted touching of a sexual nature. Non-consensual sexual contact includes, but is not limited to: any intentional or attempted touching of a person's genitalia, groin, breast, or buttocks, or the clothing covering any of these areas without consent; any intentional or attempted touching of another with any of these body parts without consent; making another person touch you or themselves with or on any of these body parts without consent; or any intentional or attempted bodily contact of a sexual nature, though not involving contact with/of/by a person's genitalia, groin, breast, or buttocks without consent.
 - ii. ***Non-Consensual Sexual Intercourse or Penetration*** is any penetration (anal, oral, or vagina) or attempted penetration (anal, oral, or vaginal), however slight, with any object (finger, tongue, penis, inanimate object, etc.) without consent or forcing someone to penetrate himself or herself with any object, however slight, without consent.
- b. **Sexual exploitation** occurs when a person takes non-consensual or abusive sexual advantage of another for anyone's advantage or benefit other than the person being exploited, and that behavior does not meet the definition of sexual assault. Sexual exploitation includes prostituting another person, non-consensual visual or audio recording of sexual activity, non-consensual distribution of photos or other images of an individual's sexual activity or intimate body parts, non-consensual voyeurism, knowingly transmitting HIV or an STD to another, or exposing one's genitals to another in non-consensual circumstances.
- c. **Dating violence** is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. A social relationship of a romantic or intimate nature means a relationship which is characterized by the expectation of affection or sexual involvement between the parties. The existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence can be a single event or a pattern of behavior that includes, but is not limited to, sexual or physical abuse. Dating violence does not include acts covered under the definition of domestic violence.
- d. **Domestic violence** is a felony or misdemeanor crime of violence committed:
 - i. by a current or former spouse or intimate partner of the victim;
 - ii. by a person with whom the victim shares a child in common;
 - iii. by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
 - iv. by a person similarly situated to a spouse of the victim under the laws of the Commonwealth of Virginia; or

v. by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family laws of the Commonwealth of Virginia. Domestic violence can be a single event or a pattern of behavior that includes, but is not limited to, sexual or physical abuse.

- e. **Stalking** is engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
- i. fear for his or her safety or the safety of others; or
 - ii. suffer substantial emotional distress, meaning significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

A "course of conduct" means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveys, threatens, or communicates to or about, a person, or interferes with a person's property.

13. Sexual Violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent including the criminal acts of rape, sexual assault, sexual battery, sexual abuse, and sexual coercion as found under Virginia Law (Virginia Code Article 7 of Chapter 4 of Title 18.2).

14. Consent is given by voluntary words or actions that communicate a willingness to engage in a specific sexual activity. The existence of consent will be inferred from all of the facts and circumstances. Consent may be withdrawn at any time. Silence, in and of itself, is not consent. Lack of protest or resistance is not consent. Consent to one form of sexual activity does not imply consent to other forms of sexual activity. A previous or current relationship does not imply consent to sexual activity. Past consent does not imply future consent. Consent cannot be obtained by the use of force, which includes physical violence, threats, intimidating behavior, and/or coercion.

- a. **Physical Violence** means that a person is exerting control over another person through the use of physical force. Examples of physical violence include, but are not limited to, hitting, punching, slapping, kicking, restraining, choking, strangling, and brandishing or using any object as a weapon.
- b. **Threats** are words or actions that would compel a reasonable person to engage in unwanted sexual activity. Examples include, but are not limited to, threats to harm a person physically, to reveal private information to harm a person's reputation, or to cause a person academic or economic harm.
- c. **Intimidation** is an implied threat that menaces or causes reasonable fear in another person. A person's size, alone, does not constitute intimidation; however, a person can use their size or physical power in a manner that constitutes intimidation (e.g., by blocking access to an exit.)
- d. **Coercion** is the use of an unreasonable amount of pressure to gain sexual access. Coercion is more than an effort to persuade, entice, or attract another person to engage

in sexual activity. When a person makes clear that they do not want to participate in a particular form of sexual contact or sexual intercourse, that they want to stop, or that they do not want to go beyond a certain sexual activity, continued pressure can be coercive. In evaluating whether coercion was used, the frequency of the application of pressure, the intensity of the pressure, the degree of isolation of the person being pressured, and the duration of the pressure are all relevant factors.

Consent can never be obtained from someone who is incapacitated, either voluntarily or involuntarily, or through the acts of others. Consent cannot be given by the following individuals:

- Individuals who are asleep or unconscious;
- Individuals who are incapacitated due to the influence of drugs, alcohol, medication, or other substances;
- Individuals who are unable to consent due to a mental or physical condition; and
- Individuals who are minors.

If an individual knows or reasonably should know someone is incapable of giving consent, it is a violation of this policy to engage in sexual activity with that person.

- 15. Incapacitation:** An incapacitated person is incapable of giving consent. Incapacitation means that a person lacks the ability to make informed, reasonable judgments about whether or not to engage in sexual activity. An incapacitated person lacks the ability to understand the who, what, when, where, why, and/or how of the sexual interaction. A person is not necessarily incapacitated merely as a result of consuming alcohol, drugs, medications, and/or other substances. The impact of alcohol, drugs, medications, or other substances varies from person to person.
- 16. Alcohol, Medications, and Other Drugs:** The use of alcohol, medications, and other drugs by the Responding Party is not an excuse for being unable to assess if the Reporting Party gave consent.
- 17. Complicity** is any act taken with the purpose of aiding, facilitating, promoting, or encouraging the commission of a violation of this policy by another person. Complicity is prohibited by this policy.
- 18. Retaliation** is intimidation, threats, harassment, and other adverse action taken or threatened against (1) any Reporting Party or person reporting or filing a complaint alleging Prohibited Conduct or (2) any person cooperating in the investigation of an allegation of Prohibited Conduct including testifying, assisting, or participating in any manner in an investigation pursuant to this policy. Action is generally deemed adverse if it would deter a reasonable person in the same circumstances from opposing practices prohibited by this policy. Retaliation may result in disciplinary or other action independent of the sanctions or Supportive Measures imposed in response to the underlying allegations of Prohibited Conduct.

E. Role of the Title IX Coordinator

The Title IX Coordinator (Coordinator) oversees the assessment of allegations of sexual and gender-based discrimination and interpersonal violence as well as the investigation and resolutions of all reports and complaints made by all students, employees, and visitors to the campus of the alleged Prohibited Conduct in accordance with this policy. The Coordinator may delegate certain investigative responsibilities while maintaining oversight of the investigation.

The Coordinator does not serve as an advocate for either the Reporting Party or the Responding Party.

The Coordinator is charged with

- Coordinating RBC's compliance with federal civil rights laws.
- Explaining to all identified parties the procedures for the investigation including required confidentiality.
- Providing all identified parties with information about obtaining medical and counseling services.
- Providing information regarding making a criminal report.
- Providing information related to receiving advocacy services off-campus, and guidance on other RBC and community resources.
- Offering to coordinate with other RBC leadership, when appropriate, to implement Supportive Measures.
- Explaining to all involved parties the process of a prompt, adequate, reliable, and impartial investigation, including the opportunity for both Reporting Party and the Responding Party to identify witnesses and provide other evidence.
- Explaining to all identified parties the right to have a personal advisor present and to review and respond to the allegations and evidence.
- Explaining to the parties and witnesses that retaliation for reporting alleged Prohibited Conduct, or participating in an investigation of an alleged violation, is strictly prohibited and that any retaliation should be reported immediately and will be promptly addressed.
- Conducting annual training to students and RBC employees.

Allegations of Prohibited Conduct against the Coordinator should be made to the RBC Provost or President.

F. Expectations

Under this policy, all parties can expect:

1. Written notice of an investigation, including the potential policy violation and nature of the allegation;
2. An academic record hold and academic transcript notation for alleged violations of this policy during the investigation when the Responding Party is a student. An academic transcript notation will remain if the sanction at the conclusion of the investigation is suspension or dismissal;
3. The opportunity to offer information, present evidence, and/or identify witnesses relevant to the allegation;
4. Reasonable notice of any meeting where the party's presence is requested;

5. The opportunity to have an advisor of choice for matters involving Sexual Misconduct, including the right to have that advisor attend any meetings where the party's presence is requested;
6. Timely and equal access to any information that will be used during the investigation and related meetings;
7. A reasonable length of time to prepare any response;
8. Prompt and equitable resolution;
9. Written notice of any extension of time for good cause;
10. Privacy to every extent possible in accordance with this policy and legal requirements;
11. The opportunity to challenge a member of the Coordinator's Office for actual bias or conflict of interest;
12. Written notice of the outcome, imposition of any sanction(s) and the rationale for each, appeal procedures, changes to the finding and/or sanction(s), if any, after an appeal, and when the outcome and sanctions become final;
13. Reasonably available Supportive Measures;
14. Limited amnesty as stated in Section O;
15. No tolerance for false information as stated in Section P; and
16. Protection against retaliation, harassment, or intimidation.

Under this Policy, the complainant's prior sexual behavior will be considered irrelevant and any similar evidence will be inadmissible unless offered to prove that someone other than the respondent committed the alleged misconduct or offered to prove to consent.

G. Privacy and Confidentiality

RBC is committed to protecting the privacy of any individual involved in the investigation and resolution of a report or complaint under this policy. With respect to any report or complaint under this policy, RBC will make reasonable efforts to protect the privacy of participants while balancing the need to gather information to assess the matter, take steps to eliminate the reported conduct, prevent its recurrence, and address its effects.

Privacy and confidentiality have distinct meanings under this policy.

Privacy: Privacy means that information related to a report or complaint will be shared with a limited circle of RBC employees identified as needing to know in order to assist the assessment, investigation, and resolution of the matter. While not subject to a legal obligation of confidentiality, these individuals will respect the privacy of all individuals involved in the process and will not share information except as necessary to effectuate this policy or as required by law.

The privacy of student education records will be protected in accordance with RBC's policy for compliance with the Family Educational Rights and Privacy Act (FERPA). The privacy of an individual's medical and related records generally is protected by various federal and state laws depending upon the situation. Access to an employee's personnel records in Virginia may be restricted in accordance with the Virginia Freedom of Information Act, and, where applicable, Department of Human Resources Management (DHRM) Policy 6.05.

Confidentiality: Confidentiality exists in the context of laws that protect certain relationships, including licensed health-care professionals and employees providing administrative support for such licensed health-care professionals, mental health providers, counselors, and ordained clergy, all of whom may engage in confidential communications under Virginia law. These individuals cannot violate their obligation of confidentiality unless (i) given written consent to do so by the person who disclosed the information; (ii) there is a concern of serious physical harm to self or others; (iii) the conduct involves suspected abuse or neglect of a minor under the age of 18; or (iv) as otherwise required or permitted by law or court order.

Confidential Resources: The RBC's Office of Counseling Services and the community resources listed in Section H are Confidential Resources. Confidential Resources will not disclose information about a report of a possible violation of this policy to RBC (including the Coordinator's Office or Campus Police) without the Reporting Party's permission (subject to the exceptions listed above under Confidentiality).

Clery Act Reporting: Pursuant to the Clery Act, RBC includes statistics about certain offenses in its annual security report and provides those statistics to the United States Department of Education in a manner that does not include any personally identifying information about the individuals involved in the incident. The Clery Act also requires RBC to issue timely warnings to the RBC community about certain crimes that have been reported and may continue to pose a serious or continuing threat to the campus. Consistent with the Clery Act, RBC will ensure, to every extent possible, that personally identifying information of Reporting Parties is not included in timely warnings.

H. Confidential Resources and Procedures for Anyone Who Has Experienced Sexual Misconduct

In a supportive manner, RBC will assist anyone who has been a victim of Sexual Misconduct by implementing the procedures set out herein. Due to the potential seriousness and sensitivity of the investigations involved, it is important to undertake these investigations properly. Preserving the evidence is often a key step of successful investigation of alleged Sexual Misconduct.

1. **Recommended Steps:** For anyone who has experienced Sexual Misconduct, the following steps are recommended.
 - a. Go to a safe place.
 - b. **Off-Campus Confidential Resources (Medical Assistance):** For your safety and confidential care, report promptly to one or more of the following Confidential Resources:

<p><u>Southside Regional Medical Center</u></p>	<ul style="list-style-type: none"> • 200 Medical Park Blvd. Petersburg, VA 23805 • (804) 756-5000 • Physical evidence may be usable if proper procedures are followed for evidence collection within 72 hours of the assault. <p>http://www.srmconline.com/SouthsideRegional-MedicalCenter/home.aspx</p>
<p><u>Nearest Medical Facility or Emergency Room</u></p>	<p>http://www.rbc.edu/wpcontent/uploads/2016/03/Counseling-Community-Agency-ReferralGuide-March142016.pdf</p>

c. **Confidential Resources (Support and Counseling):** For professional and confidential counseling support, the following on-campus and off-campus Confidential Resources can be contacted.

i. On-Campus Confidential Resource:

<p><u>RBC Office of Counseling Services</u></p>	<ul style="list-style-type: none"> • (804) 862-6263 • Library 2nd Floor, Room 208 <p>https://www.rbc.edu/academics/student-support-team/counseling-services/</p>
---	--

ii. Off-Campus Confidential Resources:

<p><u>District 19 Community Services Board</u></p>	<ul style="list-style-type: none"> • (804) 862-8000 • Toll-Free: (866) 365-2130 <p>http://www.d19csb.com/</p>
<p><u>The James House: Intervention/Prevention</u></p>	<ul style="list-style-type: none"> • (804) 458-2704 • 24-Hour Hotline: (804) 458-2840 <p>https://thejameshouse.org/contact/</p>
<p><u>Virginia Family Violence and Sexual Assault Hotline</u></p>	<ul style="list-style-type: none"> • 24-Hour Toll-Free number: (800) 838-8238 <p>https://vanetwork.org/contact/</p>

<p><u>Employee Assistant Program (EAP)</u></p>	<ul style="list-style-type: none"> • Counseling provided by all health plans offered to Commonwealth of Virginia employees and their dependents • COVA CARE and HDHP: 1-855-223-9277 • COVA HealthAware: 1-855-414-1901 https://www.dhrm.virginia.gov/employeebenefits/employee-assistance
--	--

- d. Contact a trusted friend or family member.

- e. **Preservation of Evidence:** It is your right to have evidence collected and retained anonymously by law enforcement while you consider whether to pursue criminal charges. Pending a decision to report, it is strongly encouraged that you take immediate steps to preserve all evidence that might support a future report. Evidence preservation is enhanced in the following ways:
 - i. Do not wash your hands, bathe, or douche. Do not urinate, if possible.
 - ii. Do not eat, blow your nose, drink liquids, smoke, or brush your teeth if oral contact took place.
 - iii. iii. Keep the clothing worn when the assault took place. If you change clothing, place the worn clothing in a paper bag (evidence deteriorates in plastic).
 - iv. Do not destroy any physical evidence that may be found in the vicinity of the assault. The victim should not clean or straighten the location of the crime until law enforcement officials have had an opportunity to collect evidence.
 - v. Tell someone all the details you remember and/or write them down as soon as possible.
 - vi. Maintain text messages, voice mails, pictures, online postings, video, and other documentary or electronic evidence that may corroborate a report.

The Reporting Party shall have the right to file a report with law enforcement and the option to be assisted by the Coordinator’s Office and other College authorities in notifying the proper law enforcement authorities of the alleged Sexual Misconduct.

RBC officials (excluding Campus Police) receiving complaints or reports of possible Sexual Misconduct will follow the procedures listed in this policy. Campus Police will follow departmental procedures in accordance with standard law enforcement policies.

2. Resources for Anyone who has experienced Sexual Misconduct

- a. Anyone who reports Sexual Misconduct to the Coordinator's Office, the Office of Counseling Services, or Campus Police shall receive information outlining resources on and off campus and options.

- b. Students and employees will be assisted with available options, such as changing academic, transportation, parking, work, and living arrangements, after alleged Sexual Misconduct. Safety arrangements like no-contact orders may be made available as deemed necessary and reasonable.

3. Reporting to the Police

In an emergency, contact 911 or contact the Campus Police on campus at (804) 862-6111. Someone may also walk into the Department of Campus Safety and Police and speak directly to a RBC police officer.

The Coordinator will make all Reporting Parties aware of the right also to file a report with the Campus Police or local law enforcement. RBC will comply with all requests by the Campus Police or local law enforcement for cooperation in investigations. Such cooperation may require the Coordinator to temporarily suspend the fact-finding aspect of an investigation detailed in the procedures below while the Campus Police or other law enforcement agency gathers evidence. If the investigation is suspended, any Supportive Measures remain in place and available. The Coordinator's Office will promptly resume its investigation as soon as notified by the Campus Police or other law enforcement agency that it has completed the evidence gathering process. Otherwise, the investigation will not be altered or precluded on the grounds that criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

Some conduct in violation of this policy may also be a crime under Virginia law. Individuals are encouraged to report incidents of Sexual Misconduct to law enforcement, even if the reporting individual is not certain if the conduct constitutes a crime. Crimes dealing with minors must be reported to law enforcement.

A Protective Order may be available and enforced through the appropriate law enforcement agency. Protective Orders are legal documents issued by a judge or magistrate to protect the health and safety of a person who is alleged to be a victim of any act involving violence, force, or threat that results in bodily injury or places that person in fear of death, sexual assault, or bodily injury.

4. Reporting to RBC

- a. The Coordinator and Deputy Title IX Coordinator are trained to help individuals find the resources they might need, explain all reporting options, and respond appropriately to conduct of concern, including retaliation.
- b. There is no time limit for filing a complaint or report under this policy. However, Reporting Parties should report as soon as possible to maximize RBC's ability to respond. Failure to report promptly may result in the loss of evidence and/or jurisdiction over the Responding Party if he/she is no longer affiliated with RBC and therefore limit the investigation.
- c. Any complaints or reports of Prohibited Conduct can be made to the Coordinator or Deputy Title IX Coordinator.

Title IX Coordinator: The RBC Title IX Coordinator is responsible for overseeing all Title IX complaints and other allegations of discrimination, harassment, or retaliation, and for identifying and addressing any problems that arise during the review of such complaints.

Title IX Contact Information:

Stacey Sokol
Director of Online and Continuing Education Programs/Title IX Coordinator
11301 Johnson Road, South Prince George, VA 23805
Maze Hall Room 110
(804) 862-6100 x8603 (Office)
(804) 712-7141 (Mobile)
titleix@rbc.edu or ssokol@rbc.edu

Candi Pearson
Accounts Payable Manager/Deputy Title IX Coordinator
11301 Johnson Road, South Prince George, VA 23805
Maze Hall Room 204
Phone: (804) 862-6100 x6458
cpearson@rbc.edu

5. Responsible Employee (Mandatory Employee Reporting of Sexual Misconduct):

All RBC employees, including full-time, part-time, volunteers, and student employees, are Responsible Employees for purposes of reporting Sexual Misconduct as defined in Section D. Student employees are Responsible Employees when they receive information while acting in their capacity as an RBC employee.

Once in receipt of information regarding Sexual Misconduct, the Responsible Employee must directly report any information regarding the alleged incident to the Coordinator's Office without delay and should otherwise respect the privacy of the individuals involved. No RBC employee shall undertake any independent efforts to determine whether or not the report or complaint has merit or can be substantiated before reporting it to the Coordinator.

The report from the Responsible Employee should include all relevant details about the name of the alleged perpetrator (if known), the name of the person who experienced the alleged conduct, the name of others involved in the incident, and the date, time and location of the incident. The Responsible Employee may directly contact the Coordinator's Office.

Before someone reveals this type of information to the Responsible Employee, the Responsible Employee should make every effort to ensure that the person understands the Responsible Employee's obligation and that the person has the option to request confidentiality and share the information with a Confidential Resource either on campus or off campus as listed in Section H.

When a Responsible Employee fails to make a required report to the Coordinator's

Office, RBC is unable to acquire the information necessary to stop, remedy, and prevent Sexual Misconduct. As a result, the employee may face disciplinary consequences up to and including termination of employment.

6. Reports of Other Discrimination/Harassment Not Sexual Misconduct:

RBC administrators, supervisors, faculty, coaches, and assistant coaches should report other non-Title IX conduct in violation of College policy without undue delay after the incident. Any such report may be made orally or in writing, including electronic mail to the Coordinator.

Reporting to External Agencies

Inquiries or complaints concerning discrimination/harassment on the basis of race, color, national origin, sex including sexual misconduct, age disability, or retaliation may be directed to the United States Department of Education's Office for Civil Rights (OCR) at the number, email and cite listed in the charts below.

<p><u>OCR National Headquarters</u></p>	<p>U. S. Department of Education Office of Civil Rights Lyndon Baines Johnson Building 400 Maryland Avenue, SW Washington, D.C. 20202-1100 800-421-3481 Email: OCR@ed.gov http://www2.ed.gov/about/offices/list/ocr/index.html</p>
<p><u>OCR Regional Headquarters</u></p>	<p>U.S. Department of Education Office of Civil Rights Lyndon Baines Johnson Building 400 Maryland Avenue, SW Washington, D.C. 20202-1475 202-453-6020 Email: OCR.DC@ed.gov</p>

September 22, 2020

Page 16 of 22

Inquiries or complaints concerning discrimination and harassment of **employees** may also be directed to the following:

<u>EEOC National Headquarters</u>	<p>U.S. Equal Employment Opportunity Commission 131 Main Street NE, Washington, D.C. 20507 202-663-4900 Email: info@eeoc.gov http://www.eeoc.gov/</p>
<u>EEOC Local Office</u>	<p>U.S. Equal Employment Opportunity Commission 400 N. Eight Street, Suite 350 Richmond, VA 23219 1-800-669-4000 https://www.eeoc.gov/field/richmond/</p>
<u>Commonwealth of Virginia EEO Services</u>	<p>Department of Human Resource Management Office of Equal Employment and Dispute Resolution 101 North 14th Street, 12th Floor Richmond, VA 23219 1-800-533-1414 804-225-2136 http://www.dhrm.virginia.gov/equalemploymentopportunity</p>

I. Timely Warning

RBC is required by federal law, the Clery Act, to issue timely warnings for reported incidents that pose a substantial threat or danger to members of the campus community. RBC will ensure, to every extent possible, that identifying information is not disclosed, while still providing enough information for members of the campus community to make decisions to address their own safety in light of the potential danger.

J. Initial Assessment

Upon the receipt of a complaint or report, the Coordinator will make an initial assessment of the reported information and respond to any immediate health or safety concerns. The Coordinator will take steps to determine whether the matter falls within the purview of Title IX. Once the Coordinator has determined whether that the matter involves an alleged violation of this policy, jurisdiction over the matter will be conferred to the Coordinator's Office.

If the Coordinator determines that the Coordinator's Office does not have jurisdiction, the Coordinator shall forward the report to the appropriate office and notify the parties about other appropriate resources.

Following the initial assessment and a determination that the allegations fall within the jurisdiction of the Title IX Coordinator, the College's ***Sexual and Gender-based Harassment and Interpersonal Violence Procedures Guideline*** will be followed by the Title IX Coordinator. These procedures will be followed to bring those prohibited acts that fall within this policy to resolution.

K. Academic Record Hold and Transcript Notation

The College, pursuant to Virginia Code § 23.1-900, is required by law to notate the academic transcript of each student who has been suspended for, has been permanently dismissed for, or withdraws from the institution while under investigation for an offense involving sexual violence.

In those matters in which a student withdraws during the pendency of an investigation, the student's transcript will be placed on administrative hold until the conclusion of the Title IX investigative, hearing and appeal process.

L. Request for Confidentiality and Anonymous Reporting

Any requests for confidentiality concerning matters of possible Sexual Violence will be handled as stated in Section G. All other requests for confidentiality will be handled as described below.

- 1. Request for Confidentiality or No Formal Action Be Taken:** If the Reporting Party requests confidentiality or that the report not be pursued, RBC may be limited in the actions it is able to take and its ability to respond while respecting the request. The Reporting Party will be asked to sign a statement indicating a desire for confidentiality or that an investigation not be pursued, and the Coordinator will take all reasonable steps to respond to the report consistent with the request. The Coordinator will consider the reasons for the request, including concerns about continued safety of the Reporting Party and the members of the RBC community, but the ability to maintain or respect the request is expressly limited by the threat assessment required in Section M for reports of Sexual Violence. The Coordinator may initiate consultation with appropriate RBC leadership concerning the request for confidentiality or no formal action be taken. The Coordinator shall make the ultimate decision on whether to conduct an informal or a formal investigation or to respond in another manner, including use of Supportive Measures as stated in Section N. If it is determined that an investigation must proceed, the Coordinator will inform the Reporting Party prior to notifying the Responding Party about the investigation, but in no event will the Reporting Party be required to participate in the investigation.

Confidential Resources: The RBC Office of Counseling Services and the community resources listed in Section H are Confidential Resources. Confidential Resources are not permitted to disclose information about a report of a possible violation of this policy to RBC (including the Coordinator's Office or Campus Police) without the Reporting Party's permission (subject to the exceptions listed above under Confidentiality in Section H).

Reports or Complaints Involving Minors: If the Reporting Party is (or was at the time of the incident) a minor (under 18), the Campus Police shall be notified.

- 2. Anonymous Report:** The Coordinator's Office may be limited in its ability to investigate an anonymous report unless sufficient information is furnished to enable the Coordinator's Office to conduct a meaningful and fair investigation.

M. Threat Assessment for Sexual Violence

In addition to the steps taken during the initial assessment as stated in Section J, RBC shall submit every allegation of Sexual Violence that is alleged to have occurred (i) against any RBC student; or (ii) on campus, in or on a RBC building or property, or on public property that is within the campus or immediately adjacent to and accessible from campus to the Review Committee pursuant to Virginia Code §23.1-806.

1. **Review Committee:** The Review Committee shall consist of employees who have received appropriate training regarding this policy.

The Review Committee operates pursuant to Virginia Code §23.1-806 and has access, under Virginia law, to certain otherwise confidential information, including law enforcement records and criminal history information, as provided in Virginia Code §§19.2-389 and 19.2-389.1; health records, as provided in Virginia Code §32.1-127.1:03; College disciplinary, academic, and/or personnel records; and prior reports of misconduct maintained by the Title IX Coordinator. The Review Committee shall have access to all available facts and circumstances, including personally identifiable information, and may seek additional information about the reported incident through any other legally permissible means.

2. **Risk Factors:** The Review Committee shall consider the following factors to determine whether there is an increased risk of the Responding Party committing additional acts of Sexual Misconduct or other violence, including, but not limited to:
 - a. Whether the Responding Party has prior arrests, reports, and/or complaints related to any form of conduct in violation of this policy or any history of violent behavior;
 - b. Whether the Responding Party has a history of failing to comply with any RBC No-Contact Order, other RBC protective measures, and/or any legal Protective Order;
 - c. Whether the Responding Party has threatened to commit violence or any form of Sexual Misconduct;
 - d. Whether the alleged conduct involved multiple Responding Parties;
 - e. Whether the alleged conduct involved physical violence;
 - f. Whether the allegation reveals a pattern of conduct in violation of this policy (i.e., by the Responding Party, by a particular group or organization, around a particular recurring event or activity, or at a particular location);
 - g. Whether the alleged conduct was facilitated through the possible use of “date rape” or similar drugs or intoxicants;
 - h. Whether the alleged conduct occurred while the Reporting Party was unconscious, physically helpless, or unaware that the conduct in question was occurring;
 - i. Whether the Reporting Party is (or was at the time of the alleged incident) under the age of 18; and/or
 - j. Whether any other aggravating circumstances or signs or predatory behavior are present.
3. **Review Committee Procedures and Determinations:** Upon the Coordinator’s receipt of information of an alleged act of Sexual Violence, the Review Committee shall meet, either in

person or via telephone, within seventy-two (72) hours to review the information and shall meet again as necessary as new information becomes available.

If the Review Committee determines that there is a significant and articulable threat to the health or safety of the Reporting Party or to any other member of the campus community and that disclosure of personally identifiable information is necessary in order to protect the health or safety of the Reporting Party or other members of the campus, the representative from Campus Police on the Review Committee shall immediately disclose such information to the law enforcement agency that would be responsible for investigating the alleged act of Sexual Violence. This determination will be based on the Risk Factors listed above in Section M.2. If the Review Committee cannot reach a consensus, the representative of the Campus Police on the Review Committee shall make the determination. This disclosure shall be for the purposes of investigation and other actions by law enforcement. The Coordinator shall immediately notify the Reporting Party if such a disclosure is made. The provisions of this paragraph shall not apply if the law enforcement agency responsible for investigating the alleged incident is located outside of the United States.

In cases in which the alleged act of Sexual Violence would constitute a felony violation under Virginia law (Article 7 of Chapter 4 of Title 18.2), the representative of the Campus Police on the Review Committee shall inform the other members and shall within twenty-four (24) hours consult with the appropriate Commonwealth Attorney and provide to him or her the information received by the Review Committee without disclosing personally identifiable information, unless such information was disclosed to a law enforcement agency pursuant to the paragraph above. If such consultation does not occur and any other Review Committee member individually concludes that the alleged act of Sexual Violence would constitute a felony violation under Virginia law, that member shall within twenty-four (24) hours consult the appropriate Commonwealth Attorney and provide to him or her the information received by the Review Committee without disclosing personally identifiable information, unless such information was already disclosed to the Campus Police as allowed above.

The Review Committee also shall consider and recommend other appropriate or necessary actions beyond any already in place.

4. **Actions Following Threat Assessment:** At the conclusion of the Threat Assessment, the Coordinator and representative of the Campus Police shall each retain (i) the authority to proceed with any further investigation or adjudication allowed under state or federal law and (ii) independent records of the review committee's determination considerations, which shall be maintained under applicable state and federal law.

N. Supportive Measures

RBC will offer and take reasonable and appropriate Supportive Measures to assist and protect the Reporting Party, the Responding Party, or a member of the campus community and facilitate the Reporting Party's continued access to campus employment or education programs and activities during the initiation, investigation, and resolution of complaints or reports under this policy. If, in the judgment of the Coordinator and other RBC leadership, the safety or well-being of any member of the campus community may be jeopardized by the presence on campus of the Responding Party, interim remedies may be provided to address the short-term effects of harassment, discrimination, and/or retaliation and to prevent further violations. These measures may be remedial (designed to protect the safety and well-being of all parties involved and continued access to educational opportunities), protective (involving action against a Responding Party), or both. Remedial measures are available regardless of whether a Reporting Party pursues an investigation under this policy.

RBC will consult with the Reporting Party and Responding Party before taking Supportive Measures to the greatest degree possible. Both parties will be notified in writing concerning the imposition of Supportive Measures that impact them.

Supportive Measures are not intended to be permanent resolutions. They may be amended or withdrawn as additional information is obtained and upon final resolution of the report or complaint.

Supportive Measures may include, but are not limited to:

1. Academic arrangements;
2. Housing and dining arrangements;
3. Work-related arrangements;
4. Limitation on extracurricular or athletic activities;
5. No-contact order, that serves as notice to both parties that they must not have verbal, electronic, written, or third party communication with one another;
6. Limitations on access to campus, RBC facilities, and RBC events;
7. Referral and coordination of counseling and health services;
8. Training for students, faculty, and/or staff;
9. Interim suspension/immediate restriction;
10. Administrative leave with or without pay; and
11. Any other measures that may be arranged by RBC (to the extent reasonably available) to ensure the safety and well-being of the parties.

O. Amnesty

RBC encourages the reporting of violations of this policy. Alcohol or drug violations should not deter reporting an incident. When conducting an investigation, RBC's primary focus shall be on addressing the alleged Prohibited Conduct and not on alcohol and drug violations that may be discovered or disclosed. RBC does not condone underage drinking or illicit drug use; however, except in compelling circumstances, RBC will extend limited amnesty from consequences related to drug or alcohol use to Reporting Parties, witnesses, and others who in good faith report alleged incidents of Prohibited Conduct and/or participate in an investigation. RBC may provide referrals to counseling and may require educational initiatives, rather than disciplinary sanctions, in such cases.

P. False Information

RBC is a community grounded in honor; our Honor Code serves as a guide to our college experience. It provides clarity on behavior expected of all members of the community. Engaging in Prohibited Conduct is a serious offense against an individual and the community. It requires every person's efforts in order to address this unacceptable behavior. Those efforts are undermined by the presentation of false information.

Any individual who knowingly provides false information, who intentionally withholds information or who intentionally misleads individuals who are involved in the investigation or resolution of a complaint or report of Prohibited Conduct shall be subject to disciplinary action which can include dismissal or termination from RBC. However, that an allegation of Prohibited Conduct cannot be proven by a preponderance of the evidence is not evidence of a false complaint or report.

Q. Violations of Law

Behavior that violates this policy also may constitute a crime under the laws of the jurisdiction in which the incident occurred. For example, the Commonwealth of Virginia criminalizes and punishes sexual assault, dating/domestic violence, sexual exploitation, stalking, and physical assault. The criminal statutes that may apply in cases of Physical Assault and Dating/Domestic Violence are found in various sections of Chapter 4, Articles 1 (Homicide) and 4 (Assaults and Bodily Wounding), of Title 18.2 of the Code of Virginia. The criminal statutes relating to Sexual Assault are found in Sections 18.2-61 to 18.2-67.10 of the Code of Virginia. Section 18.2-60.3 of the Code of Virginia defines and identifies the penalty for criminal stalking. Finally, Sections 18.2-386.1 and 18.2-386.2 of the Code of Virginia provide for criminal penalties in some cases of Sexual Exploitation.

This compilation of criminal statutes is not exhaustive but is offered to notify the RBC community that, in some cases, the alleged conduct may also constitute a crime under Virginia law, which may subject a person to criminal prosecution and punishment in addition to any sanctions under this policy.

R. Education and Awareness

1. For information, please visit the RBC Title IX page at <http://www.rbc.edu/myrbc/rbctitle-ixcoordinator/>
2. The Coordinator together with other institutional leaders oversees education, training, and awareness programs on Prohibited Conduct for students and employees, including training on primary prevention, bystander intervention, risk reduction, consent, and other pertinent topics.
 - a. Incoming students and new employees shall participate in primary prevention and awareness programming as part of their orientation.
 - b. Returning students and employees shall have ongoing opportunities for additional training and education.
3. This policy shall be disseminated widely to the RBC community through electronic mail, publications, websites, new employee orientation, student orientation, and other appropriate channels of communication.

S. Academic Freedom and Free Speech

This policy does not allow curtailment or censorship of constitutionally protected expression. In addressing all complaints and reports of alleged violations of this policy, RBC will take all permissible actions to ensure the safety of students and employees while respecting the free speech rights of students and employees. This policy does not in any way apply to curriculum and curriculum decisions or abridge the use of particular textbooks or curricular materials.

T. Documentation and Record Keeping

The Coordinator shall maintain, in a confidential manner, for at least ten (10) years, paper or electronic files of all complaints and reports, witness statements, documentary evidence, written investigation reports, resolutions, and appeals and associated documents.

This policy is maintained by the Title IX Coordinator. The Coordinator shall review it on an annual basis to capture evolving legal requirements, evaluate resources available to the parties, and assess the effectiveness of the investigation and resolution process. Any suggestions and comments shall be sent to the Coordinator throughout the year for consideration. Any proposed amendments shall be submitted to the appropriate administrative body for further review and approval. This policy shall be amended in any manner deemed necessary without the need for further approval from the RBC Board of Visitors.

U. Related Documents

Title IX of the Education Amendments of 1972.

<https://www.federalregister.gov/documents/2020/08/10/2020-07057/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal><https://www2.ed.gov/about/offices/list/ocr/docs/titleix-regs-unofficial.pdf>

Virginia Code § 23.1-900. Academic transcripts; suspension, permanent dismissal, or withdrawal from institution. <https://law.lis.virginia.gov/vacode/title23.1/chapter9/section23.1-900/>

Established by College Counsel on August 14, 2020



Richard Bland College
of WILLIAM & MARY

RESOLUTION TO APPROVE REVISIONS TO THE DISCRIMINATION, HARRASSMENT AND RETALIATION POLICY

WHEREAS, at its November 20, 2015 meeting, the Board of Visitors approved *Resolution 1, Adoption of Changes to Richard Bland College Policy Manual*, and charged the President of Richard Bland College with the responsibility to recommend to the Board revisions that should warrant Board review and approval; and

WHEREAS, pursuant to Chapter 737 of the 2015 Acts of Assembly of the Commonwealth of Virginia, each public institution of higher education shall certify to the State Council of Higher Education for Virginia (SCHEV) that it has reviewed its sexual violence policy and updated as appropriate; and

WHEREAS, following a thorough review, Richard Bland College’s policy prohibiting discrimination, harassment, and retaliation, titled “Discrimination, Harassment, and Retaliation” (“Policy”) has been updated within the context of all applicable federal and state laws, regulations, and guidance, as required for the SCHEV Institutional Compliance Certification;

THEREFORE, BE IT RESOLVED, that upon the recommendation of the President, the Board of Visitors approves and adopts said revisions to Richard Bland College’s Discrimination, Harassment, and Retaliation Policy.

Policy Number: 1090

Policy Name: Policy Prohibiting Discrimination, Harassment and Retaliation

Responsibility for Maintenance: Director of Human Resources

A. Policy Statement

Richard Bland College (RBC or College) is committed to providing an environment that emphasizes the dignity and worth of every member of its community and that is free from harassment and discrimination based on race, sex, color, national origin, religion, age, veteran status, sexual orientation, gender identity, pregnancy, genetic information, against otherwise qualified persons with disabilities, or based on any other status protected by law.

Such an environment is necessary to a healthy learning, working, and living atmosphere because discrimination and harassment undermine human dignity and the positive connection among everyone on campus. In pursuit of this goal, any question of impermissible discrimination on these bases will be addressed with efficiency and energy and in accordance with this policy. This policy also addresses complaints or reports of retaliation against those who have opposed practices prohibited by this policy, those who have filed complaints or reports under this policy, and those who have testified or otherwise participated in enforcement of this policy.

RBC does not discriminate in admission, employment, or any other activity on the basis of race, color, religion, sex, national origin, age, disability, genetic information, sexual orientation, veteran status, political affiliation, or any other status protected by law.

RBC, an Equal Opportunity Employer, is fully committed to access and opportunity for all persons.

B. Reason for Policy

Our community of trust requires that its members treat one another with respect, dignity, and fairness. This policy is designed to ensure a safe environment for the members of the Richard Bland College community.

This policy prohibits discrimination and harassment on the basis of age, color, race, disability, marital status, national and ethnic origin, religion, sexual orientation, gender identity or expression, veteran status, family medical or genetic information, as well as other forms of sex discrimination not covered by the Policy on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence.

Additionally this policy is based on federal and state law and policy, including Executive Order 11246, Titles VI and VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, Title IX of the Education Amendments of 1972, the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, as amended, the Virginia Human Rights Act, and the Genetic Information Nondiscrimination Act of 2008, as well as state policy, including the Governor's Executive Order One, the Commonwealth's Department of Human Resource Management (DHRM) Policy 1.60 - Standards of Conduct, DHRM Policy 2.05 - Equal Employment Opportunity, and DHRM Policy 2.30 - Workplace Harassment. Additionally, this policy helps RBC comply with federal and state laws which prohibits discrimination on the basis of sex (including sexual violence) in education programs or activities. It also helps RBC comply with the Violence Against Women Reauthorization Act of 2013 (VAWA), which amended the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (The Clery Act), the Uniformed Services

Employment and Reemployment Rights Act (USERRA) and the Higher Education Opportunity ACT (HEOA) relating to military and veterans issues.

C. Definitions

1. **Complaint:** Allegation(s) of discrimination, harassment and/or retaliation, filed in good faith and in accordance with this policy.
2. **Discrimination:** Inequitable treatment of a person based on one or more of that person's protected characteristics or statuses, excepting any treatment permitted or required by law, -- that excludes an individual from participation in, denies the individual the benefits of, treats the individual differently or otherwise adversely affects a term or condition of an individual's employment, education, living environment or participation in an educational program or activity. This includes failing to provide reasonable accommodation, consistent with state and federal law, to persons with disabilities.
3. **Protected Characteristics/Statuses:** Age, color, disability, gender identity or expression, marital status, national or ethnic origin, political affiliation, race, religion, sex (including pregnancy), sexual orientation, veteran status, and family medical or genetic information.
4. **Harassment:** Unwelcome conduct directed against a person based on one or more of that person's protected characteristics or statuses, which conduct is so severe or pervasive that it interferes with an individual's employment, academic performance or participation in University programs or activities, and creates a working, learning, program or activity environment that a reasonable person would find intimidating, hostile or offensive.
5. **Supervisor:** Any person who has authority to undertake or recommend tangible employment decisions affecting an employee or academic decisions affecting a student; or to direct an employee's work activities or a student's academic activities. Examples include faculty members to whom work-study students report and team lead workers who, from time to time, monitor other employees' performance or direct their work.
6. **Retaliation** - Retaliation is intimidation, threats, harassment, and other adverse action taken or threatened against (1) any Reporting Party or person reporting or filing a complaint alleging Prohibited Conduct or (2) any person cooperating in the investigation of an allegation of Prohibited Conduct including testifying, assisting, or participating in any manner in an investigation pursuant to this policy. Action is generally deemed adverse if it would deter a reasonable person in the same circumstances from opposing practices prohibited by this policy. Retaliation may result in disciplinary or other action independent of the sanctions or interim measures imposed in response to the underlying allegations of Prohibited Conduct.

7. **Sexual Harassment** - Sexual Harassment is a form of discrimination based on sex. It is defined as unwelcome sexual advances, requests for sexual favors, or other conduct of a sexual nature including but not limited to: verbal (e.g., specific demands for sexual favors, sexual innuendoes, sexually suggestive comments, jokes of a sexual nature, sexual propositions, or sexual threats); nonverbal (e.g., sexually suggestive emails, other writings, articles or documents, objects or pictures, graphic commentaries, suggestive or insulting sounds or gestures, leering, whistling, or obscene gestures); physical (e.g. touching, pinching, brushing the body, any unwelcome or coerced sexual activity including sexual assault). Sexual harassment, including sexual assault, can involve persons of the same or different sexes. Sexual harassment also may include sex-based harassment directed towards stereotypical notions of what is female/feminine versus male/masculine or a failure to conform to those gender stereotypes.

8. **Hostile environment:** A hostile environment may be created by oral, written, graphic, or physical conduct that is sufficiently severe, persistent, or pervasive and objectively offensive that it interferes with, limits, or denies the ability of an individual to participate in or benefit from educational programs, services, opportunities, or activities or the individual's employment access, benefits, or opportunities. Mere subjective offensiveness is not enough to create a hostile environment. In determining whether conduct is severe, persistent, or pervasive, and thus creates a hostile environment.

9. **Sexual misconduct:** Prohibited conduct includes sexual violence, sexual assault, non-consensual sexual contact, sexual exploitation, dating violence, domestic violence, and stalking.

D. Applicability of the Policy

This policy applies to **on-campus** conduct involving students, employees, faculty and staff, visitors to campus (including, but not limited to, students participating in camp programs, non-degree seeking students, exchange students, and other students taking courses or participating in programs at Richard Bland College), and contractors working on campus who are not Richard Bland College employees, and to students, visiting students, employees, faculty, and staff participating in Richard Bland College-sponsored activities **off-campus**. This policy is applicable to any conduct that occurs off campus that has continuing effects that create a hostile environment on campus. This policy also is applicable regarding the College's various technological resources.

E. Related Documents

Policy 1040, Equal Employment Opportunity, <https://www.rbc.edu/policy-manual-2019/human-resources-policies/>

Policy 1060 Americans with Disabilities Act Policy

Policy 1070 Employee Reasonable Accommodation Policy and Procedure

Policy 1091 Policy on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence
Student Handbook

Student Code of Conduct

Department of Human Resource Management (DHRM), Policy 2.05, Employment Opportunity, https://www.dhrm.virginia.gov/docs/default-source/hrpolicy/pol2_05eeo.pdf?sfvrsn=2

Department of Human Resource Management (DHRM), Policy 2.35, Civility in the Workplace, https://www.dhrm.virginia.gov/docs/default-source/default-document-library/pol2-35civilityintheworkplacerev7-1-20.pdf?sfvrsn=d604334d_0

F. General Provisions

This policy supersedes portions of the College's former Discrimination, Harassment, Sexual Misconduct and Retaliation Policy (which is now retitled Policy on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence), any and all previously adopted policies or procedures for the handling of discrimination, harassment, some forms of sexual misconduct, not covered the College's Policy on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence.

All allegations of discrimination, harassment, retaliation, or failures to comply with any of the laws indicated above or other applicable federal or state laws, regulations, or policies relating thereto are governed by this policy.

Allegations of discrimination, harassment, retaliation, either on-campus or off-campus violations of this policy that involve a student should be reported to the Office of Student Success. Allegation of discrimination, harassment, retaliation, either on-campus or off-campus violations of this policy that involve a student should be reported to the Office of Human Resources. Any allegation of sexual misconduct will should be reported to the Title IX Coordinator's office so that an assessment can be determined of whether the allegations fall within the purview of the College's Policy on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence. Allegations of harassment occurrences through the use of campus or personal technology depending on subject matter, should be reported as described above.

For allegations of sexual misconduct or harassment, the College, through its representatives, may utilize supportive measures, sanctions, and community resource referrals as detailed in the College's Policy on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence.

Any form of discrimination, harassment, or retaliation mentioned in this policy is Prohibited Conduct and is strictly forbidden and subject to investigation and sanctions. Students who violate this policy may receive sanctions up to and including permanent removal from the residence halls and expulsion from Richard Bland College. Employees who violate this policy may receive sanctions up to and including employment termination.

I. Contacts

<u>OFFICE</u>	<u>TITLE</u>	<u>TELEPHONE NUMBER</u>	<u>EMAIL</u>
Human Resources	Director of Human Resources	804-862-6100, ext. 6208	rbchr@rbc.edu
Student Success	Director of Student Success and Engagement	804-862-6100, ext. 8533	studentsuccess@rbc.edu
Title IX	Title IX Coordinator	804-712-7141 or 804-862-6100, ext. 8603	titleix@rbc.edu

*Policy History**Approved November 20, 2015**Updated January 11, 2017**Updated August 1, 2019**Revised September 27, 2019**Revised August 21, 2020*



Richard Bland College
of WILLIAM & MARY

**RICHARD BLAND COLLEGE
RESOLUTION TO APPROVE THE COLLEGE WORKFORCE PLANNING AND DEVELOPMENT
REPORT**

WHEREAS, at its September 26, 2019 meeting, the Board of Visitors approved *Resolution 6, The College Workforce Planning and Development Report*; and

WHEREAS, §2.2-1209 of the Code of Virginia (Code of Virginia) directs public institutions of higher education to prepare workforce planning, development, and succession plans for presentation to their boards of visitors and to share copies with the Commonwealth Department of Human Resource Management; (“DHRM”); and

WHEREAS, DHRM developed a succession plan template in 2018 and substantially updated that template in 2019 to focus on data gathering, key personnel and executive positions; and

WHEREAS, some translation is required to comply with a template and process that is primarily focused on state agencies instead of institutions of higher education. Nonetheless, the planning exercise underpinning the report is useful in prompting the institution to evaluate key positions and aspects of operations that warrant forethought and succession planning considerations; and

WHEREAS, the report provides a dashboard of information that is useful for institutional workforce planning with key findings as follows:

- Twelve (12) of RBC’s total employees are eligible for retirement within the next 3 years. Five of the positions identified are classified and seven are instructional faculty.
- RBC’s institutional turnover rate is 4%. The average time to fill vacant positions is fewer days than the statewide average.
- Two percent of College employees report being veterans. There are no disparate impact indicators related to minority employees.
- An average percentage of College employees participated in training activities last year, both on and off campus.

- The planning process has helped to identify several activities worthy of further review. Technology use and process improvements will be pursued, along with other HR-related activities to enhance the employee work experience.

WHEREAS, the College’s Office of Human Resources is collaborating with key leaders to identify factors that may have an impact on talent requirements and operational continuity, and is responding appropriately.

THEREFORE, BE IT RESOLVED, that upon the recommendation of the President, the Board of Visitors of the College of William & Mary approves the submission of the Richard Bland College 2020 Workforce Planning and Development report to DHRM; and

BE IT FURTHER RESOLVED, pursuant to Virginia Code 2.2-1209(C), that a copy of the approved plan shall be provided to the Department of Education; and

BE IT FURTHER RESOLVED, that the Board of Visitors requests periodic updates to the College’s workforce development and planning process.



Richard Bland College
of WILLIAM & MARY

**RETIREMENT OF IRENE M. HANDY
ACCESS AND TECHNICAL SUPPORT LIBRARIAN**

Ms. Irene M. Handy joined Richard Bland College on March 7, 2005 as the Technical/Public Services Librarian. She assumed the role of Library Coordinator on July 1, 2015 and became the Access and Technical Support Librarian on July 1, 2017.

Ms. Handy obtained her M.A. degree in Linguistics in 1980 from the University of Texas and her B.S. in Mathematics/Education in 1977 from Wheaton College.

Ms. Handy was a Library Assistant/Cataloger at John Tyler Community College from 1992 until March 2005, and previously she was the Cataloging Assistant at Union Theological Seminary Library from 1989 until April 1992.

Ms. Handy provided years of library services to Richard Bland College students, staff and the community, including cataloging, referencing, circulation, preservation and supervision.

Ms. Handy's many years of teaching experience in a combination of public schools, nursery schools, Sunday schools, youth groups, workshops, courses and tutoring proved valuable to the Richard Bland College mission throughout her tenure.

THEREFORE, BE IT RESOLVED, That the William & Mary Board of Visitors acknowledges the retirement of Ms. Irene M. Handy on July 1, 2020 and expresses its appreciation to her for the many contributions she has made to Richard Bland College, and approves, with deep gratitude for her 15 years of devoted service to the College, a change in status from Access and Technical Support Librarian to Access and Technical Support Librarian, Emerita;

BE IT FURTHER RESOLVED, That this resolution be spread upon the minutes of the Board and a copy of the same be delivered to Ms. Irene M. Handy with best wishes from a grateful Board for her years of dedicated service to Richard Bland College.