2019 ANNUAL CAMPUS SECURITY AND FIRE SAFETY REPORT
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INTRODUCTION

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

The information in this document complies with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, a federal law known as the Clery Act. This Safety Report provides information about safety-related policies, procedures, and practices in effect as of September 30, 2019. These policies and procedures may be updated or revised after the date of this Report; the most recent documents are available on the university’s website. The Report also incorporates statistical data about certain criminal offenses for each William & Mary campus for the previous three calendar years, broken down by geographic location.

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

<table>
<thead>
<tr>
<th>Service/Department</th>
<th>Contact Information</th>
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<tr>
<td>William &amp; Mary Police Department</td>
<td>757-221-4596 or 911</td>
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<tr>
<td>Williamsburg Police Department</td>
<td>757-220-2331</td>
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<tr>
<td>James City County Police Department</td>
<td>757-257-1800</td>
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<tr>
<td>VIMS—Gloucester County Sheriff</td>
<td>804-693-3890</td>
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<tr>
<td>Eastern Shore Laboratory—Accomack County Sheriff</td>
<td>757-787-1131</td>
</tr>
<tr>
<td>D.C. Office—Second District Station, Metro Police</td>
<td>202-715-7300</td>
</tr>
<tr>
<td>Gallery Place 450K Apartments—First District Station, Metro Police</td>
<td>202-727-9099</td>
</tr>
<tr>
<td>William &amp; Mary Peninsula Center—Newport News Police, Central</td>
<td>757-928-4100</td>
</tr>
<tr>
<td><strong>24 Hour Sexual Assault Helpline/Avalon</strong></td>
<td>757-258-5051</td>
</tr>
<tr>
<td>Individual of Group Counseling Services/Avalon</td>
<td>757-258-5022</td>
</tr>
<tr>
<td>Riverside SANE Mobile Nurse</td>
<td>757-881-3375 (pager)</td>
</tr>
<tr>
<td>William &amp; Mary Counseling Center</td>
<td>757-221-3620</td>
</tr>
<tr>
<td><strong>After-Hours W&amp;M Crisis Counselor</strong></td>
<td>757-221-4596</td>
</tr>
<tr>
<td>The Haven (student sexual misconduct support)</td>
<td>757-221-2449</td>
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<tr>
<td><strong>Dean of Students Office</strong></td>
<td>757-221-2510</td>
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<tr>
<td>Student Health Center</td>
<td>757-221-2998 (Appointment)</td>
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<td></td>
<td>757-221-4386 (Information)</td>
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<tr>
<td>Residence Life</td>
<td>757-221-4314</td>
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<tr>
<td>Campus Escort (nighttime transportation)</td>
<td>757-221-3293</td>
</tr>
<tr>
<td><strong>Sentara Williamsburg Regional Medical Center</strong></td>
<td>757-984-6000</td>
</tr>
<tr>
<td>Emergency Department</td>
<td>757-984-7111</td>
</tr>
<tr>
<td>Riverside Doctors’ Hospital Williamsburg</td>
<td>757-585-2200</td>
</tr>
</tbody>
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CAMPUS SECURITY: STRUCTURE, PREVENTION, RESPONSE

Structure

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

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

William & Mary Police Department and Relationship with Local Law Enforcement

Officers of the William & Mary Police Department have the authority and responsibility to provide protection and to enforce the laws of the Commonwealth of Virginia on all university property and adjacent streets, and have full investigative and arrest authority on campus as well as on contiguous streets.

The William & Mary Police Department has a mutual aid agreement with the City of Williamsburg that allows each department, when requested by the other entity, to assist with law enforcement needs and general patrols in the other’s jurisdiction.

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

The William & Mary Police Department has a Memorandum of Understanding in place with the

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¹ Ash-Lawn Highland is owned and controlled by William & Mary, but is not frequently used by students.
Virginia Department of State Police that establishes procedures and practices for cooperation between the two departments in the investigation of any felony sexual assault, medically unattended death, or any death occurring on the William & Mary grounds.

All criminal arrests and traffic summons issued by the William & Mary Police at the Williamsburg campus are adjudicated in the Williamsburg/James City County Courts. Charges that occur at the Virginia Institute of Marine Science in Gloucester are tried at the Gloucester Courts, and charges arising at VIMS’s Eastern Shore Laboratory, in Accomack County, Virginia, are adjudicated at the Accomack County Courts. Charges that occur at the Peninsula Center and the DC office and residences are handled through the Newport News and District of Columbia Court systems, respectively.

**Residence Hall Access & Other Building Access**

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

Only students, their invited guests, employees who have job responsibilities in the residence halls, and other persons specifically permitted by the university have authorized access to residential buildings. All residence halls are equipped with a 24-hour computerized ID access system or other security system. Students may gain entry to residence halls by using their university-issued ID card between the hours of 7:30 a.m. and 12:30 a.m. Access to the residence hall is restricted to residents of that building between the hours of 12:30 a.m. and 7:30 a.m. Individual rooms within the residence halls are separately keyed.

Individuals observed in the hall who are not residents or guests should be reported immediately to a Residence Life staff member or William & Mary Police. Residents may not engage in any activity that creates a safety risk or which jeopardizes the security of the premises, including but not limited to, the propping of exterior doors and the removal of window screens.

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

Active William & Mary students have 24-hour/7-day card swipe access to Tyler, Ewell, Jones, and Morton Halls, and Swem Mews during each semester. Additionally, students have access to Miller Hall from 6am-2am/7 days per week. Law School card swipe access is provided on a 24-hour/7-day basis for students enrolled at the Law School and students enrolled in the MPA program. As a general rule, all other academic buildings are open Monday through Friday.
between the hours of 7 a.m. and 10 p.m., administrative buildings are open Monday through Friday between the hours of 7:30 a.m. and 5:30 p.m. and auxiliary buildings are open based on the function of the facility and services provided. Access to other university buildings and facilities is controlled through mechanical keys, electronic access controls, and security programs pursuant to William & Mary’s Access Control Policy for University Facilities. See Prevention-Related Campus Security Protocols and Practices for more information about this policy and university facility safety and security.

Emergency Telephones

There are emergency telephone locations throughout the Williamsburg campus, many designated by blue lights for easy identification at night. Simply pressing a button activates the phones, which are directly connected to the Police Communications Center on the Williamsburg campus. “Blue Light” phones on the VIMS campus have two buttons, one of which connects directly to campus security officers after hours or administrative staff during business hours, and one button which connects directly to the Gloucester County Sheriff’s Department. The location of the activated telephone is automatically identified to the police communications officer.

When calling, tell the police communications officer the following information:

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

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

Security Cameras

The William & Mary Williamsburg campus has security cameras in various outdoor public spaces and inside academic buildings and libraries. These cameras all transmit real-time video to the William & Mary Police Department dispatch office. Video feeds generally are not monitored in real time. All new cameras require approval by Information Technology and the Police
Department to ensuring proper monitoring and video transmittal.

**Prevention**

*William & Mary Police Patrol*

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

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

**Prevention of Violence**

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

**Violence Prevention Policies.**

- *Violence and Threat Management Policy*—Under this policy, acts or threats of violence must be reported to allow the university to assess the threat and take appropriate action to protect the safety of the campus community. Reports should be made to the William & Mary Police Department at 757-221-4596. Community members are encouraged to report concerning behavior that raises a safety concern but may not qualify independently as a threat. Examples include references to planning a violent or destructive event or harming others, extreme and inappropriate reactions or responses, such as angry outbursts, or suicidal comments or threats.

  The Threat Assessment Team (TAT), established by the Board of Visitors pursuant to state
law, is charged with assessing threats to the campus community and taking remedial action as necessary. Reports of concerning behavior or threats of violence may be made to a member of TAT. The core members of TAT include the Chief Human Resources Officer, the Dean of Arts & Sciences, the Dean of Students, the Chief of the William & Mary Police Department, the Director of the Counseling Center, the Director of Residence Life, University Counsel and the Chief Compliance Officer/Title IX Coordinator.

- **Weapons on Campus Policy and Regulation**—To help provide a safe and secure working, living, and learning environment for the campus community, the university prohibits possession, carrying, storage, or maintenance of any weapon, including any firearm or any other weapon listed in §18.2-308(A) of the Code of Virginia, by any member of the campus community, with the exception of law enforcement officials and other individuals authorized under the policy. These prohibitions are found in the university’s [Weapons on Campus Policy](#), which applies to employees, contract workers, and volunteers and in the Student Handbook, Appendix II [Weapons, Firearms, Combustibles, and Explosives](#). The university also limits visitors and others from carrying weapons on campus, prohibiting weapon possession inside university buildings or at official university events, through its [Weapons on Campus Regulation, 8VAC115-20](#).

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

- **Crime Reporting and Timely Warning Policies**—As described in more detail in the response section of this chapter, university employees designated as Campus Security Authorities are required to report to the W&M Police information about certain crimes occurring (or reported or alleged to have occurred or to have been attempted) on W&M’s Clery Act geography. W&M’s Clery Act geography includes all property on campus, on public property adjacent to campus and in or on non-campus buildings or property that the institution owns or controls. This policy helps law enforcement respond promptly to possible crimes, and also helps prevent violence by allowing the university to issue timely warnings to the campus community.

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

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

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

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

Violence Prevention Education and Outreach Activities.

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

- The William & Mary Police Department provides safety-related information to incoming freshman, transfer students, and parents. New employee orientation also includes information regarding the William & Mary Police.
• The William & Mary Police Department hosts a “Community Preparedness: Active Shooter Event” presentation at least once during the academic year to the community. The event teaches attendees what defines an active shooter event, actions that assist in minimizing risk to the community, applying tactics of “Avoid-Deny-Defend” and information about how to respond to police events. A 20-minute video on community and individual awareness and preparedness for an active situation is also shown during the presentation. This training is also available to groups, organizations and departments on campus upon request.

• The William & Mary Police offer various campus safety and crime prevention programs to student groups and residence halls. Presentations on campus safety and crime prevention are delivered to residence halls as scheduled by the Area Director.

• Crime Prevention Programs on personal safety and theft prevention are sponsored by members of the William & Mary Police Department. Upon request, police personnel facilitate programs for student, parent, faculty, and new employee orientations and student organizations and campus organizations. Additionally, programs for Residence Life Staff and residents provide a variety of educational strategies and tips on how to protect themselves from sexual assault, theft, and other crimes.

• The William & Mary Police Department offers alcohol and drug awareness classes and the Rape Aggression Defense (RAD) training. It is a comprehensive course that begins with awareness, prevention, risk reduction, and avoidance, while progressing on to the basics of hands-on defense training. Certified RAD instructors will teach the courses provided.

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

The university has programs to prevent drug and alcohol abuse among students and employees, in compliance with the Drug-Free Schools and Communities Act of 1989 and the Drug-Free Workplace Act. The Biennial Alcohol and other Drug Prevention Program Report is available for review on the W&M website.

Alcohol and Drug-Related Policies

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

Student Policies. The university student policies are available in the Student Handbook, which is distributed to all students annually, and on the web at Student Handbook. Under the university’s Student Code of Conduct, it is against the law to possess, purchase, or consume alcohol under the age of 21, or to sell or provide alcohol to any person under the age of 21 in the Commonwealth of Virginia. Furthermore, it is prohibited by law to appear intoxicated in a public area, sell or serve alcoholic beverages to an intoxicated person, possess an open container of alcohol in a public area, or drive a vehicle under the influence of alcohol or with a blood alcohol level in excess of that permitted for drivers by Virginia law.

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

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

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

University policy, in conformity with Federal and State statutes governing drug use, provide the following:

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

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

Under the Commonwealth of Virginia, all employees, including faculty and staff, are subject to the [Department of Human Resource Policy Number 1.05](#) prohibiting 1) the unlawful or unauthorized manufacture, distribution, dispensation, possession, or use of alcohol or other drugs in the workplace, and 2) impairment in the workplace from the use of alcohol or other drugs, except from the use of drugs for legitimate medical purposes. It is also a violation of the Commonwealth policy for an employee to have a criminal conviction for violation of any criminal drug law, based upon conduct occurring either on or off the workplace; or a violation of any alcohol beverage control law or law that governs driving while intoxicated, based upon conduct occurring in the workplace. An employee’s failure to report to his or her supervisor the employee’s conviction of any offense is also a violation. Any employee who commits any violation, as described by the policy, shall be subject to the full range of disciplinary actions, including discharge, pursuant to applicable disciplinary policies. Upon becoming employed by the Commonwealth of Virginia, all employees are provided with information about Policy 1.05 and required to sign a form indicating their receipt of this information.
**Additional Alcohol & Drug Policies for VIMS Campus.** VIMS operations include work with marine vessels and other heightened safety concerns, and VIMS therefore has additional policy restrictions for its employees.

In addition to the Commonwealth policy governing all state employees, VIMS strives to comply fully with the United States Coast Guard’s (USCG) and Department of Transportation’s (DOT) regulations governing drugs and alcohol use and testing. To ensure full compliance with USCG and DOT’s regulations governing drug and alcohol testing for marine operations, VIMS will secure consultation and program management assistance from nationally recognized providers of drug and alcohol testing programs.

**Prohibited Conduct Concerning Employee’s Use of Drugs and Alcohol:**

- Employees are prohibited from reporting for duty or remaining on duty when using any controlled substances or drugs, except when the use is pursuant to the instructions of a medical doctor who has advised the employee that the substance will not adversely affect the employee’s ability to safely perform his/her duties.
- Employees are prohibited from reporting for duty, or remaining on duty, with an alcohol concentration of 0.02 or greater.
- Employees are prohibited from performing safety-sensitive functions within 4 hours after consuming any alcohol. On-call employees who are not at work, but could be called to perform safety-sensitive functions, are subject to this pre-duty prohibition.
- Employees may not “refuse to submit” to any drug or alcohol test required under the USCG’s and DOT’s drug and alcohol rules.
- Employees are prohibited from performing or continuing to perform a safety-sensitive function if they have tested positive for controlled substances or alcohol, or refused to provide a specimen.
- During an employee’s workday, an employee is prohibited from engaging in the unlawful or unauthorized manufacture, distribution, dispensation, sale, purchase, solicitation, transfer, possession, use or transport of controlled substances or alcohol. This prohibition does not include the authorized distribution, dispensation, sale, purchase, solicitation, transfer, possession, use or transport of alcoholic beverages in connection with university-sponsored functions or events or service to our customers.
• Employees are prohibited from failing to stay in contact with the university or its medical review officer while awaiting the results of a drug test.

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

All incoming undergraduates are required to complete AlcoholEdu Part I, an online, educational program promoting safe alcohol use prior to the start of orientation. AlcoholEdu Part II is completed 45 days after the initial module is completed.

Incoming undergraduate students are required to attend New Student Orientation in August of every year. (There is a Spring section for transfer students provided in January of each year.) The program includes two live sessions that disseminate information about the alcohol and drug policies and consequences for violations:

• Tribe Values, a 60-minute program describing rights and responsibilities under the Code of Conduct and Honor Code.

• Making a Tribe Choice, a 60-minute program where students learn about campus policy, resources, risk reduction and legal issues through a dynamic multimedia presentation focusing on alcohol and issues of sexual violence caused by overconsumption of alcohol, presented by upper-class undergraduate students.

The New Leaf Clinic, associated with the William & Mary School of Education, offers three programs of support for currently enrolled students with substance abuse violations. The Alcohol Skills Training Program helps university students reduce the risks associated with drinking alcohol. The BASICS program for screening and intervention is for those students with more moderate alcohol sanctions. For students with severe alcohol or other drug addictions, there is a Six Session program that is either voluntary or involuntary. The clinic operates in conjunction with the Office of Student Affairs.

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

The Institution publishes a [Biennial Alcohol and Other Drug Prevention Program Report](#) and disseminates it to campus community upon publication. Annually, the Chief Human Resources Officer and the Vice President of Student Affairs sends email notification of the Drug-Free Workplace and School to all employees and students, respectively, in compliance with Section 120 of the Higher Education Act.
Prevention-Related Campus Security Protocols and Practices

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

The Access Control Policy for University Facilities, applicable to main campus facilities, establishes protocols for specific types of university facilities and for different types of users (such as contractors). Some of the protocols include:

- Unless specifically approved by the Director of Facilities Management Operations and Maintenance, keys manufactured or duplicated by a vendor or through any other source are prohibited. The installation, changing, or removal of locks shall be performed only by the Lock Shop or by a vendor authorized by the Lock Shop.

- An Authorized Signatory’s right to grant access is limited to his or her assigned areas of responsibility. No Authorized Signatory will have the authority to grant access to himself/herself. Authorization must be obtained from the next level of supervision; in the case of the President, the Provost serves as Authorized Signatory. Authorized Signatory responsibility may not be delegated; staff may perform administrative actions but authorization must be signed by or sent from the Authorized Signatory.

- Authorized Signatories may request building keys for personnel to use in areas directly under their control. When approved by an Authorized Signatory, Facilities Management will issue a key directly to the person responsible for its custody and use.

- The electronic access control system is centrally administered by Facilities Management with system rights granted to Residence Life for facilities under their purview. Departments may be granted administrator rights in the electronic access control system when approved by the Provost or responsible Vice President. When granted, administrator rights in the electronic access system will be limited to only those buildings for which a department has responsibility.
On the VIMS campus, Waterman’s Hall Visitors Center is open to the public on weekdays from 9:00 am-4:30 pm. Key or access card requests for Chesapeake Bay Hall, Andrews Hall, and the Seawater Research Laboratory are approved by the Department Head. New students are typically assigned the general key to allow access to most of the buildings on campus and the Waterman’s Hall Key, which provides them access into the Library and Computer Lab. During weekends, holidays, and other non-routine closings, there is 24-hour security coverage at the VIMS campus.

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

1. Residents are responsible for their personal security and that of their belongings within university facilities.
2. Due to the risk of injury and property damage, residents are prohibited from planning and/or participating in events and activities that involve the use of water and water devices within or adjacent to campus residences, i.e. swimming pools, water balloons, water guns, or slip and slides.
3. Computerized I.D. access or other security system is provided in the residence halls for the protection of the residents. While the university is in session, the exterior doors to the residence halls will be controlled to restrict access to residents, other currently enrolled students and guests accompanied by a resident. Access to residences by non-residents may be restricted to earlier hours, if the Residence Hall Community Council decides, or if the university determines that this is necessary for safety and security reasons.
4. Residents may not engage in any activity which creates a safety risk or which jeopardizes the security of the premises, including but not limited to, the propping of exterior doors and the removal of window screens.
5. For safety reasons the roofs, porches, window ledges, unfinished attics, and mechanical equipment rooms of all university buildings are restricted areas and may not be accessed.
6. Individuals observed in the hall who are not residents, currently enrolled students or guests escorted by a resident should be reported immediately to a Residence Life staff member or William & Mary Police.
Security-Related Maintenance of Campus Facilities. The maintenance of security systems is an ongoing activity. William & Mary Police assist by identifying conditions that may jeopardize the safety of the campus. These include but are not limited to inoperable lights, door problems and emergency phone malfunctions. Emergency phones are tested weekly and noted deficiencies are corrected as quickly as possible. For items that require immediate attention, such as door locks, the appropriate maintenance personnel are notified and informed of the problem. For non-emergency concerns, students and other members of the community, including the Police, can submit maintenance requests to Facilities Management through the on-line submission process. Facilities service requests can be accessed at Facilities Management Service Request site.

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

Campus Escort. A student run organization, provides nighttime transportation (via golf cart or walking escort) on campus to ensure the safety of the student body. Services are provided seven days a week, 9:00 p.m. to 1:00 a.m. Sunday through Thursday and 9:00 p.m. to 2:00 a.m. on Friday and Saturday. Campus Escort contact information is 757-221-3293.

Response

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

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

For certain incidents, including Clery Act crimes and Violence Against Women Act (VAWA) crimes, the university has specific policies and procedures for reporting. In the case of Clery and VAWA crimes, these policies are designed to ensure that any criminal conduct or incidents that occur on campus, on public property bordering campus, and in non-campus areas leased or otherwise controlled by the university, regardless of who is involved, is also reported immediately to William & Mary Police. The Crime Reporting Policy requires that as soon as an employee who is designated as a Campus Security Authority becomes aware of conduct or behavior that
reasonably appears to constitute a Clery Crime (see Definitions of Clery Crimes), he or she must report the incident to the William & Mary Police at 757-221-4596. Attempts of any of these types of crimes are also considered to be Clery Act crimes and must be reported. Campus Security Authorities (CSAs) are notified individually in writing of their responsibilities annually, and provided guidance, including information in the form of narrated power point presentations that includes specific procedures for how, where, and what to report. This guidance is available on William & Mary’s compliance website. CSAs must make it clear that he/she is reporting a crime as a CSA under the Crime Reporting Policy or by saying that he/she is calling to report a Clery Act Incident. Online training courses mandated for all faculty and staff help ensure awareness of reporting obligations relating to VAWA crimes.

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

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

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

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

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

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

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

Only those CSAs who are professional mental health and pastoral counselors are exempt from the requirement to report, but only if they learn of the Clery Act incident while acting as a professional mental health counselor or pastoral counselor, respectively. Counselors may encourage the student to make a voluntary anonymous report to the W&M Police, on a confidential basis, for inclusion in the annual disclosure of crime statistics. The institution does not have procedure for mental health and pastoral counselors to inform those they counsel of procedures for reporting crimes voluntarily and confidentially for inclusion in the institution’s annual security report; mental health and pastoral counselors are just informed that it is in their discretion to do so.

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

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

In addition to Campus Security Authorities, any member of the university community may make confidential reports for purposes of inclusion in the annual disclosure of crime statistics to the William & Mary Police Department, of any Clery Act crime or attempted crime, including sexual assault. Upon permission of the victim, the William & Mary Police may file a report on the details of the incident without revealing the victim’s identity.

The Sexual Harassment and Misconduct Policy requires all employees, except for a very few,
specified confidential resources, to report sexual violence (including sexual assault and other forms of harassment) affecting students or occurring on William & Mary’s Clery Act geography. The Policy requires reports to be made to the Title IX Coordinator, who will share the information with a representative from the William & Mary Police in accordance with Virginia law. See Sexual Assault and VAWA Crimes: Structure, Prevention & Response – Prevention.

In addition, the Violence and Threat Management Policy and other violence prevention policies encourage reporting of crimes and incidents.

In addition to Campus Security Authorities, any member of the university community may make confidential reports for purposes of inclusion in the annual disclosure of crime statistics to the William & Mary Police Department, of any Clery Act crime or attempted crime, including sexual assault. Professional counselors in the Counseling Center as well as other confidential resources – university employees who are not required to report crimes or sexual violence – are encouraged to report Clery Act crimes for inclusion in this Report. The university has an online reporting portal that may be used for this purpose.

Finally, the Student Arrest policy requires that students must report within three days any criminal process that has begun for them (whether by means of detention, court summons, citation, or other similar process) no matter where the incident occurs. This requirement applies to any criminal process resulting from:

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

This report is made to the Office of Student Conduct.

**Missing Person Inquiry**

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

Each student has the option to designate a confidential contact by submitting a form to the Dean of Students. This contact is not necessarily the same person as the student’s emergency contact, although they may be. Even if the student has identified an emergency contact they may also

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2 The Policy is aimed at an employee who witnesses sexual harassment of a student or to whom sexual harassment, including sexual assault, of a student has been reported; it encourages, but does not require, employees to report sexual harassment of another employee nor for victims of harassment to report.
designate a confidential missing person contact. The university will contact the designated person within 24 hours of the time that a student is considered missing. Law enforcement officials (including the William & Mary Police Department) also will be notified of a student’s absence no later than 24 hours after the student has been deemed missing and will follow their own investigation procedures. For students who are minors (under 18 and not emancipated), the university is obligated to notify parent(s) or guardian(s) within 24 hours of receiving a report that the student is missing.

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

The Dean of Students office is responsible for attempting contact with the student’s emergency contact and parent(s) or guardian(s) for minors. The office typically contacts via telephone and documents all attempts to communicate with the designated contact. The Dean of Students website has links to the Missing Student Protocol and the confidential contact information form.

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

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

Structure

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

William & Mary’s sexual violence website, serves as a portal for students, faculty, staff, parents, and others. It provides information about university sexual misconduct policies, procedures, prevention, and response.

Collaborative Title IX Staff

The Title IX Coordinator has official responsibility for the university’s compliance with Title IX and other federal and state laws and regulations, including coordination and oversight of all sexual harassment complaints to ensure consistent practices and standards in handling complaints. The Office of Compliance & Equity is also responsible for all discrimination, harassment and retaliation complaint investigations. The Title IX Coordinator is currently the Chief Compliance Officer and oversees the OCE. The Coordinating Committee on Prevention of Sexual Assault & Harassment directs and advises on many Title IX-related efforts as it implements the recommendations of the President’s Task Force, which completed its work in summer 2015. The Sexual Violence Prevention Specialist and the Title IX Coordinator co-chair the Coordinating Committee, and members of the Dean of Student’s Office and other departments within the division of Student Affairs, as well as faculty members and current students fulfill other key roles on the committee. The Office of Health Promotion, Fraternity/Sorority Life, and Residence Life partner with the Title IX Coordinator in this work. William & Mary Police not only perform criminal investigations, but also provide services to survivors of assault, stalking and relationship violence and lead many campus security efforts. A liaison from the police department serves on the Review Team along with the Title IX Coordinator or designee, and the Dean of Students/Human Resources/or Dean of Arts & Sciences to review all reports of sexual harassment, gender-based harassment or sexual misconduct and triage the response.

Biographical information about individual members of the Title IX Collaborative Staff is made available online, on the sexual violence website.
Specific individuals who have a proactive duty to assist students who make allegations of sexual misconduct include:

**Title IX Coordinator**

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

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

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

Pamela H. Mason, JD, CCEP
Chief Compliance Officer
109 James Blair Hall
Williamsburg, VA 23185
757-221-3167
phmaso@wm.edu

**Dean of Students**

The Dean of Students is responsible for imposing sanctions on students found responsible for a violation of policy. The Dean of Students division of Community Values & Restorative Practices implements many of the interim measures taken during an investigation and coordinates
remedial or supportive measures for both parties throughout and at the conclusion of the process. William & Mary’s Dean of Students is:

- Marjorie S. Thomas, JD  
  Dean of Students  
  Campus Center 109  
  Williamsburg, VA 23185  
  757-221-2510  
  mthomas@wm.edu

Other On-Campus Resources & Services

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

- **The Student Health Center** offers students who have been assaulted many free services, including screening and treatment for sexually transmitted infections, pregnancy tests, and emergency contraception.

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

- **The Haven** is a student-run center for support, advocacy and empowerment for those impacted by sexual violence and harassment. The Haven provides confidential education, advocacy, and acceptance for all who are seeking guidance on relational abuse, sexual violence and harassment. The Haven provides a physical gathering space for support and guidance for survivors, including information on the adjudication procedure, confidential resources, and guidance for parents or friends of a survivor.

- **Office of Health Promotion** is part of the Student Affairs division of Health & Wellness. The Office of Health Promotion has a Sexual Violence Prevention Specialist, who works with the Title IX Coordinator to lead the university’s efforts to prevent sexual misconduct. The Office of Health Promotion advises student groups on campus who work directly with the issue of sexual assault, including Health Outreach Peer Educators or “HOPE”)and Someone You Know or “SYK”.

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

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

William & Mary’s Sexual Violence Prevention Specialist is:

Lindsey Mosvick, JD  
Assistant Director & Sexual Violence Prevention Specialist  
McLeod Tyler Wellness Center 158  
Williamsburg, VA  23185  
757-221-3229  
lbmosvick@wm.edu

The Reves Center for International Studies provides information and support to both international students enrolled at William & Mary and undergraduate and graduate W&M students enrolled in study abroad programs overseas. International students who are affected by sexual misconduct on campus can seek special resources and answers to questions that are unique to students studying here on a visa from the International Students, Scholars & Programs division. William & Mary students studying abroad anytime during the year through the Reves Global Education Office can access support and help from Reves Center staff for any criminal conduct they encounter, including support and guidance in cases of sexual misconduct, dating and domestic violence, and stalking.

Campus Escort is a student run organization and provides safe walks and golf cart transportation around campus seven nights a week.

RAVE Guardian Free App is designed to allow a person to check in with family, friends, campus safety, or others you trust to help you stay safe both on and off campus. Within the app you can set a safety time to notify people you trust to check in on you if you are alone or in an unfamiliar place; invite family, friends or others to be your Guardian, and communicate with them within the app as needed; call safety officials directly for help if you are in trouble and send text tips – including photos – if you see something suspicious; set a Safety Timer to allow your status & location to be available to those you trust.

Steer Clear is a safe-ride program that provides a reliable, secure and free means of travel for
students on weekend nights when school is in session. The organization aims to reduce risky behavior, namely driving under the influence and traveling unescorted during late hours. Call 757-221-3748 and Press 1 if you are on campus or in the areas near campus or Press 2 if you are going to or coming from off-campus.

Off-Campus Resources & Services

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

Victim/Witness Assistance Program for Williamsburg City/James City County can provide information and support to victims of crime. Volunteers explain the criminal justice system to victims, accompany survivors to court and help ensure that crime victims and witnesses receive fair and compassionate treatment while participating in the criminal justice system. The program also provides referral for counseling.

City of Williamsburg 757-229-1541
James City County 757-229-1541
York County 757-890-3420

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

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

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

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

Prevention

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

William & Mary maintains a 24/7/365 website at www.wm.edu/sexualviolence/. The website includes information about the prevention policies. It also provides students with valuable information about sexual misconduct, including how to get help and reporting options and protections. It advises the students of whom they can contact to report the offense, the importance of getting medical attention, and the importance of the preservation of evidence as may be necessary to the proof of criminal sexual assault or to obtain a protective order.

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

Virginia Code Definitions

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

Rape (Section 18.2-61(A)): "If any person has sexual intercourse with a complaining witness, whether or not his or her spouse, or causes a complaining witness, whether or not his or her spouse, to engage in sexual intercourse with any other person and such act is accomplished (i) against the complaining witness's will, by force, threat or intimidation of or against the complaining witness or another person; or (ii) through the use of the complaining witness's mental incapacity or physical helplessness; or (iii) with a child under age 13 as the victim, he or she shall be guilty of rape."

Stalking (Section 18.2-60.3): "Any person, ... who on more than one occasion engages in conduct directed at another person with the intent to place, or when he knows or reasonably should know that the conduct places that other person in reasonable fear of death, criminal sexual
assault, or bodily injury to that other person or to that other person's family or household member is guilty of a Class 1 misdemeanor."

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

A. Any person who commits an assault and battery against a family or household member is guilty of a Class 1 misdemeanor.

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

C. Whenever a warrant for a violation of this section is issued, the magistrate shall issue an emergency protective order as authorized by § 16.1-253.4, except if the defendant is a minor, an emergency protective order shall not be required."

Other potentially relevant laws include:

**Sexual battery** (Section 18.2-67.4) and **aggravated sexual battery** (Section 18.2-67.3)

**Attempted rape, forcible sodomy, object sexual penetration, sexual battery** (Section 18.2-67.5)

**Object sexual penetration** (Section 18.2-67.2)

**Sexual Misconduct Prevention Policies**

In addition to a general policy that prohibits discrimination, harassment, or retaliation based on any irrelevant personal characteristic, William & Mary also has a specific policy applicable to all faculty, staff, students, and visitors on campus that prohibit sexual assault, relationship violence (dating violence and domestic violence), stalking, and other forms of sexual misconduct.

**Most Important Policies:**

- The **Discrimination Policy** (Policy on Discrimination, Harassment, and Retaliation) prohibits all forms of discrimination, including sexual violence and other forms of sexual harassment, and mandates reporting in certain circumstances.
- The **Sexual Misconduct Policy** (Policy on Sexual Harassment, Gender-Based Harassment
and Sexual Misconduct) defines specific types of prohibited sexual harassment and Violence Against Women Act crimes. It also covers reporting issues including confidentiality and amnesty.

The sexual misconduct prevention policies are disseminated in various ways. For example, the Sexual Misconduct Policy and Student Sexual Misconduct Procedure are provided in the Student Handbook as well as prominently featured on the university’s website. These policies and related procedures for faculty or staff are posted on several university websites, including the Compliance & Equity Office’s Title IX Policies and Procedures webpage, and are disseminated annually to all faculty and staff by the Provost via email notification. Bi-annual training provided to faculty and staff also educates employees regarding the policies and procedures.

Other Potentially Relevant Policies:

- The Crime Reporting Policy requires employees who are Campus Security Authorities (CSAs) to report certain crimes, including sex offenses, dating and domestic violence, and stalking, which occur on campus or on W&M-controlled property to W&M Police.
- The Timely Warning Policy specifies the purpose and process for issuing timely warnings. A timely warning is a notice to students of the occurrence of Clery Act crimes, including sexual assault, that pose a serious or ongoing threat to the campus community.
- The Violence and Threat Management Policy (1) prohibits threats and acts of violence, including sexual assault and domestic violence, committed by students, employees, or third parties, (2) mandates reporting to the threat assessment team of threats and acts of violence, (3) encourages reporting of "concerning behavior," and (4) describes threat assessment process.

Additional Information Regarding Sexual Misconduct Policy:

The Sexual Misconduct Policy prohibits sexual harassment, gender-based harassment and other forms of sexual misconduct, including sexual assault.

The policy provides explanation and definitions of sexual harassment, gender-based harassment, sexual assault, relationship violence, stalking, sexual exploitation, consent, and incapacitation, as well as written notification to students or employees about interim measures and support that is available to affected persons upon reporting, regardless if they want to pursue an investigation, either administratively or criminally. More written notification of existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services available both within the institution and in the community are provided to students from the Dean of Students or to employees from the Title IX Coordinator or designee at initial intake of a report. Informational handouts about assistance in changing academic, living, transportation, and work situations is also provided to affected persons in writing at initial intake.
with the Dean of Students or Title IX Investigator. Information and resources are also provided to respondents. Examples of these informational handouts are published on the sexual violence website. Campus and community resources are also available at www.wm.edu/sexualviolence.

Policy Definitions

Sexual Misconduct is actual or attempted:

1. Sexual assault
2. Relationship violence (domestic or dating violence)
3. Sexual exploitation
4. Stalking

Each of these types of sexual misconduct is defined below. In many cases, sexual misconduct is a form of sexual harassment.

1. **Sexual Assault** most commonly is non-consensual sexual intercourse or fondling. Certain sexual acts prohibited by Virginia law -- namely, statutory rape\(^3\) and incest\(^4\) -- also are sexual assault.
   
b. **Non-Consensual Sexual Intercourse** is anal or vaginal penetration, no matter how slight, by any body part or object, without effective consent, or oral penetration by a penis, without effective consent.

   b. **Fondling** is touching, massaging, caressing, stroking or rubbing of a person’s intimate body parts (including genitalia, groin, breast or buttocks, or clothing covering any of those areas) for the purpose of sexual gratification, without effective consent.\(^5\) Using force or threat of force to cause a person to touch that person’s own or another person’s intimate parts is also fondling.\(^6\)

2. **Relationship violence** is physical or sexual violence or the threat of such violence\(^7,\)\(^8\) between people who are in or have been in a romantic, intimate, or familial relationship.

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\(^3\) Sexual assault is a VAWA offense. Statutory rape is defined under VAWA as “sexual intercourse with a person who is under the statutory age of consent.” In Virginia, statutory rape is not a legal term. There are several statutes that apply. While the penalties vary depending on the age difference between the parties and the age of the younger party, these laws criminalize sexual intercourse between someone who is 18 years of age or older and someone who is younger than 18.

\(^4\) Incest is defined under VAWA as “sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.”

\(^5\) Contact with an intimate body part or other unwelcome contact that is not done for the purpose of sexual gratification would be considered as sexual harassment or as a violation of the rights of others (Student Code of Conduct). The nature, purpose and context will be considered in determining whether to address such conduct as sexual misconduct or as a violation of the rights of others under the Student Code of Conduct.

\(^6\) “Force” is defined under Section B.

\(^7\) Acts of violence and threats are defined in W&M’s Policy on Campus Violence and Threat Management. Psychological, emotional, verbal, financial or academic abuse that does not rise to the level of a pattern of abusive behavior to constitute relationship violence may be considered as potential sexual harassment.

\(^8\) In evaluating whether conduct constitutes relationship violence, the deciding official may consider whether the conduct is so severe or pervasive as to create a hostile environment, as defined in the Discrimination Policy.
or a pattern of abusive behavior used by an intimate partner to gain or maintain power and control over the other intimate partner. Patterns of behavior can be in the form of psychological, emotional/verbal, financial, academic, and/or technological abuse. **Domestic violence** and **dating violence** are the two forms of relationship violence.

3. **Sexual Exploitation** is taking sexual advantage of another person without effective consent by causing the incapacitation of another person for a sexual purpose; causing the prostitution of another person; electronically recording, photographing, or transmitting intimate or sexual information about a person; allowing third parties to observe sexual acts; engaging in voyeurism; distributing intimate or sexual information about another person; exposing one’s genitals; inducing another to expose their genitals; and/or knowingly transmitting a sexually transmitted infection, including HIV, to another person.

4. **Stalking** is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
   1. Fear for the person’s safety or the safety of others; or
   2. Suffer substantial emotional distress. Such distress does not have to be severe enough to require medical or other professional treatment or counseling in order to be substantial emotional distress.

   Stalking requires two or more acts, including but not limited to, acts in which the stalker directly, or through third parties, by any action, method, device, or means follows, monitors, surveils, threatens, or communicates, to or about, a person, or interferes with a person’s property. Examples of behaviors that may, by themselves or with other behaviors, constitute stalking include:
   - following or pursuing
   - waiting or showing up uninvited at a person’s workplace or home

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*Domestic violence* is violence committed by:
- A current or former spouse or intimate partner of the victim or by someone else who has or had an intimate or familial relationship with the victim;
- A person with whom the victim shares a child in common;
- A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
- A parent, child, step-parent or step-child, sibling (full or half), grandparent or grandchild of the victim;
- The victim’s mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law or sister-in-law, if he or she resides in the same home with the victim; or

*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, other than Domestic Violence. The existence of such a relationship is determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

In evaluating whether conduct constitutes sexual exploitation, the deciding official may consider whether the conduct is so severe or pervasive as to create a hostile environment, as defined in the Discrimination Policy.
• surveillance, whether physically or through electronic means
• non-consensual communications including social networking site postings.

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

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

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

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

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

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

**Consent is specific.** Consent to one form of sexual activity does not constitute consent to another form of sexual activity. For example:
- Consent to oral-genital contact does not constitute consent to vaginal or anal penetration;
- Consent to sexual activity on one occasion does not, by itself, constitute consent to future sexual activity.

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

**Consent obtained by force is invalid.**

Force includes physical violence, threats, intimidation and/or coercion:

**Physical violence** includes hitting, punching, slapping, kicking, restraining, strangling, and brandishing or using any weapon.

**Threats** are words or actions that would compel a reasonable person to engage in unwanted sexual activity. Examples include threats to harm oneself or another person physically, to reveal private information to harm a person’s reputation, or to cause a person academic or economic harm.

**Intimidation** is an implied threat that causes reasonable fear in another person. A person’s size, alone, does not constitute intimidation; however, a person’s size may be used in a way that constitutes intimidation (e.g., blocking access to an exit).

**Coercion** is an unreasonable amount of pressure on someone to:
- participate in a particular form of sexual activity,
- change their mind after they asked to stop or have indicated lack of consent previously,
- change their mind about what point of sexual activity they are stopping at.

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

**Incapacitation.** Incapacitation is the physical and/or mental inability to make informed, rational judgments about whether or not to engage in sexual activity. Someone who is incapacitated cannot give consent and any consent that is given is considered invalid due to incapacitation.
An individual’s incapacitation may be due to:

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

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

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

- When and in what context the concerns were raised
- How the sexual activity was initiated
- The degree to which aggression was applied and/or
- The level of a party’s control or capacity

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

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

**Retaliation** is any adverse action taken by a respondent or allied third party against a person because the person made a good faith report of sexual or gender-based harassment or sexual misconduct, or the person is involved in or participated in an investigation or proceeding of such reported allegation under this policy. Retaliation includes, but is not limited to, threatening, intimidating, harassing, coercing or any other conduct that would deter a reasonable person from engaging in activity protected under this policy.

Retaliation is prohibited. Separate disciplinary action shall be imposed if there is a finding of responsibility for retaliation. Retaliation may be present even where there is a finding of “no responsibility” on the allegations of sexual or gender-based harassment or sexual misconduct. Retaliation does not include good faith actions lawfully pursued in response to a report of sexual
or gender-based harassment or sexual misconduct or adverse actions taken for legitimate non-discriminatory purposes (e.g. employee discipline for tardiness, student honor code charges for separate plagiarism incident).

**Making an Internal Report**

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

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

Pamela H Mason, JD, CCEP  
Chief Compliance Officer  
109 James Blair Hall  
College of William & Mary  
Williamsburg, VA 23185  
757-221-3167  
phmaso@wm.edu

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

1. **Online Reporting**

   William & Mary's online reporting portal provides options for anyone to report a Title IX concern relating to a student, at [http://www.wm.edu/titleix/form](http://www.wm.edu/titleix/form).

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

   Reports relating to students:  
   Dean of Students  
   Campus Center, Room 109  
   College of William & Mary  
   P.O. Box 8795
3. Anonymous Reports

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

Anonymous reports or partial disclosure reports of incidents involving students or employees made by non-mandatory reporters may be filed physically using the secure dropbox located outside of the Office of Compliance & Equity on the first floor of James Blair Hall.

William & Mary Police may accept anonymous reports of sexual assault, which will be included in the university's daily crime log and annual crime statistics if appropriate. The Police can also assist survivors with the process of having physical evidence collected (PERK), anonymously, and maintained. This gives survivors the option of later deciding whether and how to use such evidence. Please note that if you provide the Police with specific information, such as names, they will be obligated to share that information with the Title IX Coordinator. William & Mary Police dispatch can be contacted at (757) 221-4596 or in person at 201 Ukrop Way.

Confidential Reports

For Students:

Students who are not sure whether they want to make a formal complaint are encouraged to seek help from the Haven. The Haven can provide confidential support, information and resources to help a survivor access mental health services and understand the options available to them.

The Haven
Campus Center 166
757-221-2449
thehaven@wm.edu

Liz Cascone
Director, the Haven
757-221-7478
emcascone@wm.edu

Other confidential resources for students on campus are:

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

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

Lesley Henderson
Director of Student Accessibility Services
757-221-2509
ljhenderson@wm.edu

**International Travel & Security Manager** (for international students or students participating in international programs; Note, this person is not a confidential resource for sexual violence)

Nick Vasquez
Reves Center 222
757-221-1146
snvasquez@wm.edu

**Graduate Student Ombuds**
Phil Daileader
James Blair 342
phdail@wm.edu

**For employees:**
The University Ombuds
Hornsby House 336
757-221-1941
ombuds@wm.edu

**Criminal Reporting**
Sexual assault and some other forms of sexual misconduct are crimes, and may be reported to law enforcement for investigation. William & Mary staff members can help students file a criminal complaint, if desired. Students and staff may report to the police instead of reporting for internal administrative investigation, or may file an additional, parallel report. Those wishing to report do not need to choose one or the other; they may pursue an administrative investigation with the university without filing a criminal report.

- The William & Mary Police generally have jurisdiction over incidents occurring on W&M's campus.

- The Williamsburg City Police generally have jurisdiction over incidents occurring in the city of Williamsburg.

- The James City County Police generally have jurisdiction over incidents occurring in James City County.

Filing an External Grievance

The university encourages members of the campus community to resolve matters internally, such as by filing a report under the Employee Discrimination, Harassment, and Retaliation Grievance/Compliant Procedure or the Student Sexual Misconduct Procedure, before pursuing remedies outside the university. However, employees and students have the right to directly contact the appropriate external enforcement agency. Information regarding these agencies is available with the Office of Compliance and Equity. Individuals experiencing harassment or discrimination also have the right to file a formal grievance with government authorities.

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

The Equal Employment Opportunity Commission
Employees and applicants for employment may file complaints with the EEOC. The EEOC provides information about filing a charge with the Norfolk field office online. Information about the Richmond field office is also available online. The EEOC also provides an online assessment, which can be used to help people decide if the EEOC is the correct agency to assist them.

Office of Civil Rights of the U.S. Department of Education
Complaints may be filed by anyone who believes that William & Mary has discriminated against someone on the basis of race, color, national origin, sex, disability, or age. OCR has an online
complaint form and its website also provides guidance on various discrimination topics in its online reading room.

**Confidentiality**

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

Limited disclosure of confidential information is often necessary in order to respond to a report of sexual misconduct. This disclosure is most typically internal to the university. For example, a Title IX Collaborative Staff may confirm the fact that the modification or protective measure is justified with other institutional employees who have a need to know, e.g. Residence Life staff member, faculty member, advisor—without disclosing any details of the report or investigation. Only the members of the Title IX Collaborative Staff will be involved in determining whether to take an interim measure that would reveal confidential information and in determining whether to otherwise disclose confidential information. If an interim measure would require some disclosure of confidential information to someone other than a school official, this is typically made in consultation with and with the consent of the reporting party; if safety concerns do not allow such consent, the reporting party is promptly notified as described in Section V(C) of the Sexual Misconduct Procedure. Reports and investigation details are maintained on a secure, password protected database that is accessible only by the Title IX Collaborative Staff.

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

**Sexual Misconduct Prevention and Education Programs**

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

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

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

- **Committee on Education and Prevention of Violence** – This committee is charged by Virginia law with increasing community safety through a collaborative and thoughtful approach to educating our students, faculty and staff about the nature, cause, and various forms of violence as well as the prevention and restorative measures available. The committee has a website with information including definitions of laws and policies and promotes awareness of the Violence and Threat Management Policy.

- **Red Flag Campaign** is a national initiative that raises awareness on domestic and relational violence. William & Mary has participated in this campaign since 2006. Throughout the month of October, red flags are strategically placed across campus to represent rates of domestic and relational violence. Educational posters are placed near the flags, in residence halls, academic buildings, and other buildings to raise awareness about the warning signs or “red flags” of unhealthy relationships. In addition to coordinating the placement of the flags, our peer educators (HOPE and SYK), also host a variety of educational events throughout the month to provide students (both graduate and undergraduates) the opportunity to learn more about relationship violence.

- **Sexual Assault Awareness & Prevention Month** in April involves partnerships between the Coordinating Committee, HOPE, 16(IX)3, Someone You Know, Student Assembly, and many more student organizations to create a variety of events discussing prevention and survivor support and bringing in state and national resources to campus.

- **Poster/flyer campaign** – W&M’s Title IX poster campaign has become a foundation of our awareness programs. These posters are aimed at student survivors of sexual misconduct, and describe reporting options and resources and encourage preservation of evidence. The
posters are placed across campus in bathrooms, on bulletin boards and kiosks. In addition to the posters, a one page informational flyer is distributed each fall to all campus residents. One flyer per occupant is taped to all residential doors.

- **Take Back the Night** – Hosted by HOPE, this event is open to all students to raise awareness about the impact of sexual violence and provide a supportive environment for survivors to share their stories. The event is in two parts: part one, open to faculty & staff, gives survivors an indoor platform to share and receive support; part two, open to students, is a candlelight circle on the Sunken Garden where students can share more privately.

- **Let’s Get Consensual Campaign** – planned in the Spring and Summer of 2019, *Let’s Get Consensual* aims to promote a campus-wide culture of consent. *Let’s Get Consensual* is a collaborative effort between the Office of Health Promotion, the Haven, Health Outreach Peer Educators, Someone You Know, Student Assembly, Vox and Amnesty International at William & Mary. The campaign was designed to get every facet of campus involved, and will feature different themes every two weeks.

- **Video Project** – Through the efforts of William & Mary’s video team, the video project revamped the Office of Compliance and Equity video and created a new video outlining the student sexual misconduct process. Over the next year, the video project will highlight the role of the Dean of Students office in the student sexual misconduct process and the prevention work done by the Office of Health Promotion, HOPE and SYK.

**Programs for All Students**

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

- **Making a Tribe Choice**—New undergraduate and transfer students attend a 1-hour session during Orientation developed by the Office of Health Promotion and the Haven (the Survivor Support center on campus). The program includes scenarios of new students dealing with issues of substance use, consent, bystander intervention and other topics related to sexual misconduct, as well as interviews with various resources on campus for supporting students with those issues. The Orientation Aides facilitate a conversation immediately following the video reinforcing messages of consent and bystander intervention.

- **First Year Initiative/Extended Orientation**—Extended orientation programs continue to help reinforce prevention programming provided during orientation. Each freshman hall signs up during the first six weeks of the fall semester for their own presentations on four different topics, including one entire presentation on consent. That presentation includes definitions of consent, incapacitation and covers both confidential resources and reporting resources on campus. In the spring semester, they receive a training on I can...I will... William & Mary’s courage intervention program which includes intervention in sexual and gender-based harassment scenarios.

- **Peer Education (particularly by Health Outreach Peer Educators [HOPE])** - Approximately 60 peer educators that are highly trained (through a 3-credit semester long class taught by Health Promotion staff including the Sexual Violence Prevention Specialist) implement education and awareness campaigns throughout the year on topics such as healthy relationships, substance use, mental health, and sexual health. HOPE facilitates first year mandatory extended orientation on bystander intervention and healthy relationships as well as yearlong efforts to create culture change amongst their peers. These students are advised by the Office of Health Promotion and collaborate with other offices and student groups across campus.
Someone You Know (SYK)—Formerly One in Four, this mixed sex/mixed gender student group works to prevent sexual violence on campus, to promote healthy masculinity, to increase all individuals' commitment to end sexual violence through peer education programs, and to create a more supportive, healthy and aware campus. In 2019, approximately half of the group became Certified Peer Educators through NASPA’s CPE program.

Take Back The Night—A time of healing and story-sharing for survivors and for the campus community. The goal is to bring people together around the issue of sexual assault and to show support for survivors.

RUF presents Me Too in the Church too: The goal was to inform and equip students to prevent abuse, recognize it’s signs, and expose cover-ups, using the examples of failures in the past in the faith community. The facilitators were clergy and peer educators.

W&M Fraternity and Sorority Life Stands Up Against Sexual Assault: Open to all, the event worked to heal ties between “Greeks” and “non-Greeks” by starting a dialogue about the impact the FSL community has on the culture of sexual violence.

A Memory, A Monologue, A Rant and A Prayer: W&M Law Revue hosted this performance of monologues raising awareness about violence against women, fundraising for Avalon Center. Both undergraduates and graduate students highlighted the impact of sexual violence, sexual harassment, dating violence and stalking.

Speak About It: This performance-based presentation about consent, boundaries and healthy relationships is intended for college audiences. Using a combination of humorous yet provocative skits, interactive dialogue, and powerful monologues written by real college students, Speak About It covers a broad range of key topics in prevention education, including: consent, sexual assault, and bystander intervention. The Speak About It team customized the script to resonate with W&M students, and targeted outreach was done for FSL and student athletes.
• **Sexual Assault Awareness Month programming**: A collaborative effort between student groups and campus departments, the month featured an event on the Title IX reporting process, a movie screening of the Light of the Moon, the Clothesline Project and Take Back the Night.

• **Student Assembly and HOPE present The Haze: A Play by Heather Marlowe**: An enthralling, sharp-witted, and autobiographical story about the aftermath of being drugged and raped, Marlowe’s piece has generated local and national attention for the issues it raises about how rape cases are handled even in enlightened cities like San Francisco. Marlowe wrote her solo tragicomedy during the two years it took for the San Francisco Police Department to process her rape kit, initially with the goal to reveal the mishandling of her sexual assault case. The event brought attention to sexual violence, its impact and the reporting process.

**Targeted Student Outreach**
Specific trainings for targeted populations include:

• **Athletes**: All freshmen athletes received training on sexual violence prevention and substance use during their mandatory Academy training sessions in the Fall. Coaches also received training from Title IX and the Sexual Violence Prevention Specialist on mandatory reporting and resources. Every team received a courage intervention presentation that was tailored to student athletes including W&M policy definitions, survivor support, prevention strategies for sexual violence, dating violence and stalking.

• **Fraternity/Sorority Life**: Peer educators presented at the FSL New Member Orientations. Edits to the Supporting Survivors curriculum were made, and a new cohort of students were trained to present the curriculum in Fall 2018 for implementation in Spring 2019.

• **The Greek Life Task Force**—In 2016-17 the Steering Committee was created to implement Task Force Recommendations. Upon recruiting and training new members including IFC, Panhellenic and MPHC leadership and professional staff, the committee Continued their
collaborative work with educational liaisons, worked to edit curricula for Supporting Survivors and a new mandatory prevention education curriculum, and set the stage for new bylaws to pass in the Panhellenic and IFC councils mandating this education for every chapter.

- **Residence Assistants:** Overview of Title IX and Mandatory Reporting requirements are provided to all RA’s prior to the start of the semester. RAs were also offered optional sessions on boundary setting and prevention strategies.

- **Law Students:** The Title IX Coordinator and the Haven Director presented as part of law student orientation. Health Promotion supported a #MeToo Sharing and Caring Event in response to public events that impacted law students more than the undergraduate student population. Health Promotion also presented on healthy relationships and dating violence prevention as part of the Law School’s Wellness Wednesday series.

**Programs for Employees**

- **Faculty and Staff Training.** The university has acquired an online training module, Haven for Faculty & Staff, which includes education on the Clery Act, Title IX, VAWA, identifying sexual misconduct, reporting obligations, reporting options and protocols, and bystander intervention. This training includes definitions of the VAWA offenses under Virginia criminal law. It also includes policy definitions of consent and the forms of sexual misconduct. All faculty and staff are required to take training on these topics at least every two years. All new hires are required to complete the training within 30 days of their start date.

- **Targeted Training.** The Office of Compliance & Equity provides annual training to employees in specific departments and groups, such as Athletics, VIMS, School of Education, Counseling Center, Resident Aides (RAs), Orientation Aides (OAs), and new faculty hires. The Chief Compliance Officer/Title IX Coordinator provides mandatory reporting training to new Student Affairs staff members once a semester.

- **Policy Promotion Activities.** The university promotes awareness of its expectations for conduct and for policies preventing assault and other forms of violence, by disseminating information about its policies. These policy promotion activities are discussed in this Report under “Sexual Misconduct Prevention Policies”.

- **The Women’s Network screening of the Light of the Moon:** Open to just faculty and staff, this movie covers the issues of sexual violence, supporting survivors and the reporting process. A dialogue followed the screening.
Sex Offender Information

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

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

The Virginia State Police is responsible for maintaining this registry. Follow the link to access the Virginia State Police Website. Sex Offender Registry

Response

Reporting Obligations

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

To help ensure that sexual violence, dating and domestic violence, and other forms of violence are promptly addressed, William & Mary has strong policies requiring all responsible employees and Campus Security Authorities who become aware of these matters to report to the proper authority. These policies do not require victims or survivors to self-report and students who are not responsible employees or CSA’s are not required to make third-party reports for a friend or roommate that discloses an incident of violence to them. The most important policies are:

The Discrimination, Harassment, and Retaliation Policy covers sexual violence, and requires all employees (including Resident Assistants, Teaching Assistants, and other designed student employees) to report incidents of sexual harassment involving students.
The **Violence and Threat Management Policy** requires reporting of acts of violence, including sexual assault and dating and domestic violence.

The **Crime Reporting Policy** requires Campus Security Authorities to report Clery Act crimes. Because this policy is to ensure Clery reporting and other public available record-keeping, any identifying information about the victim of a Clery Act crime, including sexual assault, dating violence, domestic violence and stalking, is not included in the report.

The **Whistleblower Policy** encourages reporting of unethical behavior and other misconduct. It complies with the [Fraud and Whistle Blower Protection Act](https://www.legis.state.va.us/vlaw/301-2.2.c.html), Title 2.2, Chapter 30.1 of the Code of Virginia.

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

- The Compliance & Equity Office maintains a website summarizing all [mandatory reporting obligations](https://williamandmary.edu/about/student-life/services/support-services/) for employees. The Office of Human Resources provides all new employees with a handout summarizing these reporting obligations.

- The Provost sends an annual Essential Matters message to all faculty and staff, including a link to this mandatory reporting website and a reminder to employees of their obligation.

- Most faculty, many employees in Student Affairs, and a number of other employees are Campus Security Authorities (CSAs), responsible for reporting, among other crimes, sexual violence under William & Mary’s **Crime Reporting Policy**. The Compliance & Equity Office notifies Campus Security Authorities of their status as such and reminds them of their obligations annually. The method of notification is described on the [Campus Safety-Clery Act](https://williamandmary.edu/about/student-life/services/safety/) website which includes links to guidance provided to CSAs as well as the annual communication notifying faculty and staff of their designation as a CSA.

- The university requires all employees to complete an in-person or online training on sexual harassment and violence prevention and response.

**Support Services & Interim Measures**

Our priority, when we become aware of an incident, is the safety and well-being of the reporting party. (We use this term to refer to the person reported to have experienced the sexual
misconduct, even though some reports are made by a friend or other “third party”.) After immediate needs such as medical care and forensic evidence collection are addressed, other steps may be taken to support the reporting party and general campus safety. Most of these measures can be implemented even if the reporting party does not wish to participate in an investigative process.

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

The written information provided to a reporting party includes details about a reporting party’s rights and options and information about health services from the Student Health Center (free for students), health and counseling services provided through employee’s health insurance policy and the Anthem Employee Assistance Program, free mental health services through the Counseling Center for students, visa and immigration assistance through the Reves Center, and victim advocacy from the peer support group on campus, The Haven, or off campus community services from Avalon. It also informs survivors that the William & Mary Police can assist students with the process of having physical evidence collected (PERK), anonymously, at Riverside Doctor’s Hospital. The university is unable to provide legal assistance for students or employees, but the reporting party is informed in this communication of his or her right to an advisor or his or her choice, which can be legal counsel retained by the student or employee.

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

**Orders of Protection**

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

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

Students who wish to discuss the option of a Campus No Contact Order or who wish to file a request for a Campus No Contact Order should schedule an appointment with the Office of Community Values & Restorative Practices at 757-221-2509. Likewise, if a student who has a Campus No Contact Order in effect believes the other party to the directive has contacted or attempted to contact the student, then the student should notify the Office of Community Values & Restorative Practices at 757-221-2509 immediately. A student concerned about his/her safety should contact the William & Mary Police at 757-221-4596 or 911 immediately.

In Virginia, an Order of Protection (Restraining Order) is available for students or employees to seek through the legal system. A protective order is a legal document issued by a judge to protect the health and safety of a person who is alleged to be a victim of any act involving violence, force, or threat that results in bodily injury or places that person in fear of death, sexual assault, or bodily injury. Persons who wish to obtain a protective order should go to (5201 Monticello Avenue Suite 2, Williamsburg, VA) or call (757-564-2400) the General District Court of Williamsburg/James City County. If the person from whom a student or employee wants protection is a family or household member, or a juvenile, the student or employee should go to or call the Juvenile and Domestic Relations District Court, which is located in Suite 3 at the same address as the General District Court listed above. The contact number for the Juvenile and Domestic Relations District Court is 757-564-2200.

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

**Investigation & Resolution Procedures**

Complaints and reports of sexual misconduct (including the VAWA crimes of dating and domestic
violence and stalking) are processed under one of two procedures. The procedure used is determined by the identity of the person(s) accused, suspected, or reported for misconduct. This person is called the respondent. If the respondent is a student, then the Student Sexual Misconduct Complaint/Grievance Procedure is followed. If the respondent is an employee (faculty or staff), the Employee Discrimination, Harassment, and Retaliation Grievance/Complaint Procedure governs the process. In cases where a student is also an employee (teaching assistant, residential assistant, etc.), the Review Team will assess the context in which the sexual misconduct occurred and the relationship, if any, between the reporting party and the respondent to determine which procedure to follow.

All W&M procedures carefully treat concerns of anonymity/confidentiality.

All W&M procedures include steps (interim measures) designed to protect reporting parties from retaliation and to provide them with support and protection, such as through no-contact orders and/or changes to academic, living, transportation, and working situations -- if requested by reporting party. These steps can be taken regardless of whether a criminal complaint is being made and regardless of whether the reporting party does not want an investigation. Support services are also available for respondents.

All W&M procedures involve trained investigators and administrators. The university works to ensure that investigators and others involved with sexual assault, domestic violence, dating violence or stalking cases are trained annually and are familiar with investigation strategies and protocols, relevant university policies and procedures, and Title IX requirements.

All W&M procedures begin with prompt, expert assessment of reports of sexual violence occurring on campus or affecting W&M students. This initial assessment begins with a report made to the Title IX Coordinator; almost all W&M employees are required, by Virginia law, to share information about such incidents of sexual violence with the Title IX Coordinator, regardless of how the employees become aware of such information. The Title IX Coordinator convenes the Title IX Review Team, consisting of a representative from the William & Mary Police, Student Affairs, and other administrators if faculty or staff are involved in the reported incident. The Title IX Review Team assesses the risk posed by the incident and determines the disposition of the report. This disposition may be an investigation under the applicable procedure, or may be remedial action. The Title IX Review Team also makes any mandated reports to applicable law enforcement agencies as required by Va. Code §23-9.2:15 (F) and (G) and Va. Code §63.2-1509.

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

**Student Sexual Misconduct Procedure**

I. Purpose and Summary of Procedure

A. Purpose. The purpose of this procedure is to provide a fair and effective investigation and adjudication process. This procedure helps the university implement two important policies relating to sexual harassment, sexual assault, and other forms of violence:

- The Policy on Discrimination, Harassment, and Retaliation, which defines prohibited discrimination including sexual harassment and states that sexual violence is a form of sexual harassment; and
- The Policy on Sexual Harassment and Misconduct, Relationship Violence, and Stalking (the Sexual Misconduct Policy), which defines the different forms of sexual misconduct and explains reporting options.

This procedure also helps William & Mary comply with Title IX of the Educational Amendments of 1972, which prohibits discrimination based on sex, and other federal and state anti-discrimination laws, by providing a fair, prompt process to respond to complaints, reports, and grievances.\(^{12}\)

B. Summary of Procedure and Timelines. Under this procedure, reports are assessed initially by a Title IX Review Team to determine the appropriate course of action. For reports investigated under this procedure, annually trained investigators interview the parties and relevant witnesses and collect and analyze evidence (such as emails, pictures, medical records). The investigation report is submitted to the Determination Official and the parties. Each party may submit a response to the investigation report to the Determination Official. The Determination Official reviews the report and decides whether to resolve the matter administratively or whether and which allegations should be resolved through a determination conference. If a determination conference is held, parties have the right to attend and the Determination Official may call other witnesses to attend. Determinations are made based on the preponderance of the evidence. If the Determination Official finds that any student has violated university policy, that determination will be submitted to the Dean of Students, who will impose sanctions and, in consultation with the Title IX Coordinator, remedial measures. Either party may appeal the determination or sanctions (if any) to the Provost. The Provost’s decision is final.\(^{13}\)

\(^{12}\) Title IX, 20 U.S.C. 1681-1688, prohibits discrimination on the basis of sex (including gender and pregnancy), including sexual violence and other forms of sexual harassment.

\(^{13}\) This summary is provided to help readers quickly understand the basic process. If there are any differences between this summary and the more detailed provisions in the body of this procedure, the more detailed provisions
The university seeks to resolve matters promptly, typically within the following timelines expressed in working days\(^{14}\). Timelines may be extended for a variety of reasons (see Section IV(A)).

- **Day 1**: Investigation authorized (note that in some cases, such as where a survivor’s identity is unknown or where he or she initially requests no investigation, significant time may elapse from the date when a report is initially received and the day when an investigation is authorized)
- **Day 25**: Investigation report submitted to Determination Official and parties
- **Day 30**: Parties submit any response(s) to investigation report and/or personal statements
- **Day 33**: Determination Official decides whether to resolve through a determination conference or resolve administratively:

\(^{14}\) Working days refers to days that William & Mary’s administrative offices are open. During the winter break, to allow for prompt resolution, timelines may be compressed and/or may be specified to fall on days when the university is closed for the break.
II. Scope

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

This is the procedure for investigating any conduct prohibited by the Sexual Misconduct Policy. A different procedure is used for addressing complaints and concerns of discrimination and harassment by employees or third parties (including but not limited to vendors, contractors, alumni/ae, visitors or local residents); the Dean of Students can assist students with such complaints or concerns.¹⁵

This procedure also may be used, in the discretion of the Dean of Students, for investigation and adjudication of other reported violations of the Student Code of Conduct, particularly:

- reported violations related to the reported sexual harassment or misconduct and alleged to have been committed by the same student or student group,
- any other type of discrimination prohibited by the Policy on Discrimination, Harassment, and Retaliation (the Discrimination Policy), which is reported, or suspected to have been committed by a student (regardless of enrollment status) or student group, each as defined in Section I of the Student Code of Conduct, and
- other reported violations of the rights of others, particularly those requiring significant investigation, such as allegations of hazing.

¹⁵ Investigations of alleged misconduct by any type of employee, contractor, or other non-student third party are handled under the Employee Discrimination Grievance/Complaint Procedure.
In this procedure, discrimination, harassment, sexual harassment, sexual misconduct, or other reported violations investigated under this procedure are referred to as “misconduct.” Sexual harassment is defined in the Discrimination Policy. Definitions of sexual misconduct (including sexual assault and other forms of sexual violence), relationship violence, and stalking, can be found in the Sexual Misconduct Policy. This policy applies to misconduct of a student, regardless of where the misconduct occurred.16

III. Reporting Matters: How, Who and When to Report; Retaliation; Relationship to Criminal Proceedings

A. Who May Report a Violation. Any person may file a report of misconduct under this procedure. Most reports are made by university students who have experienced misconduct. Reports also may be made by someone who is aware of but has not directly experienced misconduct, and may be made by non-students.

• Reporting Party Not the Person Who Experienced Misconduct. This procedure assumes that the person reporting the misconduct is the person who was harassed, assaulted, or otherwise personally and directly experienced the misconduct. However, reports also may be made by people who witnessed misconduct or were told about it or are otherwise aware of misconduct. In those cases, the reporter typically will not have the rights and role of the “reporting party” under this procedure; instead, the person who experienced the misconduct will be treated as the reporting party, if he or she is willing to participate in the procedure. See Section V of the Sexual Misconduct Policy for a discussion of confidentiality, anonymity, and investigations without reporting party involvement and Section V of this procedure for information about how requests of reporting parties/those experiencing misconduct are considered in deciding whether to proceed with an investigative process.

• Reporting Party Not a Member of the William & Mary Community. Visitors, guests, and other people who experience misconduct from a William & Mary student may report using this procedure. Certain parts of the process outlined in this procedure will not apply; for example, many of the interim measures are ones that may only be taken for a William & Mary student, and privacy laws may prevent the university from giving a third party access to information about students that otherwise would be shared with the reporting party under this procedure. The university will modify its process in these situations, depending on the specific facts and circumstances.

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16 If, after review, the Title IX Coordinator determines (1) that the misconduct did not occur in the context of a William & Mary program or activity, (2) did not have a continuing effect on such a program or activity, and (3) did not have a continuing effect on campus, including by creating a hostile environment, William & Mary may, but is not required to, limit its response to providing support for the reporting party, including by implementing appropriate interim measures as described in Section V(C) of this procedure.
B. How & Where to File a Report. Students are encouraged to report incidents of misconduct directly to the Dean of Students. Full information about reporting options is provided in the Discrimination Policy and the Sexual Misconduct Policy, including:

- the types of reporting available (criminal, internal investigative, written, in-person, confidential, anonymous, with request not to investigate),
- how to report, and
- protections for reporting parties, including amnesty policies and protections from retaliation.

C. Initial Intake of Report; Immediate Services and Support Offered. Students are encouraged to report incidents of sexual misconduct to the Dean of Students. If a student reports to another university employee or faculty member (other than a confidential resource), that employee or faculty member will follow specified steps, including notifying the Title IX Coordinator. Whenever W&M receives a report that a student has experienced sexual misconduct, whether the offense occurred on or off campus, a Title IX staff member will provide the student with a written explanation of the student’s rights and options.

If a student is ready to make a report for possible investigation under this procedure, the Director of Community Values & Restorative Practices or a designee will meet with the reporting party to:

- provide him or her with information about the process and his or her rights and options and available resources,
- explain the protections against retaliation, and
- discuss interim measures to protect the student against retaliation and provide him or her with support services.

This meeting may occur before or after the initial assessment by the Title IX Review Team described in Section V, and may be combined with the initial meeting described in Section VI(A). More information about interim measures and support services is provided in Section V(C).

D. Timing of Reports and Availability of Procedures. There is no time limit to invoking this procedure. The university encourages reporting misconduct as soon as possible in order to maximize the university’s ability to respond promptly and effectively. Special circumstances are:

- If the misconduct (i) occurs when the university is not in session, (ii) occurs off-campus, and/or (iii) was not associated with a university sponsored program or activity, the Title IX Coordinator in consultation with the Dean of Students will determine whether the university has jurisdiction and/or authority to conduct an investigation. Even if the university does not have the ability to conduct an investigation or to take disciplinary action against the respondent, the university will take steps, when appropriate, to protect the reporting party’s rights to participate in and enjoy the university’s programs and activities such as by providing support for the reporting party and preventing recurrence.
- If the respondent is no longer a student or employee at the time of the complaint or report, the university may not be able to take disciplinary action against the respondent. The university will take steps, when appropriate, to protect the reporting party’s rights to
participate in and enjoy the university’s programs and activities such as by providing support services for the reporting party.

- Where the respondent is a degree candidate at the university, the reporting party is encouraged to consult with the Dean of Students concerning the respondent’s intended date of graduation and to file a report in a timely manner to avoid loss of authority over the student due to graduation. In no circumstances will the university permit an impending graduation to compromise the processes for resolution. The Dean of Students Office will cause the registrar to hold a degree, if necessary, until resolution of any misconduct case.

E. Retaliation. Under the Policy on Discrimination, Harassment, and Retaliation, it is a violation to retaliate against any person making a report of misconduct or against any person cooperating in the investigation (including serving as a witness). Retaliation (as defined in that Policy and in Sexual Misconduct Policy) should be reported promptly to the Director of Community Values & Restorative Practices or investigator and may result in disciplinary action independent of the sanction or interim measures imposed in response to the underlying allegations of misconduct. Interim measures are discussed in more detail in Section V(C).

Examples of conduct that may be retaliation include threats, spreading rumors, engaging in a “smear campaign”, or damaging property.

Retaliation is a serious violation that can subject the offender to discipline, up to and including expulsion, independent of the merits of the underlying allegation. For more information about retaliation generally, including more examples, please visit William & Mary’s Compliance website.

F. Effect of Criminal Proceedings. Because misconduct may constitute both a violation of university policy and criminal activity, the university encourages people who have experienced sexual misconduct to report promptly to law enforcement. The university also reports certain matters directly to law enforcement and/or the prosecutor with jurisdiction, as described in Section V below.

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

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

IV. Timeline and Other General Procedural Considerations
A. Timeline, Deadlines and Extensions. The university aims to conclude the investigation and adjudication within the time periods specified in Section I (B). Scheduled or unscheduled breaks in university operations (including winter and spring break) may extend any time period or deadline in this procedure. The timeline for resolution begins on the date when the investigation is authorized by the Title IX Review Team or the Title IX Coordinator. See Section V.

All time periods, unless otherwise specified, are in business (working) days. Time periods may be extended as necessary by the administrator with oversight of the relevant process stage: the Title IX Coordinator, the Determination Official, the Dean of Students, or the Provost. Extensions will be made to ensure the integrity and completeness of the investigation and/or for appropriate cause, such as: compliance with a request by law enforcement; availability of witnesses or parties; scheduled or unscheduled university closings or breaks (including winter and spring breaks); vacations; complexities of a specific case including the number of witnesses and volume of information collected; and health or other emergencies.

B. Roles/Conflicts. The individuals specified in this process may recuse themselves, delegate their roles to others as necessary to ensure impartiality or to accommodate leave or professional or personal conflicts. A party may request recusal or substitution of an investigator or advisor through the Title IX Coordinator or the Dean of Students by specifying the nature of the conflict. The Title IX Coordinator or the Dean of Students will consider the request, the alleged conflict, and determine the appropriate steps for managing any conflict that exists.17

C. Parties Participation or Refusal to Participate in the Process. This investigation and adjudication procedure is designed primarily to address those reports of sexual misconduct that may require formal discipline of a student. The process anticipates the involvement of the reporting party and the respondent, because participation allows parties more information and engagement with the process. Investigation and adjudication may be undertaken, however, with or without the participation of one or both parties, depending on the nature of the allegations and otherwise available evidence. If a party declines to participate or declines to answer certain questions, this will not be considered in assessing the party’s credibility. If a reporting party initially participates in a process but wishes to cease involvement in the process, or no longer wants the process to continue, the Title IX Coordinator will consider carefully whether the university is obligated or it is in the best interest of the university to proceed forward or whether the party’s wishes may be respected, based on the factors described in Section V of the Sexual Misconduct Policy.

D. Combined or Multiple Violations or Complaints.

17 Conflicts of interest are prohibited by William & Mary’s Code of Ethics. If the perceived conflict is with the Title IX Coordinator, the request may be made to the Provost.
1. **Multiple complaints or allegations:** The university typically will investigate and adjudicate multiple allegations (potential policy violations) at one time if they stem from the same incident or are based on a pattern of behavior close enough in time or related sufficiently by their nature to be reasonably resolved in a single proceeding. Questions about the use of a single proceeding to resolve multiple charges will be decided by the Title IX Coordinator, with the approval of the Director of Community Values & Restorative Practices, if there is an allegation of the Student Code of Conduct.

Students participating in an investigation process or who have made a report are protected from retaliation and the university must guard against a report or allegation being used as a tool of retaliation or as a strategic effort to discredit or preempt another report. When both (or all) students involved in an incident report that the other violated their rights, for example, W&M will carefully assess both reports to determine the appropriate course of action. Because an investigation under this procedure is designed to collect evidence relevant to both parties’ perspectives, the appropriate course of action often will be to conduct a single investigation under this procedure. In determining which student will be treated as the reporting party and which as the respondent, the university will consider relevant factors including those specified in Section V of this procedure. The university also may initiate an investigation in which both (or all) students are respondents.

2. **Alleged violations of different policies:** Should an incident result in an allegation that a student has violated both the Sexual Misconduct Policy and another applicable policy, such as the Honor Code or the Student Code of Conduct, the allegation will be processed under this procedure to ensure compliance with federal law. A charged party may not face more than one proceeding to determine the final disposition of a single incident.

**E. Students with Disabilities.** The university is committed to providing reasonable accommodations for students with documented disabilities, in accordance with the [Accommodation Policy and Procedure](#). Such accommodations may include, but are not limited to, administrative assistance, additional time, and/or an alternative to the formal adjudication process.

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18 The practice of not initiating two separate, counter-investigations is also consistent with a general university practice of preserving institutional resources and reducing inefficiency by conducting fact-finding through a single, dedicated process rather than initiating multiple, potentially competing processes.

19 Typically, this determination will be made by the Title IX Review Team. A possible outcome in this type of situation would be to conduct an investigation and, after a final determination made, re-consider the matter to decide whether a second investigation/disciplinary process should be initiated, with the parties reversed. In this situation, it is likely that most if not all of the relevant evidence would have already been collected during the initial investigation, so the second investigation would be completed promptly.
process. Students with disabilities who need reasonable modifications to address a suspected violation of the Sexual Misconduct Policy are encouraged to meet with the Director of Student Accessibility Services (109 Campus Center) as early in the process as possible to identify and plan specific accommodations. Students typically will be asked to provide medical documentation. The Director of Student Accessibility Services will inform the Office of Community Values & Restorative Practices and any other administrators who have a need to know of appropriate accommodation(s).

F. Witness Failure to Cooperate. If a student (or employee) witness fails to appear for a scheduled appointment or otherwise refuses to cooperate, the student may be held responsible for conduct charges.20

G. Notice. Proper notice will consist of an email sent to a student’s official W&M email account, written notice delivered through either W&M or U.S. Mail to an address in the Registrar's records, or a letter delivered personally by university staff, including Residence Life student staff. In general, correspondence will be sent via email.

H. Witness Intimidation or Other Abuse of Process. Students who contact witnesses or parties to intimidate them, influence or collaborate regarding testimony, harass, or circumvent the process in any way, may be responsible for retaliation or a charge of abuse of process. Students may not circumvent this provision by permitting advisors, friends or others to perform such actions on their behalf or for their benefit. In general, it is expected that the university will conduct the investigation pursuant to this procedure prior to and free from interference by any independent investigation by or on behalf of a party.

I. Past Sexual Histories/Evidence of Other Sexual Misconduct or Harassing Conduct. In general, parties’ prior sexual history, character or reputation is not relevant and will not be considered as evidence of character or reputation during the investigation. Where there was a relationship between the parties and consent is at issue, the prior sexual history between the parties may be relevant to assess the manner and nature of communications between the parties or to explain physical evidence. As specified in the Sexual Misconduct Policy, however, the mere fact of a current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Evidence of prior sexual history of a party with other individual(s) may be prejudicial nature, and so will be included only after assessing its relevance (probative value) and prejudicial nature. Examples of evidence that may be admissible may be considered and included in the investigation report: (a) evidence of conduct similar in nature to the alleged misconduct by the respondent, (b) evidence of a pattern or to be considered together with the alleged misconduct

20 This duty to cooperate respects a student’s right not to incriminate him- or herself. In most situations, witnesses are granted immunity for behaviors that otherwise might be considered violations of the Student Code of Conduct in order to ensure accuracy and honesty in testimony.
in determining whether a hostile environment was created, (c) evidence relevant to proving intent, state of mind, injury, or identity. Such evidence may be considered regardless of whether there has been a finding of responsibility as to the other conduct, subject to the general determinations for admissibility of evidence described in Section J below.

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

If a party introduces evidence not considered in the investigation and documented in the investigation report, such as in a personal statement or an appeal, the Dean or Provost have discretion in determining whether to consider such evidence; evidence impermissible under this procedure may not be introduced or considered. The Dean or Provost may request additional information, guidance or investigation from the investigators or Title IX Coordinator regarding the evidence.

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

1. Interviews with Parties. Typically, there is one main or primary interview with each party and one or more, shorter, follow-up interviews. The main or primary interview is conducted in person unless (a) extenuating circumstances exist, (b) alternate arrangements are made as an accommodation (see paragraph E, above), as determined by the Title IX Coordinator, or (c) a party is not a W&M student (or employee). For parties who are not W&M students or otherwise obligated to cooperate, the university will make

21 Subject to the restrictions previously described -- that is, the opinion or observation being relevant and material and not unfairly prejudicial, misleading, etc.
best efforts to conduct an in-person interview. If an in-person interview is not feasible, the general preference is to conduct an interview using video call technology rather than via phone.\(^{22}\)

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

2. Interviews with Witnesses. While in-person interviews remain the preference, interviews conducted telephonically or using video technology generally are more appropriate with witnesses than principal parties, although this depends on the importance of the witness – how much information he or she is believed to have or how relevant and significant to the allegation that information is believed to be.

L. Confidentiality, Need-to-Know, and Records Retention. Inquiries about and reports of misconduct shall, whenever possible, be treated with confidentiality, in compliance with the Family Educational Rights and Privacy Act (FERPA). Confidential information will be disclosed to others outside the process only when required by law or when personal safety is at risk. However, an investigation/adjudication may require disclosure of information. W&M’s [Student Records Privacy Policy](#) lists the situations in which W&M may (or in some cases, must) disclose personal identifiable information from a student’s educational record without the student’s prior consent.\(^{23}\)

This procedure specifies notification or consultation with various offices and individuals.\(^{24}\) In addition, other internal disclosures may be made, including:

- to the Office of University Counsel, for the purposes of obtaining legal advice.
- to obtain approval for or implement interim measures and prevent retaliation.
- to the University Registrar, for purposes of transcript notation.
- mandatory reporting by the Department of Education for the Annual Security Report, in response to subpoenas or Freedom of Information Act requests, with proper/required redaction of personally identifiable information.\(^{25}\)

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\(^{22}\) To prevent abuse of process, an interview with a student party will under no circumstances be conducted telephonically where the student is physically co-located with his or her advisor if that advisor is not assigned by the university.

\(^{23}\) The Records Privacy Policy specifies that William & Mary may disclose the final results of a disciplinary proceeding. In accordance with FERPA, the Dean’s determination of certain policy violations is a final result of a disciplinary proceeding. The disclosure that may be made is the student’s name, the sanction(s) imposed, and the policy violation.

\(^{24}\) Members of the Title IX Collaborative Staff and other W&M employees generally are authorized to access student records under FERPA, as “school officials” with a “legitimate educational interest.”

\(^{25}\) Data regarding specific incidents disclosed in the daily crime log or Annual Security Report do not include student names or other specific information regarding identifiable students.
Records produced or collected pursuant to this procedure shall be maintained in accordance with federal and state law, including the Records Retention Schedules of the Library of Virginia, which implement the Virginia Public Records Act. 26

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

V. Initial Assessment of Report

Upon receipt of a report of sexual misconduct, the Title IX Coordinator or designee will notify the other members of the Title IX Review Team, which shall meet within 72 hours in the case of a reported act of sexual violence 27 and as soon as practicable in all other cases, to:

1. conduct a threat assessment and make any mandated reports,
2. determine the appropriate procedure(s) and whether an investigation is warranted,
3. develop interim measures, if appropriate, and
4. make internal referrals as appropriate.

The Title IX Review Team is the Title IX Coordinator or designee, the Chief of William & Mary Police or designee, and the Dean of Students or designee. The Review Team may include a representative from Human Resources or the Dean of Arts & Sciences, if staff or faculty may be involved in the reported matter. The Review Team operates pursuant to Va. Code §23-9.2:10 and has access, under Virginia law, to certain otherwise confidential information, including law enforcement records and criminal history information, as provided in Va. Code §19.2-389 and §19.2-389.1; health records, as provided in Va. Code §32.1-127.1:03; university disciplinary, academic and/or personnel records; and prior reports of misconduct maintained by the Title IX Coordinator. The Review Team will have access to all available facts and circumstances and may seek additional information about the reported incident through any other legally permissible means.

A. Threat Assessment and Mandated Reports. The Title IX Review Team will review the report and any other available relevant information to assess the threat posed by the reported misconduct and to determine whether external reports are required. The Review Team 28 will

26 Under General Schedule GS-111, Series 1011173 and 1011174, student investigative or disciplinary records are to be retained for three years after the end of the academic year. Under General Schedule GS-103, Series 100479, investigative files relating to discrimination complaints against an employee are to be retained for three years.

27 Sexual violence, for this purpose, is defined by Section 23-9.2:15 of the Virginia Code as “physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent.”

28 If the Title IX Review Team cannot reach consensus, the W&M Police representative on the team shall make the determination with respect to the report to law enforcement, and the Title IX Coordinator shall make the determination with respect to an internal investigation. In all cases, the W&M Police representative makes the
make this determination based upon the following factors (the “Risk Factors”):

- Any known preferences or requests of the reporting party;
- Whether the respondent has prior arrests, reports and/or complaints related to sexual harassment or misconduct or has any history of violent behavior;
- Whether the respondent has a history of failing to comply with university protective measures, and/or any judicial protective order;
- Whether the respondent has threatened to commit violence or any form of sexual misconduct;
- Whether the reported misconduct involved multiple respondents;
- Whether the reported misconduct involved physical violence. Examples of physical violence include hitting, punching, slapping, kicking, restraining, choking and brandishing or using any weapon;
- Whether the report reveals a pattern of sexual misconduct (e.g., by the respondent, by a particular group or organization, around a particular recurring event or activity, or at a particular location);
- Whether the sexual misconduct was facilitated through the use of “date-rape” or similar drugs or through provision of alcohol;
- Whether the sexual misconduct occurred while the reporting party was unconscious, physically helpless or unaware that the sexual misconduct was occurring;
- Any indications that the report was made in bad faith, such as retaliation or in anticipation of a complaint being filed against the reporting party (see Section IV(K)), or is baseless;
- Whether the reporting party is (or was at the time of the reported incident) a minor (under 18);
- Whether any other aggravating circumstances or signs of predatory behavior are present; and
- Applicable law, policy and procedure.

Upon completion of the threat assessment, the appropriate member of the Title IX Review Team will make any mandated reports:

1. If the Review Team\(^\text{29}\) determines that disclosure of the report to the law enforcement agency that would be responsible for investigating the alleged act of sexual violence is necessary to protect the health or safety of the reporting party or other persons, the W&M Police representative will immediately make such disclosure.\(^\text{30}\)

2. If the alleged act of sexual violence would constitute a felony violation of Section 18.2-61 of the Virginia Code, the W&M Police representative shall inform the other members of the Review Team and, within 24 hours, consult with the attorney for the Commonwealth or other prosecutor responsible for prosecuting the alleged act of sexual violence. This notification to law enforcement. In some instances, the notification would be in the form of an incident report to W&M Police.

\(^{29}\) If the Title IX Review Team cannot reach consensus, the W&M Police representative on the team shall make the determination.

\(^{30}\) As required by Va. Code §23.2-15(F). The report will include personally identifiable information.
consultation will not include personally identifiable information, unless such information was disclosed as described under Paragraph 1 above. If this consultation does not occur and any other member of the Review Team concludes that the alleged incident would constitute a felony violation, he or she will make the same consultation, within 24 hours. 31

3. If the reported incident involves abuse (including sexual violence against) of a minor (or someone who was a minor at the time of the incident), the Review Team will designate a team member to report the matter to the Department of Social Services within 24 hours and inform the other team members once the report has been made. 32

If any external report is made under this Section, the Title IX Coordinator will notify the reporting party promptly.

B. Determination as to Appropriate Procedure and Investigation. Upon completion of the threat assessment and consideration of the requests of the reporting party, as described below, the Title IX Review Team will determine the appropriate course of action:

1. **No further action under this procedure.** No action may be appropriate for reports that do not include sufficient information to initiate an investigation, reports where the person reported to have experienced the misconduct has requested no action and the Review Team’s assessment concludes that this request may be honored, reports that do not allege conduct that violates applicable university policy, or reports of matters for which the university does not have jurisdiction.

2. **Remedial, but not disciplinary action.** Remedial actions may include remedies offered to the reporting party as well as actions designed to address possible areas of concern such as educational or awareness activities, targeted training, increased supervision or oversight of specific clubs or organizations or individuals, or warnings or directions to specific individuals. This course of action may be appropriate for reports that do not have sufficient information to initiate an investigation or reports where the person reported to have experienced the misconduct has requested no investigation and the team’s assessment concludes that this request may be honored. It may also be appropriate for reports that do not allege conduct that violates applicable university policy but do allege conduct not consistent with university expectations, such as harassing conduct that has not become severe or pervasive enough to create a hostile environment; the university may take action to prevent such harassing conduct from continuing or repeating and creating a hostile environment.

3. **Further action under this procedure** (or the procedure used for reports of misconduct by faculty, staff or third parties, as applicable).

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32 As required by Va. Code §63.2-1509.
If the reporting party has requested that there be no investigation or requested to remain anonymous or is not participating in the process, the Review Team will determine whether an internal investigation under this procedure is necessary to protect the health and safety of the campus community or individual students or to fulfill the university’s obligations to provide a campus environment free from harassment. In making this determination, the Review Team will consider the Risk Factors and any evidence showing that the respondent made statements of admission or otherwise accepted responsibility for the misconduct, the existence of any independent information or evidence regarding the misconduct, and any other available and relevant evidence other than the reporting party’s testimony. If a determination is made to proceed with an investigation against the request of the reporting party, the Title IX Coordinator will notify the reporting party promptly.

If a reporting party has requested an investigation or disciplinary measures and the Review Team has determined that the information available does not provide a reasonable basis for conducting an investigation under this procedure or that this procedure is not applicable, the Title IX Coordinator will notify the reporting party promptly.

There is no right to appeal or request reconsideration of a Title IX Review Team decision, but the Review Team may change its determination based on additional information or consideration, at any time.

C. Interim Measures. Interim measures are steps taken by the university to prevent retaliation, prevent continuation or recurrence of the alleged misconduct, prevent the creation of (or remedy) a hostile or offensive environment, and ensure that the reporting party and others are able to participate in the university’s educational and other programs and activities. Interim measures typically are taken before investigation and may be taken even if the reporting party does not want an investigation.

Interim measures do not reflect a determination or presumption that misconduct has occurred. The university seeks to take the least restrictive interim measures possible. The following are examples of possible interim measures:

- Issuing orders barring further contact (Campus No Contact Orders), either bi-lateral (directing both parties not to contact the other) or unilateral (directing one party not to contact the other)\(^{33}\)
- Providing the reporting party with an escort to ensure that he or she may move safely between classes and activities\(^ {34}\)
- Providing counseling or medical services, including free services from the university Counseling Center or Student Health Center

\(^{33}\) May be issued by the Dean of Students (to the extent relating to students), the Title IX Coordinator, the Provost or, to the extent relating to faculty, the relevant Dean.

\(^{34}\) May be arranged by the Dean of Students or W&M Police.
• Making academic accommodations
• Relocating or rescheduling of classes
• Changing residence locations (reporting parties will not be moved without their consent)
• Restricting the respondent’s presence on campus at certain times or to certain areas of campus
• Issuing interim suspension of the respondent from residence, from the campus, and/or from any activities of the university to ensure the health or safety of members of the college community.

The Review Team will review any interim measures put in place and may make or recommend additional or alternative interim measures. The team or individual team members will work with appropriate administrators to obtain any necessary approvals.

The university will maintain as confidential any accommodations or other interim measures provided, to the extent maintaining such confidentiality would not impair the ability to provide the accommodations or protective measures. (For example, no-contact orders must be disclosed to the affected student.) Interim actions may be modified at any time. Parties may request changes to interim measures by contacting the Dean of Students Office. Requests will be reviewed promptly, in consultation with the Review Team as appropriate.

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

VI. Investigation and Determination of Policy Violation

This Section specifies the process used to investigate a misconduct report, when the Review Team has decided an investigation is warranted (see Section V(B)). The initiation of an investigation is a decision to collect evidence regarding a report; there is no presumption of misconduct by any student.

A. Initial Meetings with Parties. Prior to the formal investigation beginning, the Director of Community Values & Restorative Practices or designee and/or another Title IX administrator meets or communicates separately with each of the parties. The timing of these meetings may

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35 May be provided by the Dean of Students (subject to approvals as required, depending on the nature of the accommodation).
36 May be provided by the Dean of Students in cooperation with Residence Life.
37 May be provided by the Dean of Students (to the extent relating to students), the Provost, or W&M Police.
38 May be provided by the Dean of Students or designee, if relating to a student, the Provost, if relating to a faculty or staff member, or the Chief Human Resources Officer, if relating to a non-faculty employee.
39 See footnotes 22-27.
vary depending on the manner in which the report was made and other factors. For example, the meeting with the reporting party may occur when he or she files a report or may occur subsequent to the Review Team’s initial assessment. In addition, there may be more than one meeting held or more than one communication made with each party in order to convey the required information.

During the meeting with the respondent or in the communication to the respondent, the administrator will provide written notification of:

- the allegations to be investigated, including the specific policy provision(s) at issue, the identity of the reporting party, and available information regarding the date and location of incident(s) (note that the allegations are subject to change based on information collected)
- the process to be used (this procedure) and his or her rights and duties and available resources, including counseling, health, mental health, visa and immigration assistance, financial aid assistance and other services available within the institution and in the community
- the name and contact information of the administrative advisor available to assist him/her (see Paragraph D of this Section), and the scope of the advisor’s role
- warning against retaliation and witness contact/collaboration, direct or indirect
- his or her rights, including the right not to incriminate him- or herself, as defined by the Student Code of Conduct, and for silence not to be held against them, and
- interim measures. In some cases interim measures will have been put in place and communicated prior to this meeting. The university also may develop interim measures at a later date, depending on the circumstances, and may modify the measures at any time. See Section V(C).

An administrator will meet or communicate separately with the reporting party to provide him or her with written information about:

- the process and his or her rights and options and available resources, including counseling, health, mental health, victim advocacy, visa and immigration assistance, financial aid assistance and other services available within the institution and in the community
- the name and contact information of the administrative advisor available to assist him/her (see Paragraph D of this Section) and the scope of the advisor’s role
- the protections against retaliation and witness contact/collaboration, direct or indirect, and
- interim measures (see Section V(C))
- the importance of preserving evidence that may assist in proving that the alleged criminal offense and/or violation of policy occurred or is occurring or may be helpful in obtaining a protection order.

B. Resignation of Respondent. Within five days of the initial meeting, a respondent may request to resign permanently from the university. If approved, the Director of Community Values &
Restorative Practices will direct that the student’s official records, including the transcript, will carry a notation as required by Section 23-9.2:18 of the Virginia Code. The student must certify via a notarized letter that the student understands that he or she will never seek or receive admission into any William & Mary program in the future, unless granted a waiver as described below. The student will not be able to be present on campus property and/or attend university-sponsored functions or activities. The student will leave the university with the status “not in good standing.”

Permanent resignation will result in no other disciplinary process being conducted with respect to the resigning student. The university may, however, investigate the matter as needed to determine whether a hostile environment existed and/or what remedial steps are warranted. In exceptional circumstances, when definitive proof of a resigned student’s non-responsibility exists, he or she may request a waiver of resignation and readmission or a removal of the transcript notation. This request must be made to the Dean of Students. A not guilty verdict in a criminal court is not, in itself, definitive proof of non-responsibility, as courts apply different standards of proof, follow different evidentiary and procedural rules, and adjudicate legal violations with elements different from university policy. Similarly, a failure to prosecute does not constitute proof of non-responsibility. Examples of definitive proof include video recording or DNA evidence proving that a different person committed the alleged misconduct. The Provost will consider the petition and determine whether to resume the investigation and resolution process under this procedure or conduct an extra-procedural process of evaluating the petition, such as where the reporting party is not available to participate in the investigation process. The reporting party will be given the opportunity to respond and participate in the evaluation process, to the extent feasible.

C. Acceptance of Responsibility. The Respondent may, at any time, request to resolve the investigation process or resolve specific allegation(s) by accepting responsibility for the misconduct. The Title IX Coordinator will consider the request; if the request is granted, the Dean will determine the appropriate sanction(s). Notifications will be provided to all parties in accordance with Section VI(I).

D. Advisors for Reporting Party and Respondent. Each party may choose an advisor to support him or her through the administrative process, including advising on campus resources and services available to the student and accompanying the student to interviews and meetings. William & Mary trains a group of faculty and staff to serve as advisors, and assigns an advisor to each party based on advisor availability. A party may choose instead to use an advisor of his or her choice, such as a friend, family member, or lawyer. These outside advisors are not trained by the university. If a student uses an outside advisor, the student will continue to have access to the trained administrative advisor. In this situation, the trained administrator will serve as a

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40 This investigation would be conducted when, for example, remedying the hostile environment requires institutional action that may be made only with an adjudicated/formal finding.
consultant to the student, but only the outside advisor will be permitted to accompany the student to interviews or meetings. This avoids scheduling delay and disruption.

- An advisor may accompany the party he or she is advising to that party’s interviews and administrative meetings. An advisor may quietly and briefly confer with or advise the student he or she is advising, and will be provided a limited opportunity to ask questions or raise concerns during meetings or interviews. The university expects parties to speak on their own behalf; an advisor does not respond to questions on the party’s behalf. An advisor who disrupts a meeting, interview or proceeding will be required to leave the proceeding.
- Parties may share records and investigation communications with their advisor, if they and the advisor agree to consent and confidentiality requirements.
- Because of the importance of prompt processing of reports, advisors are expected to modify their schedules to attend meetings. The university typically will not reschedule interviews or grant extensions to accommodate advisor schedules. Arrangements may be made to allow participation by phone or other technologies.
- Parties who retain outside advisors are responsible for any costs associated with hiring such advisors.
- A party may change advisors during the process, but the university cannot ensure that a replacement advisor will be available or will have adequate time to gain familiarity with the matter.

**Investigators; Conduct of Investigation.** Investigations are conducted by trained investigators, typically university employees, including staff of Student Affairs and/or the Office of Compliance & Equity. The investigators are objective, neutral parties responsible for the collection of evidence. Investigators receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation that protects the safety of victims and promotes accountability, which includes investigation techniques, relevant law, university policies and procedures, impact of trauma on memory, rape myths, evaluating credibility, and other relevant topics.

Investigations typically consist of interviews of the parties and witnesses and collection and review of evidence such as documents, photographs, text messages, social media postings, and IT records such as emails. Students and employees are required to produce any relevant records upon request.

Investigators may visit relevant locations and record observations through photographs or other means. Investigators may seek information from university officials or others with relevant scientific or other specialized knowledge, to help understand evidence or determine a disputed issue.

- **Introduction of Evidence.** Each party may introduce evidence during the investigation. Parties are not required to themselves uncover and produce evidence; if a party has cause
to believe certain evidence exists, he or she should discuss the issue with an investigator. See also Section IV(I) (“Rules of Evidence”).

- **Witnesses.** Parties may request witnesses – people able to provide relevant information regarding the allegations - to be interviewed. The investigator(s) determines who to interview, based on their professional judgment as to the likelihood of discovering relevant evidence. Character witnesses and witnesses who are suggested because they could offer information relevant to items that are not disputed or that have already been sufficiently supported through the investigation will not be interviewed. The need for prompt complaint resolution must also be considered.

- **Questions for Other Party.** Each party has the right to suggest issues to be explored with the other party, or questions to be asked. The investigators, exercising their professional judgment in accordance with Section IV(I), determine which issues or questions are relevant and the appropriate investigative method for acquiring information.

Third parties other than advisors are not permitted to be present during interviews; interviews are attended by the interviewee and the investigator(s), and a note-taker (in the discretion of the investigator(s)).

If allegations or evidence of retaliation or misconduct relating to the investigation itself (witnesses collaborating or destroying or concealing evidence, for example) arise during the course of the investigation, the investigator will consult with the Director of Community Values & Restorative Practices and/or the Review Team to determine whether interim measures are necessary to respond to the reported retaliation or misconduct, and to decide whether to address the reported retaliation or misconduct as a separate conduct matter or as part of the current investigation. If they are addressed as part of the current investigation, the investigation may take additional time to conclude.

**F. Investigation Report; Parties’ Right to Review and Respond.** At the conclusion of the investigation, the investigator(s) will evaluate the information obtained during course of the investigation and prepare an investigation report. The report typically will:

- describe the allegations investigated including the elements of each alleged policy violation,
- provide relevant information regarding the parties, key witnesses (if any), and other contextual matters such as locations or specific events,
- describe the investigation, i.e., the witnesses interviewed and evidence collected,
- include a timeline of events, if useful,
- include relevant records, such photographs and text messages, or summaries or redacted copies of such records, and
- summarize the relevant evidence discovered, outlining which elements of each allegation

41 For example, medical records typically may not be disseminated and will be summarized or described.
are contested and relevant corroborating or contradicting evidence. As an example, a report may state that sexual contact was not disputed and that the only disputed issue is whether effective consent was given/received, then proceed to summarize the evidence found relevant to the existence of effective consent. The investigation report may include evidence of impact of the alleged misconduct on the reporting party, to the extent such evidence is relevant in determining whether the alleged misconduct occurred.

The investigation report will not include conclusions as to whether there has been a violation of law or policy, but may include the investigator’s assessment of the credibility of witnesses and strength of specific evidence.

The investigator(s) will provide a copy of the investigation report to the parties and the Determination Official. The parties will have five days to respond by:

- submitting written comments, corrections, or clarifications,
- submitting any additional information or evidence, or requesting further investigation or evidence collection occur,
- indicating whether or not they would like a determination conference to be held and, if so, which issue(s) they believe need to be resolved in the conference, and/or
- providing a personal statement not to exceed 3,000 words, including any relevant information about personal circumstances to be considered by the Determination Official. The parties may designate all or specific portions of the statement to only be considered by the Dean of Students for purposes of sanctioning upon a finding of policy violation.

Any responses provided by a party will be shared with the other party(ies).

G. Determination Official’s Review; Administrative or Conference Determination. The Determination Official is responsible for issuing a determination of whether there was a policy violation established by the preponderance of the evidence. Preponderance of the evidence means that it is more likely than not that the misconduct occurred. The Determination Official will review the report, any responses and personal statements. The Determination Official may request additional investigation or information by or from the investigator(s). The parties will be notified contemporaneously of any additional investigation or supplemental information provided.

42 Redactions or summaries will be made to comply with law and policy, such as to summarize medical records or to redact irrelevant, sensitive personnel information (for example, a portion of a text message that is sensitive but not relevant to the case). If a party is not a currently enrolled student, access may be granted rather than a copy being disseminated.

43 Personal statements may not be used to introduce otherwise impermissible evidence, such as evidence of past sexual history. Any impermissible or irrelevant evidence will be disregarded and/or redacted.

44 Redactions or summaries will be made to comply with law and policy, such as to summarize medical records or to redact irrelevant, sensitive personnel information (for example, a portion of a text message that is sensitive but not relevant to the case). If a party is not a currently enrolled student, access may be granted rather than a copy being disseminated.
After the Determination Official reviews the case file, he or she either (1) issues a determination of whether there was a policy violation (Administrative Determination) or (2) holds a determination conference (Conference Determination). A conference is held if the Determination Official deems it necessary to resolve issues of fact, to assess credibility of one or more of the parties or witnesses, or if the Determination Official has questions about the investigation process. Typically, if the critical facts of an allegation are not in dispute, a conference is not appropriate. If there is sufficient evidence substantiating a disputed point - such as photographs, text messages, or witness statements - a conference is not necessary to resolve that point. The Determination Official will also consider the parties’ requests for a conference.

1. **Administrative Determination.** Administrative determination is documented in a determination notice shared with the parties. The determination will be sent to both parties at the same time, with copies to the Dean of Students and Title IX Coordinator. The determination notice communicates the determination(s) made as to each allegation and the reasoning for the determination, including the reasoning for not holding a determination conference, if one had been requested by a party. The notice also provides the written procedures for appealing the determination, as provided in Section VII of this procedure. The Dean and Title IX Coordinator will review the determination notice for the purpose of establishing sanctions and remedies, respectively and as appropriate, in accordance with Section H below.

2. **Conference Determination.** If a conference is held, the Determination Official typically will conduct separate interviews with the parties regarding the allegation(s) at issue. The parties may listen to and/or watch from another room via audio or video feed. Parties’ advisors may attend the conference, subject to the general rules regarding advisor participation (see Section VI(D)). Parties may also have a silent support person. Determination conference guidelines are provided in Appendix A.

Within two [2] days of the determination conference, the Determination Official issues a determination notice to the parties. The notice will be sent to both parties at the same time, with copies to the Dean of Students and Title IX Coordinator. The determination notice communicates the determination(s) made as to each allegation and the reasoning for the determination. The notice also provides the written procedures for appealing the determination, as provided in Section VII of this procedure. The Dean of Students and Title IX Coordinator will review the determination notice in accordance with Section H below.

**H. Determination of Sanctions and Remedies.**

1. **Sanctions** are determined by the Dean of Students. The purpose of the sanctions is to prevent recurrence of similar conduct by the respondent or others and to eliminate a hostile environment for the reporting party and the campus. Sanctions are imposed within the range specified below for the violation, on a case-by-case basis considering the nature and specifics of the violation,
any conduct or honor violation history of the respondent, institutional practice, and the university’s goals and mission.

The Dean of Students or designee will notify both parties simultaneously in writing of the any sanction(s) imposed and remedies offered within two days of the determination. If there are sanctions that do not directly relate to the reporting party, the reporting party will be informed of these sanctions to the extent permitted by federal law.45

The primary sanctions for Sexual Misconduct range from Disciplinary Probation to Permanent Dismissal. Non-Consensual Sexual Intercourse will result in a sanction ranging from Disciplinary Suspension of at least two full semesters to Permanent Dismissal.46 A student found responsible for Sexual Assault who had previously been found responsible for a sexual misconduct offense typically will be subject to Permanent Dismissal.

The potential primary and secondary sanctions are:

Primary Sanctions

A. **Permanent Dismissal:** an involuntary separation of the student from William & Mary without the possibility of future readmission in any program. The student must leave the campus and is not eligible to participate in classes or any university-sponsored or university-related activities. The student is not permitted on campus without prior written permission from the Dean of Students or designee. The sanction is noted permanently on the student’s transcript.47

B. **Disciplinary Suspension of a definite or indefinite duration:** an involuntary separation from the university during which the student must leave the campus and is not eligible to participate in classes or any university-sponsored or university-related activities. During the period of suspension, the student is not permitted on campus without prior written consent from the Dean of Students or designee. The sanction is noted on the student’s transcript but is removed if the student is reinstated to good standing at the university.

- A definite suspension is a suspension that ends on a date determined by the Dean or her designee issuing the sanction. On or after such date the student may apply for re-enrollment. Suspensions are noted on the student’s transcript but are removed once the period of suspension has been completed.

- An indefinite suspension is a suspension that requires the student to petition for reinstatement to good standing. In such instances, the student must first satisfy the Dean or her designee by the student’s conduct and record that he/she is in compliance with Virginia Code 23-9.2:19.

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46 If the sanction is suspension, typically the respondent is placed on Disciplinary Suspension for at least the period during which the reporting party is enrolled at the university.
fact entitled to reinstatement. The sanction of indefinite suspension is noted on the student’s transcript but is removed if the student is reinstated to good standing at the College.

i. Reinstatement Process
   a) When the Dean assigns the sanction of indefinite suspension, the Dean or designee determines whether the charged party has met the conditions necessary for reinstatement.
   b) The Dean or designee will have access to all file materials from the original determination, may require the charged party to make a personal appearance before the Dean or designee, and may solicit other information to reach a decision.

C. Deferred Suspension: issued either for violations serious enough to warrant suspension, but where the specific circumstances of the case mitigate the offense or for repeated offenses of a less serious nature. Deferred suspension is a designated period of time during which a student is given the opportunity to demonstrate the ability to abide by the community’s expectations of behavior articulated in the Code of Student Conduct. A student on deferred suspension status is considered not in good standing and cannot represent the University as an official delegate or representative, hold an office (elected or appointed), in university groups of any kind, or participate in university-sponsored travel or study abroad/study away. If the student is found responsible for violating any additional university code or regulation during the period of Deferred Suspension, the Director of Community Values & Restorative Practices (or designee) can issue an immediate suspension from the university, and the student can be subject to additional sanctions for the subsequent violation(s). Deferred suspensions are noted on the student’s transcript but are removed once the sanction period has been completed.

D. Disciplinary Probation: continued enrollment but with a warning that further misconduct or violation of university policy during the period of probation will be referred to the Office of Community Values & Restorative Practices and may result in the student's separation from the university.

E. Warning: a notation confirming that a minor violation of university policy has occurred and that future violations may result in more severe sanctions. No student may receive more than two warnings in an academic year without more serious action being taken.

F. Withholding of Degree/Diploma
G. Recommended Revocation of Degree

Secondary Sanctions:

a) Loss or Restriction of Privileges: the limitation or removal of specified social or personal privileges including, but not limited to, loss or restriction of computer privileges, entertainment of guests in the private areas of a residence hall, participation in social activities sponsored by the university or a residence hall, and/or the right to operate an automobile on campus. In addition, a student's current or subsequent year's Housing Agreement may be terminated or special conditions attached to it, or the student may
suffer a reduction in priority of a specified number of places in the room selection process of a subsequent year.

b) **Loss of Housing**

c) **Deferred Loss of Housing**: the sanction of Loss of Housing may be placed in deferred status. If a student is found in violation of any university rule during the time of the deferred sanction, the Director of Community Values & Restorative Practices (or designee) can remove the student from housing immediately without further review. Additional student conduct sanctions appropriate to the new violation may also be issued. In addition, a student with Deferred Loss of Housing will not be eligible to hold an elected or appointed office in any affiliated housing organization.

d) **Housing Probation**: an official notice that the student’s conduct is in violation of residence hall rules and/or university rules and that more stringent student conduct sanctions, including removal from housing, may result if future violations occur. In addition, a student serving Housing Probation is ineligible to hold an elected or appointed office in any affiliated housing organization.

e) **Educational Requirement**: the requirement that the student complete one or more specific educational activities directly related to the violation committed.

f) **Task/Service Participation**: the requirement that the student participate in assigned tasks that are appropriate to the regulation violated or behavior displayed.

g) **Restitution**: the requirement that the student reimburse the university, appropriate individual or organization for damage, personal injury, or misappropriation.

h) **Alcohol/Substance Abuse Counseling/Education**

i) **Apology**

j) **Essay/Reflection or Research Paper**

k) **Restitution**

l) **Counseling with Certified Counselor**

m) **No Contact Order**

n) **Relocation of Housing**

o) **Required Withdrawal from Course**

p) **Required Withdrawal from Student Organization**

q) **Assignment to Mentor Program**

Sanctions typically are effective immediately upon being imposed by the Dean. If the sanction includes suspension or dismissal, however, the effective date of the sanction will be evaluated on a case-by-case basis. In those cases where sanctions are suspended pending appeal, interim measures typically will continue in effect and additional interim measures may be imposed during the appeal period, if the Dean of Students determines that the continued presence of the student constitutes a risk of substantial disruption to the educational endeavors of an individual or the educational mission of the university. If the sanction is not imposed immediately, the student will be considered not in good standing and will be subject to the same restrictions as students with Deferred Suspension status (see below) while enrolled prior to the imposition of
Hostile Environment Assessment; Remedies and Support Services. The Dean of Students and the Title IX Coordinator will ensure that appropriate remedies and services are offered to the reporting party, regardless of the outcome. The goal of remedies is to restore the reporting party’s ability to enjoy institutional programs, benefits, and activities, to remedy harm (if applicable), and to prevent a hostile environment from being created and/or continuing. The Title IX Coordinator is responsible for ensuring a hostile environment is not created for the reporting party or other students.

The Dean and the Title IX Coordinator will also offer appropriate services or support to the respondent, if there is a demonstrated need or request for such services. Potential remedies for either party may include:

- arranging to re-take a course or withdraw from a class(es) without penalty,
- extending any interim measures described in Section V(C) (or initiating similar measures not already put into place)
- determining if there is a causal connection between any previous disciplinary action and the misconduct and, if such a connection is found, modifying the original disciplinary action.

Typically, each party will be notified of the remedies and/or services specifically offered to him or her.

VII. Appeals

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

A. Appeal Grounds and Outcomes. Parties may appeal on the following grounds:

1. Material procedural error. The appeal must specify the procedural provision that was violated and the impact of this violation; procedural or technical deviations will not be sufficient to sustain an appeal unless found to have denied the appealing party a fair process. Examples of procedural errors that may be sufficient to sustain an appeal include failure to provide a party with an opportunity to review and respond to the investigation report (violation of Section VI(F)) or inclusion of polygraph results as evidence (violation of Section IV(J)). If the Provost grants an appeal on the basis of
procedural irregularity, he or she typically will remand the matter to remedy the irregularity, if appropriate.

2. **The decision is inconsistent with the weight of the evidence.** In reviewing an appeal based on this ground, the Provost does not replace the Dean of Students’ judgment with his or her own; he or she reviews the matter to determine whether the evidence presented appears sufficient to support a determination based on the preponderance of the evidence standard. If the Provost grants an appeal on this basis, he or she may modify the determination or may order further investigation.

3. **New material evidence** that (a) is not merely corroborative or repetitive and (b) was previously unknown or unavailable to the party and pertinent to the case. The appealing student must provide an explanation as to why the evidence was unknown or unavailable. If the Provost grants an appeal on this basis, he or she typically will remand the matter for additional investigation or consideration.

4. **Inappropriate sanction.** In reviewing an appeal based on this ground, the Provost does not replace the Dean of Students’ judgment with his or her own; he or she reviews the matter to determine whether the sanctions imposed are authorized under applicable policy and sufficient to preventing recurrence of similar conduct by the respondent or others and eliminate a hostile environment for the reporting party and the campus. If the Provost finds that the sanction was not authorized and/or was insufficient, he or she will determine a sanction that is appropriate given the facts and circumstances of the case and precedent.

B. Appeal Process and Timeline. Appeals must be submitted to the Office of Community Values & Restorative Practices within five days of the Dean’s issuance of the notification of sanctions and/or remedies. All appeals must be in writing and clearly cite the ground(s) for the appeal and the evidence supporting it. Appeals must be limited to 3500 words, unless an exemption is granted.\(^49\) The Director of Community Values & Restorative Practices or designee promptly will submit the appeal to the Provost or designee and provide the Provost with access to all relevant case records.\(^50\) If a student files an appeal, the Director of Community Values & Restorative Practices or designee will promptly notify the other party and provide him or her with access to the appeal. The other party has three days to provide a written response to the appeal. The Provost or designee may confer with appropriate individuals, in order to obtain information necessary to make a fully-informed decision.

The Provost or designee shall strive to render a determination on the appeal within fifteen days of the receipt of the appeal packet. Written notice of the appeal decision, including the reasons

\(^{49}\) A basis for an exemption would be if a party has new evidence to provide; such evidence typically would not be included in the total word count.

\(^{50}\) Typically the main case records are the investigation report (with enclosures), the determination notification. Correspondence with the parties may also be part of the case records.
for the decision and that the decision is final will be provided contemporaneously to all parties. The appeal determination is final and not subject to further appeal.

VIII. Approval, Amendment and Interpretation.

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

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

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

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

The Title IX Coordinator is responsible for interpreting this procedure.

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51 Prior versions of this procedure are available from the Office of Compliance & Equity.
Appendix A

**Determination Conference Guidelines**

The Determination Official has discretion to modify these guidelines based on individual case circumstances.

a) **Introduction.** Introduction of individuals present. Review of agenda, rules and expectations. All parties are expected to have reviewed the investigation report, the contents of which will not be reiterated at the hearing.

b) **Party Interviews.**
   i) Determination Official questions the Respondent
   ii) Determination Official questions the Reporting Party

c) **Additional Interviews.** If deemed necessary, the Determination Official may question investigators, witnesses, other individuals.

d) **Break (20 Minutes).**
   i) The parties are provided 20 minutes to confer with their advisors and prepare questions regarding any of the preceding interviews conducted by the Determination Official.

e) **Follow-Up Interviews.** After deliberating and reviewing the proposed questions, the Determination Official may have additional questions, formulated independently or based on the questions submitted by the parties, for the parties, investigators, or other witnesses.

f) **Final Statements.** Any party present may make a brief statement, if desired.
   i) Statement by Reporting Party (10 minutes)
   ii) Statement by Respondent (10 minutes)

*The Determination Conference will be recorded by the university and a transcript provided to any party upon request.*
Employee Discrimination, Harassment, and Retaliation Grievance/Complaint Procedure

I. Purpose

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

This procedure helps the university implement the Policy on Discrimination, Harassment, and Retaliation (the Discrimination Policy) and the Policy on Sexual Misconduct, Relationship Violence, and Stalking (the Sexual Misconduct Policy). This procedure also helps William & Mary comply with Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, Sections 503 and 504 of the Rehabilitation Act, the Americans with Disabilities Act, the Age Discrimination in Employment Act, the Equal Pay Act, the Vietnam Era Veterans' Readjustment Assistance Act, Federal Executive Order 11246, the Genetic Information Nondiscrimination Act, and Virginia Executive Order No. 2, by providing a fair, prompt process to respond to reported violations.

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52 Title VI, 42 U.S.C. 2000d et seq., prohibits entities accepting federal funding (including federal financial aid for students) from discriminating on the basis of race, color, and national origin. Title VII, 42 U.S.C. 2000e et seq., prohibits employment discrimination based on race, color, religion, sex (including gender and pregnancy), and national origin.

53 Title IX, 20 U.S.C. 1681-1688, prohibits discrimination on the basis of sex, including sexual violence and other forms of sexual harassment.

54 Section 503 of the Rehabilitation Act of 1973, as amended, requires W&M, as a federal contractor, to take affirmative action to hire, retain, and promote people with disabilities, including by taking steps to prevent and respond to discrimination and to protect employees from retaliation. Section 504 prohibits entities accepting federal funding (including federal financial aid for students) from discriminating against people with disabilities, and requires such entities to take reasonable steps to accommodate disabilities. The implementing regulations require institutions to adopt “grievance procedures” to address complaints of discrimination. See 41 C.F.R 60-741.44 and 34 C.F.R. 104.7(b).

55 Title I of the ADA, 42 U.S.C. 12111-12117, prohibits employment discrimination against people with disabilities and requires employers to take reasonable steps to accommodate disabilities. Title II of the ADA, 42 U.S.C. 12131-12165, requires public entities to provide physical and programmatic access to their facilities and services for people with disabilities. Title III of the ADA, 42 U.S.C. 12181-12189, prohibits discrimination on the basis of disability in places of public accommodation and requires new construction to comply with specific guidelines designed to provide access to individuals with physical disabilities.

56 The ADEA, 29 U.S.C. 621 et seq., prohibits employment discrimination against people 40 and older.

57 The Equal Pay Act is part of the Fair Labor Standards Act (FLSA) and appears in 29 U.S.C. 206(d). The EPA prohibits compensation discrimination on the basis of sex, specifically pay discrimination between men and women performing jobs requiring substantially equal skill, effort and responsibility under similar working conditions.

58 VEVRAA requires federal contractors to take affirmative action to employ and support certain categories of military veterans and prohibits discrimination against these veterans. See 41 C.F.R. 60-300.44.

59 The federal Executive Order, as amended, requires affirmative action in employment and prohibits discrimination on the basis of race, color, religion, sex, sexual orientation, gender identity, or national origin.
B. Summary of Procedure and Timelines. Under this procedure, reports are assessed by a Review Team to make initial determinations as to the appropriate course of action. If an initial determination to investigate a report is made, the respondent is notified and given an opportunity to respond. If an investigation proceeds, the allegations to be investigated are shared with the parties. Trained investigators interview the parties and witnesses and collect and analyze evidence such as emails and other records and submit an investigation report to the Provost. Each party may have an advisor of his/her choice, who may attend meetings and interviews. The parties have the right to review and respond to the report. The Provost may resolve the matter administratively, subject to certain conditions, and/or may request further investigation or clarification of the report. If not administratively resolved, the Provost determines whether and which allegations proceed forward to a hearing. The parties have an opportunity to request reconsideration of this determination. The hearing is conducted by a hearing panel. The hearing panel's determination is based on the preponderance of the evidence. Either party may appeal the determination to the Provost. The Provost sets sanctions, if appropriate.60

The university seeks to resolve matters promptly, within approximately 60 calendar days of a report, for sex-based discrimination/harassment or sexual misconduct, and 90 calendar days, for all other matters. Timelines may be extended for a variety of reasons. The time frames for key process stages are as follows, with the shorter time frames for sex-based discrimination/harassment and sexual misconduct matters:

- Day 1 - report received
- Day 4/8 – initial assessment of report completed
- Day 8/15 – initial meetings with parties completed
- Day 25/40 – investigation completed and report submitted to Provost and parties for review and administrative resolution
- Day 30/45 – parties submit any response(s) to report
- Days 30-45/45-60 – Provost administrative resolution (subject to conditions)
- Day 35/55 – Provost submits allegations to hearing panel for possible hearing, if applicable; hearing preparation begins (may continue to attempt administrative resolution during hearing panel preparation)
- Day 47/70 – hearing is held; determination issued
- Day 55/78 – final date for parties to submit appeals/responses to other party’s appeal
- Day 60/90 – Provost issues sanctions and/or resolves appeal

See Section VI(C) for more information about timelines.

60 This summary is provided to help readers quickly understand the basic process. If there are any differences between this summary and the more detailed provisions in the body of this policy, the more detailed provisions apply.
II. **Scope**

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

This is the procedure for addressing reports of discrimination (including harassment) and retaliation that are alleged or suspected to have been committed by any type of employee, including faculty except as provided in the following paragraph. This procedure is also used to respond to reports of misconduct by third parties (including but not limited to vendors, contractors, alumni/ae, visitors or local residents). Different procedures are used for addressing complaints and concerns of discrimination and harassment by students.61

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

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

**Exclusions; Special Cases.**

1. **Disability Accommodation Decisions.** There are separate procedures for qualified employees or students with disabilities to request reasonable accommodation and to appeal determinations made regarding such requests.

2. **Applicants.** This procedure is not for applicants – either for admission or employment.

3. **Investigations in Response to External Complaints, Investigations, Charges, etc.** This procedure is designed for investigations resulting from internal complaints or reports or an investigation initiated by the university. Investigations made in response to a complaint, charge or other action from an external agency, such as the Equal Employment Opportunity Commission or the Office of Civil Rights of the Department of Education, must comply with the requirements of those agencies and so typically will not follow this investigation procedure.

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61 Investigations of alleged misconduct by a student are handled under the Interim Student Sexual Harassment and Misconduct Grievance/Complaint Procedure or the Student Code of Conduct.
4. **Hourly, Wage or Probationary Staff.** Hourly (wage) and probationary staff are at-will employees. To conserve university resources and permit prompt response to reported misconduct, allegations against hourly, wage or probationary staff typically will be investigated through a condensed process including meetings with directly involved parties and provision of a brief opportunity to respond. This condensed process may be used for other employment situations as deemed appropriate by the Chief Compliance Officer and the Provost.

5. **Contractors or Vendors; People not Directly Employed by W&M.** Allegations of misconduct by a contractor, such as a Sodexo employee, are typically handled by the company employing the contractor, such as Sodexo. In some cases there may be contractual provision or guidelines or protocols that dictate how the matter will be handled. As a general matter, W&M does not have the authority to discipline contractors or vendors, but will take steps aimed at ensuring that the appropriate entity addresses the reported misconduct. W&M will also take steps to protect members of the university community who are negatively affected by the reported misconduct, such as by asking the employing entity to transfer the contract worker to another work location (a non-W&M work location), if feasible.

6. **Third Parties.** The investigation process outlined in this procedure is designed, in part, to respect the due process rights of employees and to provide the university with a basis to take disciplinary action when warranted. Due process rights and discipline are not applicable for cases involving third parties such as visitors. Therefore, to conserve university resources and permit prompt response to reported misconduct, allegations against third parties typically will be investigated through a condensed process including collection of information and, if warranted, action to prevent the inappropriate conduct from continuing to affect the W&M community, such as a direction to the third party to stay away from W&M campus and activities.

III. **Definitions**

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

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62 See Section XII for a note on interpretation.
A **good faith** report is one made with the honest belief that a violation may have occurred. A report is not made in good faith “if it is made with reckless disregard for or willful ignorance of facts that would disprove the allegation.”63

**Harassment** is defined in the Discrimination Policy.

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

**Misconduct** is discrimination, sexual misconduct, or retaliation.

**Report** is any complaint, report, allegation, accusation, or grievance of misconduct.

**Reporting party** refers to the person who was discriminated or retaliated against, harassed, assaulted, or otherwise personally and directly experienced the misconduct. See Section IV(A) for third-party reports.

**Respondent** means the person named, suspected, accused, or alleged to have engaged in misconduct. Reports may have multiple respondents.

**Retaliation** is defined in the Discrimination Policy.

**Review Team** is the body that conducts initial assessment of reports. The Review Team consists of the Chief Compliance Officer, or designee, and one or more of the following officers, depending on the identity of the people reported to have experienced or engaged in misconduct or the nature of the reported misconduct:

- for reports involving faculty, the Dean of Arts & Sciences or designee;
- for reports involving students or staff member is involved, the Dean of Students or designee;
- for reports involving staff, the Chief Human Resources Officer, or designee; and
- for reports report of sexual violence, in accordance with Virginia law, the Chief of Police, or designee. The See Section V for more information about the Review Team.

**Sexual harassment** is defined in the Discrimination Policy.

**Sexual misconduct** is a category of behavior that includes physical acts perpetrated against a person’s will or where the person is incapable of giving consent (as defined) and includes actual or attempted:

- Sexual assault
  - Non-consensual sexual intercourse or
  - Fondling
- Relationship Violence
- Sexual Exploitation
- Stalking.

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63 See Faculty Handbook, Section III(F).
In many cases, sexual misconduct is a form of sexual harassment. The forms of sexual misconduct are defined in the Sexual Misconduct Policy.

A sexual violence report is any report that a physical sexual act perpetrated against a person’s will or where a person is incapable of giving consent “may have been committed against a student attending the institution or may have occurred on campus” or another part of the university’s Clery Act geography.

Staff means all employees other than faculty.

IV. Reporting Matters: How, Who and When to Report; Retaliation; Relationship to Criminal Proceedings

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

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

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

Reporting Party Requesting No Action or No Action on Report. Typically, the university will not begin an internal administrative investigation or make a referral to law enforcement without the

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64 Non-consensual sexual intercourse is a form of sexual harassment. Non-consensual sexual contact and sexual exploitation may, depending on the severity and frequency and any other unwelcome conduct, constitute sexual harassment. Domestic violence may constitute sexual harassment, if the criminal conduct is based on sex. Dating violence typically will constitute sexual harassment. Stalking may constitute sexual harassment, depending on the severity or frequency and whether the conduct was based on sex.

65 Virginia Code 23-9.2:15, which requires the university to conduct a threat assessment of certain sexual violence reports, defines sexual violence. See Section V for the threat assessment process.
consent or involvement of the reporting party (or, if a different person, the person who experienced the misconduct), but the university must consider its obligation to the campus community. The Review Team will decide whether an investigation or referral is required after evaluating the Risk Factors, as described in Section IV(A). **Reporting Party Not a Member of the William & Mary Community.** Visitors, guests, and other people who experience misconduct from a William & Mary faculty member may report using this procedure. Certain modifications to this procedure, particularly those relating to notifications and disclosure to the reporting party, will be made in such circumstances.66

B. **How & Where to File a Report.** Reports may be made to the Chief Compliance Officer/Title IX Coordinator (the Compliance Officer) either in person, in writing, by phone, or by email:

Pamela H. Mason, J.D., CCEP  
109 James Blair Hall  
College of William & Mary  
Williamsburg, VA 23185  
757-221-3146  
reportconcern@wm.edu

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

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

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

D. **Timing of Reports and Availability of Procedures.** William & Mary encourages reporting misconduct as soon as possible in order to maximize the university’s ability to respond promptly and effectively. Reports must be submitted to the Compliance Officer within 365 calendar days

66 This procedure gives reporting parties certain rights to information, notifications, and participation in the investigation and resolution process. These rights are not typically afforded to external parties.
of the most recent occurrence of the alleged misconduct. The Compliance Officer reserves the right to extend the time limits when circumstances justify an extension.

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

For more information about retaliation generally, including examples, please see the Retaliation Guidance on the Compliance Equity website.

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

The standards for finding a violation of criminal law are different from the standards for finding misconduct. This means that conduct may constitute misconduct even if it is not a crime or law enforcement agencies lack sufficient evidence of a crime and therefore decline to prosecute. This procedure is independent of any criminal investigation or proceeding. The university generally will not wait for the conclusion of any criminal investigation or proceedings to commence its own investigation and impose interim measures to protect the reporting party and the university community, although the university will consider law enforcement requests to delay temporarily (generally no more than seven (7) days).

V. Initial Assessment of Report and Interim Measures

A. Initial Assessment. Upon receipt of a report, the Compliance Officer will convene the Review

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67 This procedure is not intended to impair or limit the right of anyone to seek remedies available under state or federal law. Since federal and state procedures require that complaints be filed within specific deadlines from the onset of the discriminatory behavior, individuals who pursue the internal complaint procedures described in this procedure may fail to meet state and federal guidelines for filing a complaint. Accordingly, a complaint may be filed with an external agency in order to meet state and federal agency deadlines without jeopardizing one's right to university process.

68 For example, a report based on information or evidence that previously was not available to the reporting party.
Team to conduct an initial assessment.\textsuperscript{69,70} The Review Team may conduct confidential, preliminary inquiry, not including interviews, to verify enrollment or employment status, to help determine jurisdiction and/or the appropriate procedure under which to process the matter, or the reporting party’s preferences as investigative or other official action.

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

- the reported misconduct;
- any information provided or collected;
- applicable law and policy, determining which university procedure has jurisdiction over the reported misconduct;
- the reporting party’s preference(s), if stated; and
- any evidence that a report was not made in good faith or is baseless.

For sexual violence reports, the Review Team also assesses the threat posed by the reported misconduct and to determine whether external reports are required.\textsuperscript{71, 72} The Review Team will make this determination based upon the following factors (the “Risk Factors”):

- Whether the respondent has prior arrests, reports and/or complaints of related misconduct or has any history of violent behavior;
- Whether the respondent has a history of failing to comply with any related university protective or disciplinary measures, and/or any judicial protective order;
- Whether the respondent has threatened to commit violence or any form of sexual misconduct;

\textsuperscript{69} For reports of sexual violence, the Review Team will convene within 72 hours, as required by law; in all other cases, the Team will convene as early as practicable. This meeting may be conducted by telephone or through other technology to permit prompt assessment.

\textsuperscript{70} When considering covered reports of sexual violence, the Review Team operates as a Title IX Review Team and Threat Assessment Team pursuant to Va. Code §23-9.2:15 & Va. Code §23-9.2:10 and has access, under Virginia law, to certain otherwise confidential information, including law enforcement records and criminal history information, as provided in Va. Code §19.2-389 and §19.2-389.1; health records, as provided in Va. Code §32.1-127.1:03; university disciplinary, academic and/or personnel records; and prior reports of misconduct maintained by the Title IX Coordinator. The team will have access to all available facts and circumstances and may seek additional information about the reported incident through any other legally permissible means.

\textsuperscript{71} In cases involving alleged act of sexual violence would constitute a felony violation of Section 18.2-61 of the Virginia Code, the W&M Police representative on the Review Team must consult with the Commonwealth’s Attorney and/or the prosecutor with jurisdiction within 24 hours and provide the information received by the Review Team, withholding any personally identifiable information about the parties. If the Review Team cannot reach consensus, the W&M Police representative on the team shall make the determination as to whether the report is required. In some instances, the notification would be in the form of an incident report to W&M Police.

\textsuperscript{72} If the Review Team cannot reach consensus on a sexual violence report, the Title IX Coordinator shall make the determination with respect to an internal investigation. In all cases, the W&M Police representative makes the notification to law enforcement.
• Whether the reported misconduct involved multiple respondents;
• Whether the reported misconduct involved physical violence. Examples of physical violence include hitting, punching, slapping, kicking, restraining, choking and brandishing or using any weapon;
• Whether the report reveals a pattern of misconduct (e.g., by the respondent, by a particular group or organization, around a particular recurring event or activity, or at a particular location);
• Whether the misconduct was facilitated through the use of drugs or intoxicants;
• Whether the misconduct occurred while the reporting party was unconscious, physically helpless or unaware that the misconduct was occurring;
• Whether the reporting party is (or was at the time of the reported incident) a minor (under 18); and/or
• Whether any other aggravating circumstances or signs of predatory behavior are present.73

The appropriate course of action may be:74

• **No further action under this procedure.** No action under this procedure may be appropriate for reports that do not allege conduct that violates applicable university policy, reports for which there is insufficient information to initiate an investigation, reports where the person reported to have experienced the misconduct has requested no action and the Review Team’s assessment concludes that this request may be honored (see below), or reports of matters for which the university does not have jurisdiction. No action may also be appropriate when there is evidence that a report is baseless or not made in good faith, although more typically some investigation is required to make such a determination. The Review Team may recommend, to the appropriate administrator, non-disciplinary remedial actions in response to a report. Examples of non-disciplinary remedial actions include support services or accommodations provided to a reporting party, educational activities designed to heighten awareness of specific policies or procedures or to clarify institutional expectations, and modifications to institutional policies or practices. These recommended actions may be appropriate to address reports of harassing conduct that has not become severe or pervasive enough to create a hostile environment, retaliatory conduct not adverse enough to have violated university policy, or other conduct inconsistent with the Discrimination Policy that the university has an obligation to address to prevent discrimination or harassment.

The Chief Compliance Officer or the Review Team may refer a matter to another procedure, for example, the process for appealing a performance evaluation, or the Commonwealth Department of Human Resource Managements’ Employment Dispute Resolution grievance

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73 Adopted with permission from the University of Virginia.
74 If a consensus in not reached, and either the Compliance Officer or the appropriate administrator believes that an investigation should be conducted, the investigative process will continue.
program, if the matter would be more appropriately handled under such other procedure, or may refer the matter for mediation.\textsuperscript{75}

- **Further action under this procedure** (or the procedure used for reports of misconduct by students as applicable). If the reported misconduct involves a faculty member and consists in significant part of conduct potentially protected by academic freedom, such as research activities, classroom discussion, course subject matter, or public writings, the Review Team will consult with the appropriate Dean or the Provost prior to finalizing the determination to take investigative action under this procedure.\textsuperscript{76} The Provost and, if there is a faculty respondent, the Chair of the Faculty Hearing Committee, will be notified.

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

If a reporting party has requested an investigation or disciplinary measures and the initial assessment determined not to conduct an investigation, the Compliance Officer will notify the reporting party promptly. There is no right to appeal or request reconsideration of the Review Team’s decision, but the Review Team may change its determination based on additional information, at any time up to a year from receipt of the original report.

**B. Interim Measures.** The Compliance Officer, in consultation with the relevant Review Team and with approval from the Dean of Students, the relevant Dean, supervisor, or unit head, the Provost\textsuperscript{77} and/or University Counsel as needed, will take or cause to be taken interim

\textsuperscript{75} Mediation requires the willing participation of the parties. Mediation may be appropriate for matters that appear to arise from communication difficulties or problematic workplace relationships, rather than illegal discrimination or harassment. Mediation is not used in sex-based discrimination/harassment matters. See Appendix A for information about mediation resources.

\textsuperscript{76} The Discrimination Policy provides “This policy is not intended, and may not be applied, to abridge free speech or other civil rights of any individual or group. Speech or any other expressive conduct can, however, be discriminatory and violate this policy, for example by creating a hostile environment as defined in Section II of this policy. This policy is not meant to prohibit academic freedom, including classroom discussion of controversial matter and research activities.”

\textsuperscript{77} The Faculty Handbook specifies the process and approvals required to, as an interim measure, place a faculty
steps to minimize the impact of the process on the reporting party, protect the safety and well-being of members of the university community, protect the integrity of the investigation (if any), and avoid retaliation. These steps may be taken upon initial receipt of report, after the initial assessment, or at a later point in the process. Interim measures may be adjusted in response to new or additional information, an updated risk assessment, or other developments.

Examples include:
- placing the respondent on administrative leave, in the event of allegations of egregious conduct such as assault;
- issuing a no-contact order;
- transferring the respondent or, with his or her consent, the reporting party, to another department;
- modifying the work schedules of either party;
- temporarily modifying supervisory relationships;
- monitoring/increasing supervision of the respondent; and/or
- notifying William & Mary Police to address any safety/security concerns.

In deciding on interim actions, the Review Team considers the Risk Factors as well as factors such as:
- the nature and severity of the reported misconduct. Reported quid pro quo harassment makes a more urgent case for strong interim action such as transfer of a party than a complaint about a performance evaluation.
- whether it is possible for a party to do their job in a different department or under a different supervisor.

VI. General Procedural Considerations

A. Advisors and Silent Supporters. Each party may have an advisor of his or her choice, who may be a lawyer. Each party may also have a silent supporter. The advisor may attend meetings and interviews to advise and support the party. Silent supporters are not permitted to attend meetings or interviews, but may attend the hearing (if any).

- An advisor may accompany the party he or she is advising to that party’s interviews, meetings, and the hearing (if any). An advisor may quietly and briefly confer with or advise the party he or she is advising, and will be provided a limited opportunity to ask questions or raise concerns during meetings, interviews, or hearings. The university respondent on administrative leave (suspension), transfer the respondent, or make changes to teaching or other significant duties.
expects parties to speak on their own behalf; an advisor does not respond to questions on the party’s behalf. An advisor who disrupts a meeting, interview or proceeding may be required to leave.

- Parties may share records and investigation communications with their advisor, if the advisor agrees to maintain confidentiality.
- Because of the importance of prompt processing of reports, advisors are expected to modify their schedules to attend meetings and hearings. The university typically will not reschedule hearings or grant extensions to accommodate advisor schedules. Arrangements may be made to allow participation by phone or other technologies.

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

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

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

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

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

C. **Timeline.** The university seeks to resolve matters promptly and strives to conclude the
investigation and adjudication, including notification of outcome, but not including any appeal(s), within a sixty (60) day time period for sex-based discrimination/harassment or sexual misconduct, and ninety (90) calendar days for all other matters. Section I(B) sets the time periods for specific process stages.

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

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

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

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

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

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

See paragraph B for confidentiality.
F. Combined or Multiple Violations. In cases where more than one person is charged with misconduct for the same, or substantially similar or related, misconduct or incidents, the university typically will address the misconduct through a consolidated investigation process. If a hearing is held or resolution or determinations made, the findings or resolution will be specific to each respondent. See also Section VII(F). Similarly, reports of similar or related misconduct by the same person typically will be investigated together.

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

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

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

Evidence of Previous or Other Misconduct or Related Conduct by the Respondent. The following types of evidence may be considered, including in a hearing, to the extent considered relevant:

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

H. Individuals with Disabilities. The university is committed to providing reasonable accommodations for students and employees with documented disabilities, in accordance with the Accommodation Policy and Procedure. Such accommodations may include, but are not limited to, administrative assistance, additional time, and/or an alternative to the formal hearing process. Reporting parties or respondents with disabilities who need reasonable modifications

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78 For example, two faculty members alleged to have engaged in conduct that collectively created a hostile work environment.
to address suspected misconduct are encouraged to meet with the Compliance Officer/ADA Coordinator as early in the process as possible to identify and plan specific accommodations.

II. Reporting Party Withdrawal of Participation or Request to Halt Investigation or Adjudication Process. Reporting parties have the right to participate or decline to participate in the investigation process, and to withdraw from participation.79 They university may proceed forward without the reporting party’s participation.

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

J. Roles. The individuals specified in this process may recuse themselves or delegate their roles to others as necessary to ensure impartiality or to accommodate leave or professional or personal conflicts.

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

VII. Investigation

The following steps occur after a determination has been made to conduct an investigation under this procedure, as described in Section V.

A. Initial Meetings with Parties. The Compliance Officer meets with the reporting party to:

- discuss the complaint or concern;
- discuss other reporting options, if applicable;
- discuss preservation of evidence;
- provide information about the procedure; and
- discuss interim measures including retaliation protections and support services, if applicable.

In some instances, this meeting will take place upon the initial filing of the report, prior to the initial assessment. In other instances, multiple meetings may occur.

The Compliance Officer meets with the respondent to:

- notify him or her that a report has been received and an initial determination made to conduct an investigation;
- identify the reporting party and describe the nature of the initial allegations to be

79 Neither party is obligated to attend a hearing; see Section IX(B).
investigated, e.g.,
  o racial harassment of [reporting party]
  o age discrimination against faculty within the department
  o disability discrimination through failure to accommodate [reporting party];

• provide the respondent with an opportunity to provide information or an initial response;
• discuss or communicate interim measures (see Section IV(C));^80 and
• provide the respondent with information about the process and their rights and responsibilities.

If the Compliance Officer receives information in the course of these initial meetings relevant to the allegations or the decision to investigate, the Officer will consult with the Review Team and the initial determination may be changed. The parties will be notified of any significant change, such as a decision not to investigate.

If the investigation proceeds, the Compliance Officer will notify the Provost’s Office for purposes of preparing for possible hearing, and, if there is a faculty respondent, the Chair of the Faculty Hearing Committee (FHC). Investigators will be selected (see Section B below). The Compliance Officer documents the allegation(s) and provides them to the investigators together with the investigation log, copies of correspondence, and any evidence collected. The Compliance Officer also provides a copy of the allegations to each of the parties, who have the opportunity to provide a response to the allegations to the investigators.

B. INVESTIGATORS; INVESTIGATION PROCESS. The investigators are objective, neutral parties responsible for the collection of evidence.

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

The investigators’ job is to gather evidence relevant to the allegations, and to document their investigation and the evidence collected in an investigation report. The investigators do not make a determination of responsibility.

^80 It may be necessary to take interim measures relating to the respondent prior to this meeting.
The investigators plan the investigation, including selecting witnesses to interview, determining order of interviews, and deciding which records to collect. The investigators prepare an investigation plan based on the nature of the allegations, the information available, the identity of the parties, and any other relevant factors. The investigation plan specifies witnesses to be interviewed, order (sequence) of interviews if relevant, and other evidence to be sought such as records requests to be made.81 When the respondent is a faculty member, the investigation plan is shared with the Provost and the Chair of the FHC. The Provost will resolve any disagreements on the plan that may arise.

The investigation includes interviews with the parties and any other witnesses whom the investigators believe may have relevant information. Each party may suggest witnesses at any time during the investigation — people whom the party believes to have relevant evidence. The party should specify the nature of the information the witness may have to provide. The investigators carefully consider witnesses suggested by the parties, but have discretion to determine which witnesses appear likely to offer relevant evidence.

Each party may submit evidence at any time during the investigation. Parties are not required to themselves uncover and produce evidence; if a party has cause to believe certain evidence exists, he or she should discuss the issue with an investigator.

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

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

**C. Investigation Report.** When the investigation is complete, the investigators will provide the Provost and the parties with an investigation report summarizing the investigation process and the relevant evidence collected. The report typically will:

81 Investigation plans are investigators’ best efforts to outline key investigation activities. Witness availability, evidence discovered in the investigation, and other events and circumstances affect investigation processes, and may result in investigation activities not being conducted as anticipated by the plan. Investigators make reasonable efforts to update the plan to reflect significant changes.
• describe the allegations investigated including the elements of each alleged policy violation;
• provide relevant information regarding the parties, key witnesses (if any), and other contextual matters such as locations or specific events;
• describe the investigation, i.e., the witnesses interviewed and evidence collected
• include a timeline of events, if useful; and
• summarize the relevant evidence discovered, outlining which elements of each allegation are contested and relevant corroborating or contradicting evidence. As an example, a report may state that sexual contact was not disputed and that the only disputed issue is whether effective consent was given/received, then proceed to summarize the evidence found (witness statements, records, etc.) relevant to the existence of effective consent.

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

The university strives to complete the investigation and submit the investigation report as noted in the timeline provided in this procedure. The Parties have an opportunity to review and respond to the investigation report, as provided in Section VIII.

D. Third-Party Participation. Third parties other than advisors, and the faculty consultant (as appropriate) are not permitted to be present during interviews; interviews are attended by the interviewee, the investigator(s), a note-taker (in the discretion of the investigator(s)), and, for interviews of a party, the party’s advisor (if desired by the party).

VIII. Review of Investigation Report; Administrative Resolution; Hearing Preparation

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

A. Parties’ and Provost Review of Report; Finalization of Investigation Report. Each party has the right to submit a written response to the investigation report, which may include additional evidence and identification of issues or statements that they believe to be in error or as warranting additional investigation, to be considered by the Provost and hearing panel (if applicable); see Section IX. Any response must be submitted within five days and typically will
be shared with the other party.\textsuperscript{82}

The Provost reviews the investigation report and any materials provided by the parties. The Provost may request that the investigator(s) conduct additional investigation and/or supplement or make clarifying or correcting revisions to the investigation report. The university will strive to complete the review and investigation report finalization as noted in the timeline provided in this procedure.

**B. Administrative Resolution.**

For **allegations with a faculty respondent**, the Provost may resolve matters as follows:

- A resolution that does not include a major sanction (see Section III(F)(1)(b)(viii) of the Faculty Handbook and Section XI(B) of this procedure) may be imposed by the Provost. Either party may request reconsideration of the resolution by filing a request, specifying the reasons or bases for reconsideration, with the Provost within five days of notification of the resolution.\textsuperscript{83}

- A resolution that includes a major sanction for a faculty member may be made with the consent of both parties who have five days to provide that consent, provided that each party’s consent is limited to those elements of the major sanction directly relating to him- or herself.\textsuperscript{84} This resolution is non-appealable.

For **allegations with staff or third-party respondents**, the Provost may issue a determination and impose sanctions and/or remedies as appropriate. Either party may request reconsideration of the resolution by filing a request, specifying the reasons or bases for reconsideration, with the Provost within five days of notification of the resolution.\textsuperscript{85}

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

The Provost will strive to conclude any administrative resolution promptly and within the

\textsuperscript{82} If a response includes sensitive content, such as (for example) medical records or sensitive personnel information regarding a non-party, a party may request that such materials be redacted or summarized or the university may itself identify and take steps to protect such content. Any redaction or summary shall be made with consideration of the respondent’s due process rights.

\textsuperscript{83} The other party is notified of any such request and has the opportunity to provide information to the Provost to be considered in reviewing the request.

\textsuperscript{84} For example, if a resolution involves a punitive action relating to the compensation of the respondent, the reporting party typically would not be required to consent to such action.

\textsuperscript{85} The other party is notified of any such request and has the opportunity to provide information to the Provost to be considered in reviewing the request.
timeline provided in this procedure.

C. **Provost Review; Authorization of Hearing.** If the matter is not administratively resolved, the Provost determines whether and for which allegations a hearing is warranted.\(^{86}\) The parties are notified. For cases involving faculty (either as a respondent or a reporting party), either party may request reconsideration of this decision as provided in Section IX(A).

IX. **Hearing Preparation and Conduct**

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

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

- The allegations proceeding to hearing and the rationale for any allegations not proceeding to hearing.
- For cases involving faculty, the right to request reconsideration of the decision regarding whether and which allegation(s) proceed to hearing.\(^{87}\) Such a request must be made within 72 hours of the Provost’s notification, and the hearing preparation will continue while the Provost considers such request.
- The right to request to introduce witnesses at the hearing. These requests must be made within three days of the Provost’s notification and must be justified by explaining the purpose and relevance of the witness.
- The right to suggest topics to be explored by the hearing panel, by providing such topics in writing to the hearing panel within three days of the Provost’s notification.
- The right to request one postponement of the hearing, citing the reasons for the request in a written statement to the Hearing Coordinator at least 72 hours in advance of the hearing, except in the case of emergency. The party may be requested to provide supporting documentation of the need for delay. The Hearing Coordinator, in his or her discretion, may grant a postponement for good cause.

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\(^{86}\) For allegations with a faculty respondent, this decision is made on a basis similar to the summary judgment standard used by courts; the Provost views the evidence in the light most favorable to the reporting party and dismisses the allegation if there is no material dispute of fact and the alleged misconduct does not violate university policy.

\(^{87}\) The other party is notified of any such request and has the opportunity to provide information to the Provost to be considered in reviewing the request.
The hearing panel prepares for the hearing as follows:

- In matters involving faculty members, FHC members with a conflict of interest or bias are excused and other eliminations made as necessary to establish a five-person hearing panel.88
- The hearing panel members review the investigation report.
- The hearing panel sets a hearing time and date and notifies the parties of the time, date, location, and composition (names) of the panel. The university will aim to hold the hearing within ten to fifteen days from receipt of the allegations from the Provost. The parties will be given at least five days’ notice of the hearing date.
- The panel reviews any requests for witnesses or topics for exploration submitted by the parties and determines whether and which witnesses it will call and will notify the parties of the witness list at least 48 hours prior to the hearing.
- The panel reviews any new evidence submitted by the parties and determines whether good cause exists to introduce the evidence at the hearing.

B. Hearing.

- In consultation with the hearing panel, the Provost will designate a trained administrator or faculty member to serve as Hearing Coordinator and summarize the allegations, the investigation, and the relevant areas of dispute for the panel. The Hearing Coordinator also assists in the conduct of the hearing.
- Parties’ advisors and/or silent supporters may be present during the hearing as provided in Section VI(A).
- Each party has the opportunity to make a brief statement and/or provide a written statement.
- The panel asks questions of the parties and any witnesses, which typically will include the investigators.
- Neither party is required to attend the hearing. Each party may request options to allow them to attend without being in close proximity to the other party, such as privacy screen or participating by phone or videoconference from a nearby location.
- In matters of sex- or gender-based discrimination or sexual misconduct, the parties may not question each other directly. A party may submit questions to be explored at hearing, as described in Part A of this Section IX.
- The panel may call witnesses to provide professional opinion on the elements of university policy, evaluating credibility, and other topics.
- Hearings are private and confidential.
- A verbatim record of the hearing or hearings will be taken and a transcript will be made available to the parties, without costs, upon request.

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88 Eliminations typically are made based on FHC member availability to prepare for and attend the hearing.
C. **Deliberation and Determination.** The panel determines whether the reporting party’s rights were violated through discrimination or retaliation and/or whether a respondent engaged in misconduct. The panel deliberates in private. The panel makes its determination by a simple majority vote.

The standard of proof used to make a determination is preponderance of the evidence. The panel may make recommendations as to sanctions and remedies. See Section X(B) for guidance regarding sanctions and remedies, and Attachment B for possible sanctions.

The panel documents their determination, recommendations, and rationale, in compliance with applicable law. This notification is communicated to the Provost and the parties within two days of the hearing.

D. **Conduct of the Hearing.** Employees and others who appear before the hearing panel, whether as parties to the proceedings or as witnesses, are expected to provide truthful and accurate information. Advisors and silent supporters may attend the hearing, with their roles defined above Section VI(B).

X. **Appeal and Sanctioning**

The Provost reviews the panel’s determination to impose sanctions and remedies, if appropriate. He also decides any appeals.

A. **Appeal of Hearing Panel Determination.** Either party may appeal the determination of the panel to the Provost, on the grounds of:

- Procedural irregularity that denied the appealing party a fair process.
- Determination inconsistent with the evidence.
- New material evidence previously unavailable.

An appeal must be filed within five days. The other party is notified of any appeal and has three days to provide a response to be considered by the Provost in reviewing the appeal. The Provost’s determination may be:

1. There is insufficient basis to grant the appeal. The panel’s determination stands.

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89 Any question as to whether an allegation is a Title IX matter shall be resolved by the Title IX Coordinator.

90 FERPA, VAWA, Title IX, university policy (Statement of Rights and Responsibilities), and state policy regarding personnel records may impose limitations or requirements on what is included or disclosed in a determination notification, depending on the nature of the allegation(s) and the identity (e.g., student or faculty) of the parties. The Compliance Officer and/or University Counsel can advise on these limitations or requirements.
2. Substantial procedural error occurred that denied a party a fair process. The Provost may direct relief or may order a new investigation, a new hearing, or a new deliberation.

3. The panel’s determination was not supported by the evidence. The Provost reviews the determination for clear error, including error in evaluation of the evidence. The Provost may modify the determination or may order a new hearing or re-submit the matter to the panel to conduct a new deliberation.

B. Provost Review; Sanctions and Remediation. The Provost reviews the panel’s determination and any sanction recommendations, and any appeal filed. If no appeal is filed, the Provost’s role is to determine the sanction; if an appeal is filed, he considers the determination of responsibility (misconduct) and, if appropriate, sanctions and remedies. The Provost consults with the Compliance Officer and determines:

- the disposition of the appeal, if any, as described in paragraph A of this Section IX;
- sanctions of the respondent, if relevant;
- any remedies for the reporting party; and
- other remedial actions to be taken.

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

The parties are notified of the determination, appeal outcome, sanctions, and rationale, as permitted by law; the reporting party is notified of remedies offered to him or her.\footnote{Federal and state law and policies may restrict or, alternatively, require what information is provided to the parties, depending on the identity of the parties, the nature of the adjudication violation, the outcome of the adjudication, and the nature of any sanctions or remedies.}

XI. Annual Reporting

The Provost will report annually to the Faculty Assembly an anonymized account of the preceding year’s cases involving faculty under this procedure.
XII. Approval, Amendment and Interpretation

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

The Board of Visitors has authorized the Provost, with the approval of the Faculty Assembly and the Personnel Policy Committee, to amend this procedure; provided that amendments relating solely to non-faculty employees or third parties do not require Faculty Assembly or Personnel Policy Committee approval. The Board of Visitors has authorized the Compliance Officer, with notification to the Provost and the Faculty Assembly, to make minor, technical revisions to this procedure such as updates to office titles, references to other policies, or hyperlinks. This procedure shall be interpreted for consistency with other policies of the university (including its Discrimination Policy and Sexual Misconduct Policy). In the event of a conflict, this procedure shall control.

Appendix A: Reporting Options and Resources
Appendix B: Sanctions

Appendix B: Sanctions

Faculty

The potential sanctions, specified in Section III(F) of the Faculty Handbook, are:

- A warning not to repeat the offending conduct and/or special monitoring of teaching or research;
- Separation of the parties involved;
- Required participation in an educational program (for example, about discrimination);
- A letter of reprimand;
- Removal from a research project (including long-term disbarment), suspension of access to laboratories, or other reassignment of duties;
- Loss of office, travel funds, research funds, etc.;
- Denial of a pay increase;
- Reduction in rank, salary or loss of endowed chair;
- Probation;
- Suspension (administrative leave) with or without pay; or
- Dismissal.92

92 Faculty Handbook Section III(F)(k).
Staff

Sanctions for staff are dependent on the employee type: classified or operational, professional/professional faculty, executive, or other. Misconduct is typically addressed by one or more primary sanctions and secondary sanctions/remedial actions. Certain sanctions may be either primary or secondary. Sanctions are informed by relevant circumstances including disciplinary history. Any sanction short of termination typically includes a written warning regarding disciplinary consequences of another incident of misconduct.

For Classified or Operational Employees: The governing policy is DHRM Policy 1.60, Standards of Conduct. Potential primary and secondary sanctions are:

Primary Sanctions.

- One of the following:
  - For findings of harassing or inappropriate conduct not rising to the level of a policy violation or similar: Written counseling memorandum.
  - For a minor violation and/or a violation with significant mitigating factors: A Group I Notice. Note that under the Standards of Conduct, failure to comply with written policy typically results in a Group II Notice and in certain circumstances, a Group III Notice.
  - A Group II Notice.
  - For serious violations, such as discrimination, harassment or retaliation by a supervisor of an employee or repeated or knowing violations, a Group III Notice.
- Accompanied by, where appropriate, one or more of the following:
  - Suspension without pay.
  - Demotion, transfer with reduced responsibilities, or transfer to an equivalent position in a different work area.
  - Reduction in salary or denial of future pay increase(s).
  - Termination.

Secondary Sanctions/Remedial Actions:

- Separation of the parties involved, typically through a unilateral no-contact order;
- Required participation in an educational program (for example, about discrimination) or training;
- Modification of supervisory responsibilities;
- Consideration of the violation in future awards, recognition, honors or
opportunities;

- Limitation or monitoring of relevant responsibilities or work activities; for example, requiring supervisory approval of leave requests could be an appropriate sanction/remedy for a finding of discrimination relating to treatment of leave requests.

Note a finding of a violation by a **probationary employee** (a classified or operational employee within the probationary period) typically will result in termination.

**For Professionals and Professional Faculty:** The governing policy is Appointments and Terminations of Professional Faculty. Potential primary and secondary sanctions are:

**Primary Sanctions.** Primary sanctions typically are accompanied by one or more secondary sanctions/remedial actions.

- For findings of harassing conduct not rising to the level of a policy violation or similar, a written counseling memorandum;
- For a minor violation and/or a violation with significant mitigating factors: a written reprimand;
- Suspension without pay, reduction in salary, and/or or denial of future pay increase(s);
- For serious violations, such as discrimination, harassment or retaliation by a supervisor of an employee or repeated, severe, or knowing violations, demotion or termination.

**Secondary Sanctions/Remedial Actions:**

- Separation of the parties involved, typically through a unilateral no-contact order;
  - Required participation in an educational program (for example, about discrimination) or training;
- Removal or modification of supervisory responsibilities;
- Additional monitoring or supervision;
- Relocation of office or work location;
- Reassignment/transfer;
- Consideration of the violation in future awards, recognition, honors or opportunities;
- Limitation or monitoring of relevant responsibilities or work activities; for example, requiring supervisory approval of leave requests could be an appropriate sanction/remedy for a finding of discrimination relating to treatment of leave requests.
For Executive Employees: The governing policy is the Employment Policy for Executives. Potential primary and secondary sanctions are:

Primary Sanctions. Primary sanctions typically are accompanied by one or more secondary sanctions/remedial actions.

- Reduction in salary or denial of future pay increase(s);
- Unpaid administrative leave;
- Limitation or monitoring of relevant responsibilities; for example, requiring supervisory approval of leave requests could be an appropriate sanction/remedy for a finding of discrimination relating to treatment of leave requests;
- Demotion; or
- Termination.

Secondary Sanctions/Remedial Actions:

- Separation of the parties involved, typically through a unilateral no-contact order;
  - Required participation in an educational program (for example, about discrimination) or training;
- Reduction in salary or denial of future pay increase(s);
- Removal or modification of supervisory responsibilities; or
- Consideration of the violation in future awards, recognition, honors or opportunities.

Table of Contents
EMERGENCY MANAGEMENT: STRUCTURE, PREPAREDNESS & RESPONSE

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

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

Structure

Emergency Management Team

William & Mary's Emergency Management Team (EMT) is responsible for overall coordination of the university's emergency preparedness efforts. The Emergency Management Team operates under the authority of the President of the university and is chaired by the Senior Vice President for Finance and Administration.

University responders and many members of the Emergency Management Team have taken the National Incident Management Systems (NIMS) and Incident Command Systems (ICS) training and have implemented the concepts of NIMS and ICS into our disaster planning and management.

The members of the Emergency Management Team include the following administrators:
- Senior Vice President for Finance and Administration
- Vice President for Student Affairs
- Associate Vice President for Student Affairs & Dir. of Residence Life
- Chief Information Officer, Information Technology
- Chief of Police
- Director, Auxiliary Services
- Chief Operations Officer, Virginia Institute of Marine Science (VIMS)
- Vice Provost for Research and Graduate Professional Studies
- Associate Vice President, Facilities Management
- Senior Associate Vice President and Chief Communications Officer
- Arts and Sciences Emergency and Facilities Planning Coordinator
The Emergency Management Team supports a standing subcommittee that provides advice and recommendations on emergency communications matters and, at the chair’s discretion, may set up ad hoc sub committees to research and develop recommendations on special topics for the EMT to consider.

**Emergency Operations Team**

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

**Preparedness**

William & Mary has implemented policies that enable emergency preparedness and reduce the likelihood of harm to members of the campus community. The EMT and other offices have also developed plans and practices to help prepare for emergency events. Important policies, plans and practices include:

**Emergency Response Guide**

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

**Crisis and Emergency Management Plan**

In support of significant events such as evacuation, the W&M Emergency Operations Plan may be activated to address the emergency. William & Mary’s all hazards EOP is based on the concept that emergency operations usually begin and end with the university and its resources at the
department level. Application of the Incident Command System (ICS), WMPD General Orders, building emergency plans, Incident Action Plans (IAPs) and department policy/procedures guide the field response to any incident or event occurring on the campus, to include evacuations. The EOP describes the necessary coordination and support organization for expanding operations. The W&M Emergency Operations Center (WMEOC) is activated to support the resource needs of Incident Commanders responding to an incident(s) and special operations coordination. When the university cannot resource its response needs, assistance will be requested from the City of Williamsburg which may pass the request to the Virginia Emergency Operations Center (VEOC) when the emergency or disaster exceeds local and mutual aid capabilities. When the state’s resources become overwhelmed, the Governor may request federal assistance.

At each level, the responsible government official must declare an emergency in order to request assistance. The university cannot make requests to the VEOC or declare an emergency, but a local emergency may be declared by the City of Williamsburg Director of Emergency Management with the consent of the City Council (see §44-146.21, Virginia Emergency Services and Disaster Law). If the incident is confined to campus property, the city is responsible for requesting the declaration of emergency.

The EMT is responsible for the development, maintenance and activation of the Crisis and Emergency Management Plan in accordance with §23.1-804.A of the Code of Virginia. The Crisis and Emergency Management Plan establishes and/or coordinates policies, procedures and organizational units for response to all hazards with the potential to cause significant disruptions to the university. This plan describes the roles and responsibilities of departments, schools, units, and personnel during emergency situations.

**Emergency Closing Policy**

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

**Student Personal Evacuation Plans**

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

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

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

**Building-Specific Emergency Preparedness**

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

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

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

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

The following recommendations should be considered:

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

* Chemical hazard - select a room above ground level.
† - Exterior windows can be an escape route if in the same building as the threat. Avoid sheltering in rooms with interior windows that would allow you to be seen from another room or hallway.
Mass Communication System Activation & Tests

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

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

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

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

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

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

In advance of these scheduled system tests, the Senior Vice President for Finance and Administration sends a campus-wide email message announcing the test and providing information about the test. These messages will include links to the university’s emergency response guide, Crisis and Emergency Management Plan, student personal evacuation plan templates and other emergency resources.

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

Emergency Management Team Preparedness and Tests

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

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

After Action Reports (AAR) and Improvement Plans (IP) developed from actual incidents or tests and exercises are used to refine and adjust plans. These events and incidents encourage us to develop coordinated plans with community partners prior to and through a test or exercise, expose weaknesses in our plans. Similarly, actual events involving activation of our plans also
expose the strengths and weaknesses of our plans. Each of these situations will receive in follow up a highly detailed AAR and IP which describe the actions taken and identify areas for improvement.

**Response**

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

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

**Procedure**

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

I. **Normal**
   - Perform routine monitoring and reporting of potential threats.
   - Provide response to minor incidents having limited impact on the functional capability of the university.
   - Engage in activities and exercises accomplished to maintain readiness, build capability and improve plans.

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

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

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

WMEOC is staffed by members of the EOT in support of Incident Commander(s) engaged in response activities. The primary role of the EOC and its functional positions are communication and coordination of resources and special operations required as a consequence of an incident. Conditions that can cause the EOC to be activated include:
• A request from Incident Command when their resources are insufficient to effectively continue response activities without assistance.
• A determination by the Emergency Coordination Officer or Incident Commander that incident communications require a higher level of coordination or special operations support.
• Coordination of activities in advance of an event (such as emergency preventative measures taken prior to hurricane landfall).

In addition to the EOT, selected members of the Emergency Management Team, depending on the situation, will be responsible for carrying out the actions of the emergency response. These persons or organizations include:
• Sam Jones, Chair, Senior Vice President of Finance and Administration
• Deb Cheesebro, Chief of Police
• Kenton Towner, Emergency Management Coordinator
• William & Mary Police Department
• VIMS Liaison to the EMT
• D.C. Campus Contact to the Emergency Management Coordinator
• Outside agencies as approved under mutual aid agreements, including Williamsburg Police and Virginia State Police.
Emergency Actions may include, but are not limited to, evacuation and closing of buildings and facilities, establishment of protective perimeters, coordination of additional resources from outside agencies, and may include recommendations for basic personal protective measures.

**Emergency Notifications**

The institution will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency. Decisions concerning notification of the community about an imminent or active threat or emergency situation will be made by the Chair (or approved successor) of the Emergency Management Team in consultation with the designated on-scene Incident Commander. In some cases (such as Tornado or active incident on campus), W&M Police Chief (or designee) is authorized to notify the campus immediately. Guidance for notification is set forth in §23.1-803 in the Code of Virginia and 34 CFR 668.46(e)(1-3). The alerting authority is responsible for confirmation of an emergency situation with the public safety agency having primary jurisdiction to include: local on-scene Incident Commander, the National Weather Service, Virginia Department of Health, or other official sources with responsibility for direct action. In some instances, such as weather warnings issued by the NWS, notifications received directly from trusted sources will be passed to the campus community without additional verification. Members of the campus community, regional officials, contractors, daycare patrons, and individual registrants in our system can expect notification of pending or existing emergency situations without unnecessary delay once a legitimate threat to the community is confirmed by the alerting authority.

The William & Mary Emergency Management Team has determined the following individuals have authority to initiate alerts through the RaveAlert system:
• Sam Jones, Senior Vice President for Finance and Administration/Chair of the EMT
• Ginger Ambler, Vice President for Student Affairs
• Deb Cheesebro, Chief of Police
• For VIMS and Eastern Shore campuses, Joe Martinez, VIMS Chief Operations Officer
• For Washington D.C. campus, Roxanne Adler Hickey, Associate Director, Washington Center & Directors Programs

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

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

Templates are maintained in the alerting system to save time and reduce the potential for errors when providing incident information and protective action instructions for various life safety emergency scenarios. The preapproved content (less time and location of the incident), preselected delivery methods and predetermined message targets are frequently reviewed and updated as necessary. All templates in the notification system are default set for campus-wide distribution.

Hazard specific self-protection information, including evacuation and shelter-in-place instruction, is provided in the pre-scripted/fill-in-the-blank messages that are sent at the time of the incident using specified methods. W&M has determined that providing incident-based self-protection information at the time of the emergency is critical to the safety of the campus as evacuation and sheltering procedures can be significantly different depending on location and extent of the hazard, weather conditions, traffic flow, and other factors.
Depending on the type of emergency situation, the Chief of Police (or designee) is an essential part of the notification decision process and in determining if and when it is safe to issue some alerts. In certain situations it may be necessary for public safety officials to coordinate with other law enforcement agencies to determine if it is appropriate to alert the campus. However, only situations that may risk the safety or security of victims, interfere with containment of the threat, interrupt the effective response to the emergency, or hamper mitigation of the situation will such notifications be delayed.
Alerting Method Selection (Based on Incident Type)

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

The following Table provides basic guidance in the proper alerting method by category and available templates. It is a decision aide, not an absolute, for individuals involved in the alert process. Staff may deviate from the guidelines below based on the factors for each situation.
<table>
<thead>
<tr>
<th>Overall Category with Available Templates by Title</th>
<th>Siren</th>
<th>Email</th>
<th>Text</th>
<th>Voice</th>
<th>Webpage-Small</th>
<th>Webpage-Large</th>
<th>Facebook</th>
<th>Twitter</th>
<th>Computers</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Crimes and Related Activity</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Active Shooter&lt;sup&gt;1&lt;/sup&gt;</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Bomb Threat</td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
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</tr>
<tr>
<td>Clery Timely Warning</td>
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<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Police Search</td>
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<td>X</td>
<td>X</td>
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<td></td>
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<td></td>
<td></td>
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<tr>
<td>Suspicious Activity</td>
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<td>X</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
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<tr>
<td><strong>Emergency</strong></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Accident / Incident</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X²</td>
<td>X²</td>
<td>X</td>
<td>X</td>
<td>X</td>
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<tr>
<td>Evacuation w/ Direction to Convene</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X²</td>
<td>X²</td>
<td>X²</td>
<td>X</td>
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<tr>
<td>Explosion</td>
<td></td>
<td>X</td>
<td>X</td>
<td>X²</td>
<td>X²</td>
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<tr>
<td>Fire</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X²</td>
<td>X²</td>
<td>X²</td>
<td>X</td>
<td>X</td>
<td>X</td>
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<tr>
<td>Incident at Specific Building</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X²</td>
<td>X²</td>
<td>X²</td>
<td>X</td>
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<tr>
<td>HazMat Spill</td>
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<td>X</td>
<td>X</td>
<td>X²</td>
<td>X²</td>
<td>X²</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Surry Accident</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X²</td>
<td>X²</td>
<td>X²</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td><strong>University Closing</strong></td>
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<tr>
<td>Closing</td>
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<td></td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Two-hour Delay</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
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<tr>
<td>One-hour Delay</td>
<td>X</td>
<td>X</td>
<td>X</td>
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<td></td>
<td>X</td>
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<tr>
<td>Essential Personnel</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
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<td>X</td>
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<tr>
<td><strong>Weather</strong></td>
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<tr>
<td>Tornado Warning (in storm path)</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
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<tr>
<td>Tornado Warning (regional)</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
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<tr>
<td>Tornado Watch</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
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<tr>
<td>Hurricane</td>
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<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
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<tr>
<td><strong>Other Templates – unfiled</strong></td>
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<td></td>
<td></td>
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<td></td>
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<tr>
<td>System Test</td>
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<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

<sup>1</sup> This is also considered an emergency and will be treated as such.

<sup>2</sup> Selection determined by the magnitude of emergency situation.
Communication with the External Community

To ensure a unified and consistent message, communication with the external community (to include parents, spouses or other next-of-kin) will be managed by the Emergency Communications Team (ECT). There will be a single spokesperson for the university, the Senior Associate Vice President & Chief Communications Officer, who also serves as the Chair of the Emergency Communications Team (the Director of News Marketing serves as backup). All aspects of the university’s external communications, including designating a media center as needed, identifying which media outlets will receive communication and which mediums will be used to communicate the message, gathering information and preparing statements and press releases for distribution, responding to media inquiries, monitoring media coverage to the extent possible, and preparing and distributing statements for use by individuals answering telephone calls.
CRIME STATISTICS

Clery Act Compliance

Procedures for Collecting Statistics

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

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

Data is collected from university employees and others associated with the university who are designated as Campus Security Authorities, pursuant to William & Mary’s Crime Reporting Policy.

Definitions of Clery Crimes

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

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

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

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

1. Rape—Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the
victim. This definition includes any gender of victim or perpetrator.

2. **Fondling**—The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

3. **Incest**—Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

4. **Statutory Rape**—Sexual intercourse with a person who is under the statutory age of consent.

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

**Aggravated assaults** are defined as an unlawful attack by one person upon another for the purpose in inflicting severe or aggravated bodily injury. This type of assault usually involves a weapon or means likely to cause death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)

**Burglary** is defined as the unlawful entry into a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

**Arson** is any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

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

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

**Liquor law violations** are defined as violations of laws or ordinances prohibiting the manufacture, sale, possession, transporting, or furnishing of intoxicating liquors or alcoholic beverages; and all attempts to commit any of the aforementioned. (Public intoxication and driving under the influence are not included).

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

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

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

**Domestic violence** includes felony or misdemeanor crimes of violence committed by:
  - A current or former spouse or intimate partner of the victim,
  - A person with whom the victim shares a child in common,
  - A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,
  - A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or
  - Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

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

For the purposes of this definition:

(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, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.

(B) “Reasonable person” means a reasonable person under similar circumstances and with similar identities to the victim.

(C) “Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

**Designation and Notification of Campus Security Authorities**

Campus Security Authorities, under the Clery Act and William & Mary’s Crime Reporting Policy, include

- Any member of the William & Mary Police Department;
- Other individuals who have responsibility for campus security, such as individuals who monitor access into campus facilities, act as event security, or escort students after dark; and
- Any individual who has significant responsibility for student and campus activities, including student housing, student discipline, and judicial proceedings -- that is, those individuals who have the authority and responsibility to take action or respond to particular issues on behalf of the institution. Examples of such individuals include
  - certain members of the staff of the Dean of Students Office;
  - Residence Life staff;
  - faculty advisors to student organizations;
  - some academic deans; and
  - athletic coaches and trainers.

Per the Crime Reporting Policy, the Office of Compliance & Equity notifies and reminds Campus Security Authorities of their reporting obligations at least annually. All CSAs receive an e-mail to their William & Mary account that notifies them of their CSA designation and confirms their duty to report crimes in the institution’s Clery Act Geography to the William & Mary Police Department. Included in the e-mail notification is a link to a narrated power point presentation that provides guidance about why the need to report, what crimes and information related to the crime to report, and to whom to report. The list of CSAs is reviewed by department heads and deans to confirm accuracy prior to distribution.
Annual Statistics for 2016, 2017 and 2018

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

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

- **CHART I:** W&M Williamsburg Campus Crime Statistics
- **CHART II:** W&M VIMS Campus Crime Statistics
- **CHART III:** W&M Newport News Campus Crime Statistics
- **CHART IV:** W&M Eastern Shore Laboratory Statistics
- **CHART V:** W&M Washington Center Crime Statistics

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

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

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

- **Non-Campus** is defined as (1) any building or property owned or controlled by a student organization that is officially recognized by the institution; or (2) any building or property owned or controlled by the institution that is used in direct support of in relation to the
institution’s educational purposes, is frequently used by students, and is not within the reasonably contiguous geographic area of the campus. Study abroad locations at which William & Mary rents or leases for students are also included in this category in Chart I. Also included in Chart I is 5308 Discovery Park Boulevard and Plumeri Park/Albert-Daly Field complex (fields, stadium, parking facility), both of which are located in James City County, Virginia. Crime statistics for 450K at Gallery Place, residential apartments located in Washington D.C. and a required component of the W&M Washington Center program, are included in this column in Chart V.

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

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*Data received from Williamsburg Police Department on 10/3/19*
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## CHART II: W&M VIMS Campus Crime Statistics

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

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<th>Offense</th>
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<th>Non-Campus%</th>
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% No Residential or Non-Campus property to report for this campus
### CHART III: W&M Newport News Campus Crime Statistics

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

Table of Contents
FIRE SAFETY REPORT

Introduction

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

Overview

The Higher Education Opportunity Act (HEOA) became public law in August of 2008. This law mandates all institutions of higher education that provide residential housing facilities for students to develop an annual fire safety report. The contents of this report reflect the requirements that are outlined in the HEOA, which state that the university will maintain a fire log and report fire statistics to the Secretary of the Department of Education. The majority of the required fire safety report data can be located in the William & Mary Fire and Life Safety Program document. The Fire and Life Safety Program contains policies and procedures that, when implemented and maintained, will satisfy the International Fire Code (IFC) (2015 Ed.), the Virginia Statewide Fire Prevention Code (VSFPC) (2015 Ed.), and the Virginia Uniform Statewide Uniform Building Code (VUSBC) (2015 Ed.). The Program helps satisfy insurance requirements and prevent loss of life, injury, and property damage due to fire and other emergencies.

Fire Safety Systems

Detection, Warning, Control

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

Portable Fire Extinguishers—For residence halls, the university provides type ABC fire extinguishers filled with dry chemical agent that will fight fires that result from organic, combustible materials (wood, cloth, paper, etc.), flammable liquids, or electrical fires. All portable fire extinguishers are 75 feet apart and mounted in highly visible and conspicuous
locations on each floor of the residence halls.

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

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

  a. **Stand Pipe System**—this is a piping system, in the stairs used by the Fire Department for interior firefighting. Fire Fighters bring their own hoses so the need to keep hoses in these cabinets are no longer needed. Many cabinets were removed leaving just the connection.

  b. **Strobe Lights**—Nothing more than a bright blinking light, strobes are the visual indicator that an alarm has been activated inside of a building. Strobes can be found with or without sounding devices depending on code and ADA requirements.

  c. **Audible Devices**—Loud piercing noises that include, but are not limited to, voice instructions that offer visual impaired or sleeping occupants another indication that an alarm has been sounded inside of a building.

**Fire Safety System Communications**

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

1. **Ludwell** has battery-operated smoke detectors in the sleeping rooms and monitored heat detectors in the kitchens. Richmond Alarm provides the monitoring service.

2. **Tribe Square** has a two part verification fire detection system. Simplex-Grinnell is responsible for central fire alarm control panel monitoring and is contracted by the leasing agency (Thalhimer Properties). Smoke detectors are located in the apartments and in the hallways. When the smoke detector activates in the apartment it sounds an alarm locally and provides a supervisory signal to Simplex. The building evacuation alarm is activated when both an apartment smoke detector and a hallway detector are activated
or, when just the hallway detector is activated. For fire alarm signal, Simplex notifies Williamsburg Fire Department, and then W&M Police and the leasing agency representative for immediate response.

3. **Richmond Hall** has hard-wired smoke detectors in the individual units and in the common lounge/kitchen area. There are smoke detectors in the ductwork servicing the kitchen. The facility also has sprinklers throughout. T.W. Systems provides the monitoring service through Thalhimer Properties. When the fire detection system is activated, T.W. Systems notifies Williamsburg Fire Department, and then W&M Police and the leasing agency representative for immediate response.

4. **William Randolph Lodging** has standalone smoke detectors. Colonial Williamsburg replaces batteries and provides all maintenance on fire and safety equipment.

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

**Fire Safety Policies for University Dormitory Residents**

1. OPEN FLAMES (from any source) and burning materials of any kind are absolutely prohibited in the residence halls.
2. The integrity of all ceilings, floors and walls must remain intact and not be disturbed. Also, light fixtures must have a proper globe or deflector in place. Any open bulb fixtures are a fire hazard and should be reported.
3. Additional wall coverings (e.g. paneling, wallpaper, etc.) cannot be installed by occupants.
4. In accordance with the VSFPC section 308.4.1; Candles, incense and similar open-flame-producing items shall not be allowed in sleeping units in Group R-2 dormitory occupancies.
5. In accordance with the VSFPC section 807.3; In dwelling units or sleeping rooms in Group R-2 dormitories, the permissible amount of decorative material suspended from or attached to the walls shall not exceed 50% of the aggregate area of the walls where the building has an approved automatic sprinkler system or 20% of the aggregate area of the walls where approved smoke alarms are provided and in the corridors of such buildings, the permissible amount of decorative material suspended from or attached to the walls shall not exceed 10% of the aggregate area of the walls. In addition, wall hangings cannot contact electrical outlets or come closer than 12 inches to the heating unit. All ceiling
decorations are prohibited.
6. In accordance with chapter 8 of the VSFPC, window decorations other than university furnished shades, drapes or blinds, may be used provided they carry a recognized fire rating and are constructed of fire retardant material, or have been treated with a fire retardant chemical.
7. Living areas must be kept uncluttered and access to the doors clear. Hallways and stairways must remain clear and unobstructed.
8. At no time may the maximum capacity restrictions of a room, apartment, or lodge be exceeded.
9. Residents may make use of the working fireplaces in the following areas after receiving training on fireplace safety given by the university Fire Safety Officer: DuPont Hall, Graduate Complex Building 800 Lounge, Sororities (with the exception of the 2nd floor fireplace located in Sorority House 1), Tazewell Hall and Taliaferro Hall.
   a. Fires in fireplaces should never be unattended.
   b. There should always be a fire extinguisher present in the vicinity when there is an attended fire in the fireplace.
   c. The use of chemical fire starters, flammable liquids, artificial logs, coal, charcoal, trash, or plastic is prohibited.

**Prohibited Items in the Residence Halls**

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

- animals (excluding comfort/ assistance animals);
- non-fused extension cords, outside antennas;
- bread machines and crock pots, hot pots that are not thermostatically controlled, immersion coils;
- candles, oil lamps, and incense;
- resident installed ceiling fans;
- chain locks and dead-bolt locks;
- explosives, weapons and firearms (which are also prohibited under the university’s Weapons on Campus Policy);
- fireworks, gasoline and other combustible liquids;
- open flames and space heaters;
- Torche style (pole) halogen lamps;
- waterbeds;
- live-cut Christmas trees, as mandated by the State fire code; and
- Hover boards
Prohibited Appliances in Student Rooms

The following appliances are prohibited in student rooms, but may be used in residence hall kitchens: hot plates, toaster ovens, broilers, electric skillets/woks, and other portable electric cooking devices and scented plug-in devices of any type.

Allowable Appliances in Student Rooms

The following appliances are allowed to be used in student rooms: refrigerators that are no greater than 4.3 cubic feet, hot air popcorn poppers, thermostatically controlled hot pots and coffee pots, and microwave ovens without a convection option. All allowable appliances must be plugged directly into a wall receptacle, be Underwriter Laboratories (UL) listed and be in proper working order and condition.

Electrical Safety

1. Permanent electrical circuits cannot be altered by occupants or anyone not authorized by the university.
2. Appliances, lamps and other electrical equipment with damaged, worn, cracked, or frayed cords and plugs must be replaced.
3. All lighting fixtures must use only light bulbs of type and wattage as recommended by the manufacturer. Lamp shades must also meet manufacturer specifications for the specific fixture.
4. Electrical cords or other communication cables may not be installed under carpets, hung over nails or run through doorways and/or windows.
5. The following are prohibited in residence hall rooms: multi-plug adapters (the type that are affixed directly to the wall outlet), cube adapters, unfused plug strips, or items such as air fresheners that include an outlet on them.
6. Grounded re-locatable power taps or surge protector strips with heavy duty cords and a “reset” switch are the only allowable receptacle extensions from wall outlets. Each power tap will be connected directly into a wall receptacle and they shall not be plugged into one another.
7. Non-fused extension cords and flexible cords are prohibited in Residence Hall rooms.
8. No power cord, of any type, shall be extended through walls or windows, ceilings or floors, or under doors or floor coverings, nor shall any cord be subject to environmental damage or physical impact.
9. For additional information please refer to the W&M Electrical Safety Guide
Fire Prevention Inspections

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

Smoking Policy

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

Transient Quarters

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

Emergency Evacuation/Fire Drills

In accordance with the VSFPC section 404.2, all university-owned buildings have fire evacuation plans posted throughout the buildings. Fire evacuation plans (also referred to as building
evacuation maps) denote the emergency egress or escape routes and muster point locations. If any changes are made in any building due to renovation or new construction that alter the path of egress, the fire evacuation plans, as a condition of occupancy certification by the Authority Having Jurisdiction (AHJ), are updated prior to the admittance of any occupants.

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

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

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

**Residence Life Staff Procedure for a Fire Alarm**

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

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

Other Miscellaneous Fire Safety Procedures

1. Smoke/heat detectors occasionally malfunction and a service request should be submitted immediately when this occurs so that Facilities Management staff can address the problem. **Never tamper with a smoke detector or remove it from the ceiling.**
2. If staff or resident sees fire or smoke and the building alarm does not activate, they are instructed to activate the closest pull station and call WMPD immediately. All occupants should then evacuate the building.
3. Staff and residents should know the location of all exits, pull stations, and fire extinguishers in their building(s). Residence Life staff should inspect them and report their status on the Common Area Report form and submit a service request for any damaged equipment. Any fire extinguisher that needs recharging should have a service request submitted immediately.
4. Fire drills are scheduled at the start of each semester, normally within the first 10 working days. Area Directors and the Assistant Director for Fraternity & Sorority Housing will provide directions regarding drills. Area Directors or the Assistant Director for Fraternity & Sorority Housing will help facilitate an information session with residents during a scheduled fire drill. If the Area Director or Assistant Director for Fraternity & Sorority Housing is not available, a head staff member will facilitate the session after consultation with the University Fire Safety Officer.
5. Area Directors and the Assistant Director for Fraternity & Sorority Housing will provide specific instructions about evacuation of residents with disabilities.

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

The VSFPC Sections 405 and 408 state that a minimum of four (4) Emergency Evacuation/Fire Drills must be conducted in each R-2 classified occupancy group (College and University Dormitories) annually. Furthermore, at least one (1) drill must be performed after sunset and before sunrise. William & Mary meets this annual requirement by performing one (1) drill at the beginning of the fall and spring semesters as well as one (1) drill at the beginning of the first and second summer sessions. Evacuation drills are not conducted in unoccupied buildings during times of renovation. At least one drill is performed in the evening at all dormitories. Emergency
Evacuation Drills at William & Mary are unannounced and preplanned. Students and staff are educated to understand that if a fire alarm sounds they should take immediate action by raising the alarm vocally, closing doors, reporting the fire by calling 911, and evacuating the building to a predesignated muster point located one hundred (100) feet from each building. During a drill, the Fire Safety Officer (FSO) provides a training session with the staff and students at the muster points as part of our drill protocol. Additionally, smoke house fire safety training, fire portable extinguisher training, and a further detailed Fire Safety Lecture are provided to all resident assistants (RA’s) during their induction as house staff at the beginning of the academic year before the students arrive and move in.

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

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

**Fire Safety Improvements**

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

**Completed FY 2018 Improvements:**
- Summer 2017 – Jefferson Hall - New fire alarm system.
- Summer 2017 – Richmond Hall Renovation: Upgrades to include Fire Alarm System and Full Sprinkler System.

**Completed FY 2019 Improvements:**
- Summer 2018 – Sorority House 7: Upgraded fire alarm connections.
Fall 2018 – Landrum Hall Renovation: Comprehensive upgrades including replacing sounder based and hard-wired smoke detectors in all student rooms and added full sprinkler system.

Fire & Life Safety Education Programs

RA Annual Training--- Each August we provide approximately one hundred (100) resident assistants classroom instruction on fire safety practices and conclude with hands-on portable fire extinguisher training utilizing a “live fire” Bull-Ex fire training simulator. The Williamsburg Fire Department also participates in the hands-on training by taking RAs through their Fire Safety House where they talk about kitchen safety and sleeping room evacuation.

AED—William & Mary currently maintains an Automated External Defibrillator Program (AED). Seventy Four (74) AED’s have been strategically placed in buildings throughout the campus in order to provide a reduction in response time to life threatening emergencies. Twenty-two (22) of the 74 AED’s are located in residence halls. Our Student Assembly completed a study in 2007 to determine AED location placement at distances taking no more than three (3) minutes to retrieve any AED unit from the area of the emergency. The WFD provides emergency medical response that includes basic and advanced life support, CPR, and emergency cardiac care. The goal of the AED program is to participate actively in the Chain of Survival. The chain of survival includes early access; early CPR; early defibrillation; and early advanced care. The EH&S Office is an accredited ASHI (American Safety and Health Institute) training center for CPR, AED, and Basic First Aid and provides a monthly certification class on a “first come, first serve” basis. Training is voluntary.

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

Fireplace Safety---William and Mary has a professional chimney sweep clean and inspect the fire places each year so that they will be available for use by our residents. The three fireplace safety steps we stress are:
1. Preparing and building the fire
2. Lighting and maintaining the fire
3. Extinguishment and clean up

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

**Cooking Safety**—We provide cooking safety briefings annually at each muster point during the winter fire drill. We provide additional classes upon request and we developed a Cooking Safety brochure that we distribute to parents and freshmen during freshmen move-in.

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

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

Listed below are the non-emergency numbers to call concerning a fire that has already been extinguished in on-campus housing. These are fires of which a reporter is unsure whether William & Mary Environment, Health and Safety Office may already be aware. If an individual finds evidence of such a fire or if an individual hears of such a fire, please contact one of the following:

*Environmental Health and Safety Office:*
Teresa Belback, Director: 757-221-2146 (office); 804-370-3877 (cell)
David LaPlante, Fire Safety Officer: 757-221-1745 (office); 757-472-8630 (cell)

*Facilities Maintenance:*
Work Control: 757-221-2270
William & Mary Police Dispatcher: 757-221-4596

Questions, comments, or concerns pertaining to this report may be directed to:
David LaPlante, Fire Safety Officer
Dept. of Facilities Management - Environment, Health, & Safety Office
208 S. Boundary Street, Williamsburg, VA 23185
Desk: 757-221-1745, Cell: 757-472-8630, Email: dlaplante@wm.edu
## Fire Alarm Log

<table>
<thead>
<tr>
<th>Housing Facility</th>
<th>Total Fires in Each Building</th>
<th>Fire #</th>
<th>Date of Fire</th>
<th>Time Occurred</th>
<th>Cause of Fire</th>
<th>Injuries Requiring Treatment at a Medical Facility</th>
<th>Number of Deaths Related to Fire</th>
<th>Value Range of Estimated Property Damaged Due to Fire</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dawson Hall</td>
<td>1</td>
<td>1</td>
<td>8/27/2019</td>
<td>12:00</td>
<td>Electrical</td>
<td>0</td>
<td>0</td>
<td>$100 - 999</td>
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<tr>
<td>Gooch Hall</td>
<td>1</td>
<td>1</td>
<td>10/25/2018</td>
<td>08:45</td>
<td>Fire</td>
<td>0</td>
<td>0</td>
<td>$0</td>
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<tr>
<td>Grad Plex</td>
<td>1</td>
<td>1</td>
<td>9:19:2018</td>
<td>11:10</td>
<td>Fire</td>
<td>0</td>
<td>0</td>
<td>$100-$999</td>
</tr>
<tr>
<td>Sorority House 10</td>
<td>1</td>
<td>1</td>
<td>9:12:2018</td>
<td>1:41</td>
<td>Fire</td>
<td>0</td>
<td>0</td>
<td>$999-$1999</td>
</tr>
</tbody>
</table>

**Fire 1: Dawson Hall Electrical Fire**

**Fire 2: Gooch Hall Microwave Fire**

**Fire 3: Grad Plex Exhaust Hood Fire**
**Unintended Fire Alarm Activation**—In the residence halls, unintended fire alarms accounted for 75% (362/478) of all false alarms in the 2018 HEOA Fire Safety Reporting period. Of the 362 false alarms in residence halls, cooking false alarms accounted for 26% of all smoke detector activations. While this was a 16% decrease in cooking false alarms as compared to 2017, overall there was a 20% increase in all unintentional fire alarms. The highest contributing factors for this were unknown causes, vaping, and water leaks due to winter storms. Corrective actions taken included updating the smoking policy to include vaping, better cause determination by responding units and including talking points to students during fire drills.

The following information is a compilation of unintended fire alarms that occurred on campus during the CY 2018 Fire Safety Reporting period:
## Annual Statistics

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>No of Incidents</th>
</tr>
</thead>
<tbody>
<tr>
<td>AA</td>
<td>Accidental Activation</td>
<td>37</td>
</tr>
<tr>
<td>CK</td>
<td>Communal Kitchen</td>
<td>46</td>
</tr>
<tr>
<td>FAS</td>
<td>False Alarm System Error</td>
<td>94</td>
</tr>
<tr>
<td>FAU</td>
<td>False Alarm Unknown Cause</td>
<td>112</td>
</tr>
<tr>
<td>FAW</td>
<td>False Alarm Water Activation</td>
<td>56</td>
</tr>
<tr>
<td>PK</td>
<td>Private Kitchen</td>
<td>78</td>
</tr>
<tr>
<td>SMOKE</td>
<td>Smoke</td>
<td>9</td>
</tr>
<tr>
<td>ELEC</td>
<td>Electrically Caused Activation</td>
<td>5</td>
</tr>
<tr>
<td>FACC</td>
<td>False Alarm Contractor/Construction</td>
<td>20</td>
</tr>
<tr>
<td>FACF</td>
<td>False Alarm Contractor/Facilities</td>
<td>5</td>
</tr>
<tr>
<td>FAM</td>
<td>Fire Alarm Malicious</td>
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</tr>
<tr>
<td>FED</td>
<td>Fire Extinguisher Discharge</td>
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<tr>
<td>FIRE</td>
<td>Open Flame Fire</td>
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<tr>
<td>HAZ</td>
<td>Suspect Hazardous Material</td>
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<tr>
<td>HEAT</td>
<td>Radiant Heat</td>
<td>0</td>
</tr>
<tr>
<td>HK</td>
<td>House Keeping</td>
<td>8</td>
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</table>
## Fire Safety Summary (Residence Halls)

<table>
<thead>
<tr>
<th>Location</th>
<th># of Beds (2017-18)</th>
<th>Disabled Resident Rooms</th>
<th>Supervised Fire Alarm System</th>
<th>Sprinkler System</th>
<th>Reports of Fires in 2016</th>
<th>Reports of Fires in 2017</th>
<th>Reports of Fires in 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Barrett Hall (313 Jamestown Rd.)</td>
<td>186</td>
<td>Yes/2</td>
<td>YES</td>
<td>YES</td>
<td>0</td>
<td>0</td>
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<tr>
<td>Brown Hall (107 N. Boundary St.)</td>
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<td>YES</td>
<td>NO</td>
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<tr>
<td>Bryan Hall (300 Richmond Rd)</td>
<td>108</td>
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<td>PARTIAL</td>
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<tr>
<td>Cabell Hall (500 C Ukrop Way)</td>
<td>60</td>
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<td>YES</td>
<td>PARTIAL</td>
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<tr>
<td>Camm Hall (300E Richmond Rd.)</td>
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<tr>
<td>Chandler Hall (701 Landrum Dr.)</td>
<td>144</td>
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<td>Dawson Hall (300D Richmond Rd.)</td>
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<tr>
<td>Dinwiddie Hall (100 E Wake Dr.)</td>
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<td>YES</td>
<td>NO</td>
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<td>0</td>
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<tr>
<td>DuPont Hall (101 Wake Dr.)</td>
<td>272</td>
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## Fire Safety Summary (Residence Halls)

<table>
<thead>
<tr>
<th>Location</th>
<th># of Beds (2017-18)</th>
<th>Disabled Resident Rooms</th>
<th>Supervised Fire Alarm System</th>
<th>Sprinkler System</th>
<th>Reports of Fires in 2016</th>
<th>Reports of Fires in 2017</th>
<th>Reports of Fires in 2018</th>
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<td>Graduate Housing Bldg 600 (713 S. Henry St.)</td>
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<td>Page Hall (500 E Ukrop Way)</td>
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### Fire Safety Summary (Residence Halls)

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<th>Location</th>
<th># of Beds (2017-18)</th>
<th>Disabled Resident Rooms</th>
<th>Supervised Fire Alarm System</th>
<th>Sprinkler System</th>
<th>Reports of Fires in 2016</th>
<th>Reports of Fires in 2017</th>
<th>Reports of Fires in 2018</th>
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**Definitions:**

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

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

NO: the building does not have a sprinkler system.
### Fire & Life Safety Systems Summary (Residence Halls)

<table>
<thead>
<tr>
<th>Location</th>
<th>Knox Box</th>
<th>Evacuation Plans Posted</th>
<th>Fire Extinguisher</th>
<th>AED</th>
<th>CO Detectors</th>
<th>Fire Drills Completed</th>
<th>Designated Evacuation Muster Area</th>
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<tbody>
<tr>
<td>Barrett Hall (313 Jamestown Rd.)</td>
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<td>YES</td>
<td>12-Dec</td>
<td>YES</td>
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<td>Brown Hall (107 N. Boundary St.)</td>
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## Fire & Life Safety Systems Summary (Residence Halls)

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

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</table>
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