2015 Annual Campus Security and Fire Safety Report
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INTRODUCTION

Colleges are generally very safe places to live, learn, and work. It is the goal of the College of William & Mary to make the students, faculty, staff and visitors to the College as safe as possible. To accomplish this we understand it is important to engage the entire community in the shared obligation of community safety. Through the work of the William & Mary Police Department and other College departments and organizations, the College 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 October 1, 2015. These policies and procedures may be updated or revised after the date of this Report; the most recent documents are available on the College’s website. The Report also incorporates statistical data about certain criminal offenses for each campus of William & Mary for the previous three calendar years, broken down by geographic location.

The College of 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.
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STRUCTURE

The College of 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 Counties, 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,
- In Washington, D.C., and Arlington, Virginia, associated with the Washington Office, which brings university students to Washington, D.C. for various programs including residential programs,
- Albemarle, Virginia, where Ash-Lawn 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 W&M 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 provides to the William & Mary Police Department reports that involves 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.

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

All criminal arrests and traffic summons issued by the William & Mary Police at the Williamsburg campus will be 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 are handled through the Newport News and District of Columbia Court systems, respectively. Charges that occur at the property controlled by William & Mary in Arlington, which is in an apartment building, occupied by William & Mary students, are handled through the Arlington County Court system.

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, necessary employees and other persons authorized specifically by the university are 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, with the exception of graduate housing and Tribe Square, are not open for occupancy during the semester break. Residence halls remain open during fall break, Thanksgiving break, and spring break.
See Prevention-Related Campus Security Protocols and Practices for more information about residence hall safety and security.

Members of the university community, invited guests, and those conducting lawful business on campus are authorized access to non-residential buildings during normal business hours. After hours, access to non-residential buildings for personnel is available upon the request of the Dean or Department Head to allow individuals access to areas directly under their control.

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.

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 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 with 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

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

Violence Prevention Policies.

- Campus 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. For example, 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 Campus Assessment and Intervention Team (CAIT), 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 CAIT. The core members of CAIT 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 weapons 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 [Response](#), 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. 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 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 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 W&M, the risk of compromising law enforcement efforts, and other factors.

Per the university’s Timely Warning Policy, the William & Mary Police typically issues a timely warning. Warnings may also be issued by the Vice President of Student Affairs or, for warnings arising 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.

The Chiefs of Police for William & Mary and the City of Williamsburg share information of mutual concern so that relevant crime and crime investigations in the respective jurisdictions are known to the other.

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 Response section of this report.

Violence Prevention Education and Outreach Activities.

- The Committee on Education and Prevention of Violence 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 provides training and awareness of the Campus Violence and Threat Management Policy and other violence-related policies as well as criminal laws.

- The William & Mary Police Department provides safety-related information to incoming freshman and transfer students and to parents. New employee orientation also includes information regarding the William & Mary Police.

- 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. Approximately three RAD self-defense courses are offered during the academic year and attended by students, faculty and staff on a voluntary basis.

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.

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.

On campus, it is prohibited to possess alcohol in public, including 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, 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 required. 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 upperclass college 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 college 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.

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

**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 and guests. Access to residences by non-residents may be restricted to earlier hours, if the Residence Hall 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 or guests 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 phones 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 online submission process. Work order requests can be accessed at Facilities Management work order site.

**Transportation/Security Escort Services.** The Police Department 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 Department Communications Center at 221-4596.

Student service fraternity, Alpha Phi Omega, also sponsors Campus Escort, providing nighttime transportation (via golf cart or walking escort) on campus to ensure the safety of the student body. APO contact information is 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 Police by reporting any unusual or suspicious circumstances that might be observed.

The Code of Ethics of the College 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 semi-annually, and provided guidance, including information in the form of frequently asked questions 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. The university has provided training regarding VAWA and Title IX reporting obligations.

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.

If you are reporting an emergency at another William & Mary campus, 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 statistical purposes and disclosure in the daily crime log. Also, Clery Act crimes that have occurred on any William & Mary campus and that represent a serious or continuing threat to students and employees must be disclosed to students and employees through a Timely Warning.

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 College 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.

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 a 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.

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 W&M 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 to report sexual violence (including sexual assault and other forms of harassment) affecting students or occurring on W&M’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 Campus Violence and Threat Management Policy and other violence prevention policies encourage reporting of crimes and incidents. See Violence Prevention Policies.

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

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.
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.

**Missing Person Inquiry**

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

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

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

The [Dean of Students](#) website provides information on the [Missing Student Protocol](#) and the [contact information submission process](#).

**SEXUAL ASSAULT, DATING AND DOMESTIC VIOLENCE, AND STALKING: STRUCTURE, PREVENTION, RESPONSE**

**STRUCTURE**

Sexual assault is an issue of significant concern on American college campuses, including the College of 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 contact, non-consensual sexual intercourse, domestic violence, dating violence and stalking in a prompt and unbiased manner.

William & Mary departments that are responsible for preventing and responding to reports of sexual misconduct include the William & Mary Police Department, Dean of Students Office, the Office of Compliance & Equity and Health & Wellness.

The organization chart on the next page illustrates the roles of the various offices and departments.
STUDENT SEXUAL HARASSMENT/ASSAULT INFRASTRUCTURE — WILLIAM & MARY

Provost
Hears appeals of sexual misconduct cases. Adjudicates faculty (with Faculty Hearing Committee) and staff harassment cases.

Office of the President

Compliance & Equity (Title IX Coordinator)
Overall responsibility for Title IX compliance, including by coordinating relevant prevention programs, policies and procedures, and incident response. Provides training and education. Investigates sexual misconduct allegations, working with Dean of Students. Convenes Title IX Review Team.

Reves Center
Prevention and response for incidents overseas or involving international students.

University Counsel
Provides legal advice.

Senior Vice President for Finance & Administration

W&M Police
Conducts criminal investigations. Develops student safety plans. Can accompany students to get physical evidence collected (PERK). Compiles crime statistics for publication in Campus Safety Report and daily crime log. Member of Title IX Review Team

Vice President for Student Affairs

Title IX Review Team
Meets within 72 hours to conduct a threat assessment and make any mandated reports, determine the appropriate procedure(s) and whether an investigation is warranted, develop interim measures, if appropriate, and make internal referrals as appropriate.

Dean of Students
Reviews investigation report to make determination of responsibility. Determines sanctions in consultation with Title IX Coordinator and offers remedies to reporting party. Member of Title IX Review Team

Associate VP Health & Wellness
Promotes health and well being through education, service and support.

Associate VP Campus Living
Dedicated to providing a safe and secure living environment for W&M students.

The Haven
Confidential student center for advocacy and support

Conduct Office
Takes interim actions for student survivors including academic accommodations and housing adjustments. Issues no-contact orders. Helps coordinate investigations

Counseling Center
Provides confidential mental health services for students.

Student Health Center
Provides confidential medical services to students.

Health Promotion
Education, awareness and prevention activities, including those related to sex and alcohol.

Residence Life
Trained staff make initial response to reported incidents.

Boxes highlighted in blue have active roles in investigation/adjudication of complaints. Boxes highlighted in pink provide counseling and support services.
William & Mary’s sexual violence website, launched in September 2015, serves as a portal for students, faculty, staff, parents and others. It provides information about university sexual misconduct policies, procedures, prevention and response.

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 student conduct matters, including investigations of student sexual misconduct, are fair, prompt and effective.

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 investigation and disposition of complaints;
- answers questions and provides guidance about Title IX compliance and the university's related policies and procedures;
- is a 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 adequately 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:

Kiersten L. Boyce, J.D., CCEP  
Chief Compliance Officer  
108 James Blair Hall  
College of William & Mary
William & Mary also has a Deputy Title IX Coordinator, who may act as the Title IX Coordinator’s designee in all Title IX matters. The Deputy Title IX Coordinator is:

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

Dean of Students

The Dean of Students is responsible for final adjudication of any sexual misconduct investigation. The Dean of Students also can take interim measures to assist the survivor and can coordinate support services. The Dean of Students and Compliance & Equity (Title IX) Offices coordinate closely in investigation and resolution of reports of sexual misconduct.

William & Mary’s Dean of Students is:

Marjorie S. Thomas  
Dean of Students  
Campus Center 109  
College of William & Mary  
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 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 at the Student Health Center, including screening and treatment for sexually transmitted infections, a pregnancy test 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 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 managed by Alpha Phi Omega 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 – 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* provides services to survivors of domestic and sexual violence primarily in the Williamsburg/James City County/York County areas. Services include 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: 229-1541
- James City County: 229-1541
- York County: 890-3420

**Criminal Injuries Compensation Fund** (1-800-552-4007 or CICFMail@vwc.state.va.us) 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 is open 24 hours a day 7 days a week for medical care. Sentara Wiliamsburg can provide Physical Evidence Recovery (PERK) services.

**Riverside Doctors’ Hospital** (1500 Commonwealth Avenue, Williamsburg, VA 23185; 757-585-2200) has an ER is open 24 hours a day 7 days a week for medical care. This Riverside location does not provide PERK services.
**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/](http://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. 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.

The Virginia Code definitions of domestic violence, dating violence, sexual assault, stalking and consent as found on the [www.wm.edu/sexualviolence](http://www.wm.edu/sexualviolence) website 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 18.260-3):** "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."

Consent is not defined by Virginia criminal code.

Other potentially relevant laws include:

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

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

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

Sexual Misconduct Prevention Policies

William & Mary has several policies that help prevent sexual assault, dating violence, 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 and Misconduct, Dating and Domestic Violence, and Stalking) defines specific types of prohibited sexual
harassment and Violence Against Women Act crimes. It also covers reporting issues including confidentiality and amnesty.

These policies, as in effect as of the date of this Report, are included in their entirety, in this Report.

**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 **Campus Violence and Threat Management Policy** (pdf) (1) prohibits threats and acts of violence, including sexual assault and domestic violence, committed by students, employees, or third parties, (2) mandates reporting to threat assessment team of threats and acts of violence, (3) encourages reporting of "concerning behavior" and (4) describes threat assessment process.

These policies are summarized in this Report; see **Campus Security Structure, Prevention and Response – Prevention—Violence Prevention Policies**.

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. Employee discrimination-related policies, including the Discrimination, Harassment & Retaliation Policy and the Sexual Misconduct Policy, 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.
Title: Discrimination, Harassment, and Retaliation Policy

Effective Date: August 22, 2014

Revision Date: July 1, 2015*

Responsible Office: Compliance & Policy

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VI. Related Documents, Policies, and Procedures

I. Scope

This policy applies to the College of William & Mary, including the Virginia Institute of Marine Science (the university). It applies to all members of the university community, including faculty and other employees and students.\(^3\)

Officially recognized organizations, such as student organizations, are subject to this policy, provided that, to the extent permitted by law, social organizations such as fraternities and sororities may restrict membership to members of the same sex, and organizations whose primary purpose is religious or political may restrict their membership to those members of the university community who have similar beliefs or political affiliations.\(^4\)

\(^3\) Except as noted, in this policy “faculty” has the meaning provided in the Faculty Handbook, and does not include professional faculty, and “student” has the meaning provided in the Student Code of Conduct, and includes any person taking courses at the university whether full-time, part-time, degree-seeking or not, undergraduate or graduate.

\(^4\) This provision reflects the rights granted by Section II of the Statement of Rights and Responsibilities and
Vendors, contractors, and third parties acting as agents for the university are covered by this policy in their interactions with members of the university community; this policy does not extend to the internal policies or practices of such entities.

This policy applies to conduct that takes place on or off campus. This policy is not intended, and may not be applied, to abridge free speech or other civil rights of any individual or group.

II. Non-Discrimination

Unless otherwise constrained by law, William & Mary is committed to providing an environment for its students, employees and others present within the community that is free from discrimination based on any personal factor unrelated to qualifications or performance. Such “irrelevant personal factors” include (without limitation) race or color, citizenship, national origin or ethnicity, ancestry, religion or creed, political affiliation or belief, age, sex or sexual orientation, gender identity or expression, physical or mental disability, marital status, pregnancy status, parental status, height, weight, military service, veteran status, caretaker status, or family medical or genetic information.

What is discrimination? Discrimination is conduct based on any irrelevant personal factor that

- adversely affects a term or condition of an individual’s employment, education, or participation in a university activity, or
- is used as a factor in a decision affecting an individual’s employment, education, or participation in a university activity, or
- constitutes harassment, as defined below.

Discrimination also includes failure to provide reasonable accommodations for a person’s disability or religion as required by state and federal law. W&M makes modifications and adjustments to its programs and activities for qualified students with disabilities as required by law, under the Student Accommodation Policy and Procedure. W&M also makes modifications, changes, or adjustments to jobs, work conditions and work environment for qualified employees with disabilities, or to the job application process for applicants, as required by law, under the Employee Reasonable Accommodation Policy and Procedure.


5 For the purposes of this policy, conduct can be verbal, physical, or written, and if written, may be communicated in various ways, such as email or text messaging.

6 In limited situations, state or federal law requires or permits William & Mary to take “affirmative action” for people with disabilities, veterans, racial minorities, and women. These actions are exempted from this policy.

7 A disability can arise from either a mental or physical impairment. For a full definition, see the Employee
Harassment is unwelcome conduct based on an irrelevant personal factor. Harassment violates this policy when it creates a hostile environment. A hostile environment exists when harassment has the purpose or effect of unreasonably interfering with a person’s work or educational performance or participation in a university program or activity, or is sufficiently severe or pervasive to create an intimidating, hostile, or offensive work or educational environment.

Even when harassing conduct is not severe or pervasive, and so does not create a hostile environment, it typically is inappropriate, and W&M will address this unwelcome conduct via the university’s conduct policies or through other mechanisms.

Each situation must be considered in context to determine if harassment has occurred. Conduct alleged to constitute harassment is evaluated from the perspective of a reasonable person.

Sexual harassment is harassment based on sex. Sexual harassment can take the form of hostile environment harassment, discussed above, or “quid pro quo” harassment. A hostile environment can arise from sexual harassment even if the conduct is not sexual in nature, so long as the conduct is based on sex. For example, a female supervisor who regularly and severely criticizes her male employees because she prefers working with women is harassing her male employees because of their sex, even if the supervisor has no sexual or romantic interest in any of the employees and is not engaging in sexual conduct.

Quid pro quo is a Latin phrase meaning “this for that.” Quid pro quo sexual harassment is unwelcome conduct of a sexual nature, including sexual violence, when

- submission to such conduct is made or threatened to be made a term or condition of employment, education, or participation in a university activity; or
- submission to or rejection of such conduct is used or threatened to be used as a factor in a decision affecting employment, education, or participation in a university activity.

Quid pro quo sexual harassment most often occurs when one person has power or authority over another. In part because of this, certain consensual relationships are prohibited under Section III.E.2 of the Faculty Handbook. But sexual harassment (of any type) can occur between

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8 For more information regarding reasonable accommodations based on religion, see Guidelines for Religious Accommodations.

9 Typically conduct of this type creates a hostile or offensive environment for the individual(s) or group at whom the conduct is directed, but severely offensive or hostile behavior can create a hostile environment for others who are not the direct target, but who observe or are otherwise exposed to the conduct, such as co-workers.

10 The definitions of discrimination and harassment and the standards for determining whether conduct constitutes prohibited harassment are derived from federal regulations and regulatory guidance.

11 Each situation is examined to determine whether the conduct was unwelcome to the person at whom it was directed and whether the conduct would have been considered hostile or offensive by a reasonable person in the alleged victim’s position, considering all the circumstances.
individuals of equal status or rank. Similarly, an employee can engage in prohibited sexual harassment by sexually harassing a supervisor.

Sexual harassment can occur between persons of the same sex or members of different sexes.

**Sexual violence** is a form of sexual harassment. Sexual violence consists of physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent.12 The forms of sexual misconduct are defined and explained in the Policy on Sexual Harassment and Misconduct, Dating and Domestic Violence, and Stalking.

**Retaliation** is prohibited at William & Mary. The university takes action to protect individuals from retaliation and to address any retaliatory behavior that occurs. Retaliation prohibited by this policy is adverse action taken against a person for engaging in protected activity.

Examples of adverse action include: firing, denial of a promotion, lowering a grade, unjustified negative performance evaluations and reports, increased supervision or scrutiny, sudden enforcement of previously unenforced policies, exclusion from activities or privileges open to others, making critical comments about the protected activity to others, or any other action that would deter a reasonable person in the same circumstances from filing a complaint or engaging in protected activity.

A person engages in a protected activity when he or she opposes, reports or complains about discrimination, such as by reporting harassment.13 Adverse action against an employee or student based on their relationship or association with another person who engages in protected activity is also prohibited retaliation.

**Resources for People Experiencing, Witnessing or Affected by Discrimination or Retaliation**

The university has resources available for students and employees who experience discrimination or who have questions or concerns about discrimination. Resources range from counseling to mediation, although mediation is not used in cases of sexual harassment. Information about resources for students experiencing sexual violence is provided by Student Affairs, and information about other discrimination-related resources is provided by Compliance & Equity.

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13 For determining whether someone has engaged in protected activity, it does not matter whether the conduct or situation they are complaining about, reporting, or otherwise opposing actually is discrimination — so long as the person engaging in the protected activity reasonably believes he or she is opposing discrimination, he or she is protected from retaliation.
The university also has several ways to report or file a complaint of discrimination or retaliation. Information about these reporting options is provided in Appendix A and Appendix B.

III. Reporting Discrimination, Harassment or Retaliation

This section is organized as follows:

- **Introduction; important general information about reporting**
- **When are employees required or encouraged to make a report?**
- **Who should be informed – to whom should reports be made?**
- **What information must be included in a report? Is there a particular form that a report must have?**
- **How will reports be addressed?**
- **What if the person who appears or claims to have been discriminated or retaliated against does not want it to be reported?**
- **What about reporting harassing conduct that does not rise to the level of a policy violation – unwelcome conduct that is not (yet) severe or pervasive enough to create a hostile environment?**

**Introduction; important general information about reporting.** The university can fulfill its ethical commitment to create a non-discriminatory environment and its legal obligations to address discrimination that occurs only if allegations and complaints are brought to the attention of a designated university officer. In addition, there are state legal requirements to report sexual violence – these requirements are described in this Section III and do not apply to victims of violence.\(^{14}\) To meet these ethical and legal commitments, William & Mary encourages, and in certain situations requires, members of the university community to inform the proper authorities of discrimination and retaliation.

If a member of the university community has been discriminated and/or retaliated against, we encourage him or her to speak to someone, but he or she is not required to report or make a complaint. In no case is a person who has been discriminated or retaliated against or harassed required to report.

In order to encourage reporting, the university does not discipline community members who report sexual misconduct and any material witnesses for behavior that would otherwise be

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considered a violation of university policy (such as consuming alcohol underage or consuming illegal drugs). 15

William & Mary will also work to protect a reporting party, and the larger campus community, by taking the necessary interim measures to prevent further misconduct or retaliation. Examples of possible interim measures include delay of a negative performance evaluation, change in campus housing, issuance of a “no contact” order, and interim suspension of the alleged harasser. The university will investigate and implement reasonable interim measures as quickly as possible.

A report may always be made directly to the Title IX Coordinator:

Kiersten L. Boyce, J.D., CCEP  
Chief Compliance Officer  
108 James Blair Hall  
College of William & Mary  
Williamsburg, VA 23185  
757-221-3146  
reportconcern@wm.edu

Other reporting options are detailed in Appendix A and Appendix B.

When are employees required or encouraged to make a report?
There are three mandatory reporting situations – situations in which an employee who has information about discrimination or harassment must share that information with the Title IX Coordinator or other appropriate administrator. These three situations are explained in detail below. In all other cases, individuals are encouraged, but not required, to report discrimination and retaliation. And in no case is a person who has experienced discrimination or retaliation required to report.

A. Faculty, supervisors, and managers must report all discrimination and retaliation.  
Faculty and employees with supervisory or managerial responsibilities (including all executive employees16) who are told of, become aware of, or witness discrimination or retaliation are required to inform the appropriate university officer of the situation. The only employees who are exempted from this reporting obligation are the Student Health Center and Counseling Center staff and other confidential resources listed in Appendix B.

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15 Except to the extent required by law.  
16 Executive employees are senior-level managers, designated by the President.
This means, for example, that if someone complains of or reports discrimination to a supervisor, or if a supervisor witnesses or becomes aware of an incident or situation that a reasonable person would understand to be retaliation, the supervisor is obligated to inform the appropriate university office or officer. The chart in Appendix A shows which office handles which type of reports.

If the supervisor knows that the matter has already been brought to the attention of the appropriate university office or officer, the supervisor does not need to report it.

**B. Employees must inform the Title IX Coordinator promptly of sex-based discrimination and sexual harassment affecting students.** Employees who become aware of complaints or reports of sex-based discrimination affecting students or complaints or reports of sexual harassment, including sexual violence, affecting students must promptly inform the Title IX Coordinator. Sexual violence consists of physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent. This means that if a student tells an employee that he or she has been sexually harassed or discriminated against because of gender, for example, or if an employee is given or told about a sexual harassment complaint or report involving students, the employee is obligated to inform the Title IX Coordinator, regardless of the employee’s assessment of the complaint’s or report’s merit.

Employees also must inform the Title IX Coordinator of any incident or situation that a reasonable person would understand to be sex-based discrimination or harassment affecting students, even if a student has not made a complaint or report about the incident. This means, for example, that if an employee sees someone sexually harassing a student, the employee is obligated to inform the Title IX Coordinator.

In any case, if the employee knows that the matter has already been brought to the attention of the Title IX Coordinator, the employee does not need to report it.

Student employees of the Student Affairs division, such as Resident Assistants, are included in this reporting obligation, for matters that they become aware of in the course of their W&M employment.

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18 The Code of Ethics adopted by the Board of Visitors in 2009 requires all employees to report illegal or unethical action.
19 Students employed as assistants to completely confidential resources are not mandatory reporters.
Sometimes a student who has experienced harassment or sexual violence does not want the matter reported. There are some university employees who can provide confidential support to students. These employees do not need to report if the student does not want them to. A list of these “confidential resources,” with contact information, is provided in Appendix B. But all other employees must report, even if the student does not want them to make a report.

C. All faculty and staff must report to the Title IX Coordinator information that an act of sexual violence may have occurred on campus or on William & Mary’s Clery Act geography. Virginia law requires that any university employee, other than a confidential resource (see Appendix B), “who in the course of his employment obtains information that an act of sexual violence may have . . . occurred on” the university’s Clery Act geography (as defined below) must report such information to the Title IX Coordinator as soon as practicable, after addressing the immediate needs of the victim.

William & Mary’s Clery Act geography is its:

- campus,
- public property bordering campus, and
- non-campus areas leased or otherwise controlled by the university. This includes (for example) the Gloucester campus of VIMS, the William & Mary in Washington physical areas, the William & Mary Peninsula Center, and the university offices located in New Town.

Further information is provided in the Crime Reporting Policy and the Clery Act Guidance for Campus Security Authorities.

Who should be informed – to whom should reports be made?

Reports of discrimination or retaliation should be made promptly to the Title IX Coordinator or other appropriate university office or officer. A chart showing resources and reporting options and contact information are attached in Appendix A.

What information must be included in a report? Is there a particular form that a report must have?

A report by someone who experienced the discrimination or harassment should include as much information as the person is comfortable sharing. If a person makes a report without names or other identifying information, for example, the university probably will not be able to take any action on the report.

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20 Virginia Code Section 23-9.2:15(B).
A report by an employee who is required to make a report must include all available information, including names and other identifying information.

Reports need not take a particular form. Reports may be made, for example, in person, by phone, via email, or in writing.

**How will reports be addressed?**

After a report is made, it will be promptly addressed, including a preliminary review of the matter and, if appropriate, full investigation and corrective action under the applicable university procedure.

It is a violation of this policy to knowingly make a false complaint or report of discrimination.\(^\text{21}\)

**What if the person who appears or claims to have been discriminated or retaliated against does not want it to be reported?**

Employees and supervisors who are required to report under this policy must do so even if the person who appears or claims to have been discriminated or retaliated against does not want a report to be made. Requests not to take action or requests for anonymity will be carefully considered pursuant to the relevant investigation procedure; in most cases, the person’s wishes can be respected.

Certain employees and offices provide completely confidential support or other services to people experiencing discrimination. [Appendix B](#) provides contact information for these employees and offices.

People experiencing discrimination are encouraged to come forward but are not required to make a report.

**What about reporting harassing conduct that does not rise to the level of a policy violation – unwelcome conduct that is not (yet) severe or pervasive enough to create a hostile environment?**

W&M wants to address unwelcome conduct, even if the conduct is not severe or pervasive enough to have created a hostile environment. Reporting this conduct may allow the university to stop unwelcome conduct before it creates a hostile environment, such as by counseling a student or employee. In some cases, unwelcome conduct is a violation of another university policy, in which case it may be addressed through applicable policy and procedure (see Section VI, Enforcement). In other instances, the conduct may be unprofessional or inappropriate, in which case it should be addressed by a supervisor or other university officer.

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\(^\text{21}\) A false report is one that is made by a person who knows that the report is untrue.
A concerned or affected party may discuss this type of conduct with the person responsible for it, if he or she feels comfortable doing so. A concerned or affected party may also discuss the conduct with the responsible person’s supervisor, dean, or other manager, or make a report via any of applicable methods outlined in Appendix B.

If a supervisor or manager becomes aware of unwelcome conduct, he or she should consult with the Office of Compliance & Equity before concluding that conduct does or does not create a hostile environment.

IV. Enforcement

Any member of the campus community who violates this policy is subject to discipline, up to and including termination of employment or permanent dismissal. Disciplinary action against an employee or student will be taken in accordance with the applicable state or university policy or procedure: the Faculty Handbook, the Standards of Conduct (for classified and operational employees), the Employment Policy for Executives, the Policy on Appointments and Termination of Professionals and Professional Faculty, and the Student Code of Conduct or Student Sexual Harassment and Misconduct Procedure.

The response to violations by a contractor or other third party will depend on the nature of the individual’s relationship to the university.

V. Approval and Amendment

This policy was approved by the President. Minor, technical revisions, such as to update contact information, may be made by the Chief Compliance Officer.

This policy was amended effective July 1, 2015, to (1) comply with Virginia Code 23-9.2:15 by revising the reporting provisions to require reporting of sexual violence occurring on university’s Clery Act geography and by eliminating the provision permitting initial reporting of incidents without identifying details,22 (2) make changes conforming to amendments to other policies23 and (3) make grammatical corrections and formatting improvements.

VI. Related Documents, Policies, and Procedures

Appendix A: Discrimination Poster (Chart of W&M Resources and Reporting Options)
Appendix B: Information on Campus Resources and Reporting Procedures Including

22 The first version of this policy permitted initial reporting of incidents without including identifying information regarding parties involved. This initial reporting option was removed to reduce complexity and comply with law and regulatory guidance, including Virginia Code 23-9.2:15(B).
23 The Crime Reporting Policy was amended effective December 17, 2014, to expand the list of Clery Act crimes to comply with the Violence Against Women Reauthorization Act; the Student Sexual Harassment and Misconduct Policy and Procedure were revised effective February 2015.
Appendix C: Sexual Harassment and Misconduct, Dating and Domestic Violence, and Stalking Policy

Confidential Resources
Discrimination Grievance/Complaint Procedure (for complaints against non-faculty employees and third parties)
State Discrimination Complaint Process (available to classified employees and applicants for classified positions)
Student Sexual Harassment and Misconduct Procedure (for students)
Sexual Violence-Related Resources
Discrimination Resources – Campus and External Resources for Discrimination-Related Services and Support
Employee Reasonable Accommodation Policy and Procedure
Student Accommodation Policy and Procedure
Guidelines for Accommodation of Religious Holidays
Student ADA/Rehabilitation Act Grievance and Appeal Procedure
Crime Reporting Policy

* This Policy implements and is consistent with William & Mary's Statement of Rights and Responsibilities and its Code of Ethics, both of which include provisions regarding discrimination and harassment. It subsumes and replaces the 2013 Sexual Harassment Policy.
The Sexual Misconduct Policy defines and prohibits sexual assault and other forms of sexual misconduct. In February, 2015 the Office of Compliance & Equity revised the Student Sexual Misconduct policy to include the VAWA crimes of dating violence, domestic violence and stalking. In August, 2015 the policy was broadened to apply to all university members, including faculty, staff, and third parties.

The policy provides explanation and definitions of sexual harassment, sexual misconduct, consent and incapacitation, as well as written notification to students or employees about interim measures and support that is available to victims upon reporting, regardless if the victim wants 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 for victims both within the institution and in the community are provided to victims from the Dean of Students or 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 victims in writing at initial intake with the Dean of Students or Title IX Investigator. Exemplars of these informational handouts are published on the sexual violence website. Campus and community resources are also available at www.wm.edu/sexualviolence.
Interim Policy on Sexual Harassment and Misconduct, Dating and Domestic Violence, and Stalking

I. Scope

This policy applies to the College of William & Mary, including the Virginia Institute of Marine Science (the university). It applies to all members of the university community, including faculty and other employees and students.24

Officially recognized organizations, such as student organizations, are subject to this policy, provided that, to the extent permitted by law, social organizations such as fraternities and sororities may restrict membership to members of the same sex, and organizations whose primary purpose is religious or political may restrict their membership to those members of the university community who have similar beliefs or political affiliations.25

For purposes of addressing student misconduct, this policy applies to conduct that occurs on campus or property owned or controlled by the university (university property), at university-sponsored activities and to off-campus conduct when the conduct adversely affects the university community and the pursuit of its objectives, as determined by the Dean of Students or designee.

For purposes of holding an employee accountable, this policy applies to conduct

- occurring on university property;
- occurring in the context of a university employment or educational program or activity including, but not limited to, university-sponsored study abroad, research, or internship programs;
- using university resources, such as workplace telephones or e-mail; or
- that has continuing adverse effects on or creates a hostile environment for members of the campus community while on university property or during a university employment or educational program or activity.

Vendors, contractors, and other third parties are covered by this policy in their interactions with members of the university community. Such third parties include (without limitation):

- university agents or volunteers
- visiting scholars or scientists or others formally affiliated with William & Mary

24 Except as noted, in this policy “faculty” has the meaning provided in the Faculty Handbook, and does not include professional faculty, and “student” has the meaning provided in the Student Code of Conduct, and includes any person taking courses at the university whether full-time, part-time, degree-seeking or not, undergraduate or graduate.

25 This provision reflects the rights granted by Section II of the Statement of Rights and Responsibilities and complies with Section 23-9.2:12 of the Code of Virginia.
• contractors working on the university campus or university-controlled property

• employees or principals of organizations where the student is working in a relationship arranged or funded by William & Mary, such as an internship or externship for which the student will receive academic credit

• visitors and guests, while on university property or engaged in or attending university activities, events, or programs.

This policy is not intended, and may not be applied, to abridge free speech or other civil rights of any individual or group. Speech and expressive conduct may, however, violate this policy; for example, offensive speech that creates a hostile environment may be prohibited sexual harassment.

II. Purpose

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

This policy helps William & Mary comply with federal and state laws, including Title IX of the Higher Education Amendments of 1972, which prohibits discrimination on the basis of sex (including sexual violence) in education programs or activities, Title VII of the Civil Rights Act of 1964, which prohibits employment discrimination on the basis of sex, and the Violence Against Women Reauthorization Act of 2013 (VAWA), which amended the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the Clery Act) and requires institutions to prohibit dating violence, domestic violence, sexual assault and stalking. It also helps implement William & Mary’s Discrimination, Harassment and Retaliation Policy, by defining in detail sexual violence and certain other types of sexual harassment, and Campus Violence and Threat Management Policy.

III. Explanation and Definitions

The university is committed to maintaining an environment that is free from sex-based violence and in which the freedom to make individual choices regarding sexual behavior is respected by

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26 Title IX appears in volume 20 of the U.S. Code, beginning at section 1681. Implementing regulations are found in Title 34 of the Code of Federal Regulations, Part 106 and are enforced by the U.S. Department of Education’s Office of Civil Rights.

27 Title VII appears in volume 42 of the U.S. Code, beginning at section 2000e.

28 VAWA is known as Public Law 113-4. The Clery Act is found in volume 20 of the U.S. Code, section 1092(f). Implementing regulations are enforced by the U.S. Department of Education and will be published in Title 34 of the Code of Federal Regulations, part 668.46.
all. Sexual harassment or misconduct by anyone is unacceptable and will be addressed in a prompt, equitable fashion in accordance with this policy and the applicable procedure.

The university carefully defines the different types of sexual misconduct to help ensure compliance with VAWA, Title IX, and FERPA (the Family Educational Rights and Privacy Act) and the Code of Virginia. The federal laws work together to specify when and what information the university can or must provide to students experiencing or accused of sexual misconduct. The Code of Virginia stipulates what information the university can share with local law enforcement, Commonwealth Attorneys, and on academic transcripts.

Sexual Harassment, as defined more fully in the Discrimination, Harassment & Retaliation Policy, is unwelcome conduct based on sex that is either in the form of “quid pro quo” (this for that) or a hostile environment, which exists when harassment has the purpose or effect of unreasonably interfering with a person’s work or educational performance or participation in university program or activity, or is sufficiently severe or pervasive to create an intimidating, hostile, or offensive work or educational environment.

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 and includes actual or attempted:

1. Sexual assault:
   - Non-consensual sexual intercourse or
   - Fondling
2. Non-consensual sexual contact
3. Domestic violence
4. Dating violence
5. Sexual Exploitation
6. Stalking

Each of these types of sexual misconduct is defined below.

In many cases, sexual misconduct is a form of sexual harassment. Certain forms of sexual misconduct also constitute sexual violence for purposes of state laws requiring reporting and

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29 VAWA establishes rights for the “accuser and accused” in disciplinary proceedings relating to sexual assault, dating and domestic violence, and stalking. These rights includes the right to notification of final results including any sanction(s) and the rationale. Title IX establishes rights for “parties” to grievance procedures for resolving complaints of sex-based discrimination, including sexual harassment. See footnote 8 for explanation of which forms of sexual misconduct constitute sexual harassment.

30 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
transcript notations.  

Sexual misconduct may be a crime.

Sexual misconduct can occur between strangers or non-strangers, including people involved in an intimate or sexual relationship. Sexual misconduct can be committed by any person, and any person may be a victim of sexual misconduct, regardless of gender, identification, or orientation.

For additional guidance regarding the types of misconduct prohibited by this policy, please review the examples provided in Section V.

Definitions of the Different Types of Sexual Misconduct:

- **Sexual Assault** is non-consensual sexual intercourse, fondling, statutory rape, or incest.
- **Non-Consensual Sexual Intercourse** is anal or vaginal penetration, no matter how slight, by a penis, tongue, finger, or object, without effective consent, or oral penetration by a penis, without effective consent.
- **Fondling** is touching 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.
- **Non-Consensual Sexual Contact** is either of the following without effective consent:
  1. Deliberately touching a person’s intimate parts (including genitalia, groin, breast or buttocks, or clothing covering any of those areas); or
  2. Using force or threat of force to cause a person to touch that person’s own or another person’s intimate parts.

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31 Code of Virginia Sections 23-9.2:15 and 23-9.2 17 define sexual violence as physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. Sexual assault is a form of sexual violence. Domestic violence may constitute sexual violence, if the criminal conduct is based on sex. Dating violence typically will constitute sexual violence. Non-consensual sexual contact may, but typically will not, constitute sexual violence. Sexual exploitation and stalking typically are not sexual violence.

32 Dating Violence, Domestic Violence, and Stalking are defined in accordance with the Clery Act, as amended by VAWA, and implementing regulations, and with Virginia law.

33 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.

34 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.”

35 Non-consensual sexual contact may also constitute fondling, depending on the purpose of the contact and other
**Domestic Violence** is a violence committed by:

1. A current or former spouse or intimate partner of the victim;
2. A person with whom the victim shares a child in common;
3. A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
4. A parent, child, step-parent or step-child, sibling (full or half), grandparent or grandchild of the victim;
5. 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
6. Any other person who cohabits or, within the previous 12 months, cohabitated with the victim.\(^{36}\)

**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.

Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

**Sexual Exploitation** is taking sexual advantage of another person without effective consent and includes 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.

**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.

**Important Related Definitions: Consent and Incapacitation**

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** must be clear, knowing, and voluntary. Getting consent is an active process that involves clearly communicating intentions and desires. Consent for sexual activity is based on the mutual understanding and respect of all people involved for the desires and wishes of their partner(s). Consent must be informed, with all people involved having the information relevant to the sexual activity in question. The party initiating the sexual act has the responsibility for ensuring that the other person is a willing and voluntary participant. Consent:

1. Is mutually understandable when a reasonable person would consider the words or actions of the parties to have manifested an understandable agreement between them to do the same thing, in the same way, at the same time and with one another.  
2. Is not merely the absence of a verbally stated “no.”
3. Is never final or irrevocable; consent can be withdrawn at any time.
4. Is time-limited and situation-specific; even if someone obtained consent from a partner(s) in the past, this does not mean that consent is automatically granted again.
5. Can only be given by someone who is free from verbal or physical coercion, intimidation, threat, or force. There is a difference between seduction and coercion. Coercing someone into sexual activity violates this policy in the same way as physically forcing someone to into the activity. Coercion occurs when someone is pressured unreasonably for sex.
6. Is not valid if the party from whom consent is sought is incapacitated, as defined below. If a person knew, or, using a reasonable person standard, should have known that the other party was incapacitated, the first person will be responsible for failing to obtain consent.

The use of drugs or alcohol is not an excuse for failing to obtain consent for sexual activity.

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38 For a definition of “threat”, see the university Policy on Campus Violence and Threat Management.
Incapacitation is a state where a person cannot make an informed and rational decision to engage in sexual activity or permit sexual contact because he or she lacks conscious knowledge of the nature of the act (e.g., does not understand the who, what, when, where, why, or how of the sexual interaction) and/or is physically helpless. A person is incapacitated, and therefore unable to give consent, if he or she is asleep, unconscious, or otherwise unaware that sexual contact is occurring. The use of alcohol or drugs does not, by itself, establish that a person is incapacitated. The impact of alcohol and drugs varies from person to person, evaluating incapacitation requires a qualitative assessment of how the consumption of alcohol and/or drugs has affected the person’s capacity to:

- make informed decisions about sexual contact;
- understand the potential consequences of sexual contact;
- consent to sexual contact; or
- understand the nature and quality of his/her actions.

Whether a person is incapacitated is determined using the standard of whether a similarly-situated (and sober) reasonable person would, or should have known, the person was incapacitated and therefore unable to provide effective consent.

IV. Reporting Matters

This Section covers:

A. Support for Reporting Parties and Interim Measures
B. Obligations of Faculty and Staff to Report Sexual Misconduct
C. How and Where to File an Internal Report or Complaint – Options for People Who Have Experienced Misconduct
D. How and Where to File an External Grievance
E. Confidential Resources – How and Where to Receive Resources and Support Without Making a Report
F. Confidentiality and Anonymity and Requests Not to Take Action
G. Amnesty from Student Discipline for the Reporting Party and Witnesses

A. Support for Reporting Parties and Interim Measures. William & Mary encourages members of the campus community who experience or witness any form of sexual misconduct discussed in this policy to explore reporting options, including reporting to law enforcement. Reporting misconduct allows the university to assist the reporting party. Interim measures the university may take to help the reporting party include:
- Orders barring further contact (no-contact orders)
- Providing the reporting party with an escort to ensure that he or she may move safely between classes and activities
- Providing counseling or medical services, including, for students free services from the university Counseling Center or Student Health Center
- Making academic accommodations
- Relocation or rescheduling of classes
- Additional supervision or monitoring of respondent
- Changing residence or working locations (reporting parties will not be moved without their consent)
- Restrictions limiting the respondent’s presence on campus or to certain areas of campus
- Interim suspension from residence, from the campus, and/or from any activities of the university.

Most of these interim measures may be taken even if the reporting party does not want to initiate a university administrative process or a criminal process.

B. Obligations of Faculty and Staff to Report

With a very few exceptions, W&M faculty and staff (employees) are considered “responsible employees.” When a responsible employee becomes aware of sexual harassment or sexual misconduct involving a student or occurring on campus or other W&M-related property, the employee is required to report the matter promptly to the Title IX Coordinator. Responsible employees who are supervisors or managers are also required to report sexual harassment of employees when they become aware of it. This reporting obligation is explained in the Policy on Discrimination, Harassment and Retaliation, and reflects federal and state laws.

If the person who experienced the misconduct (or who is reported, alleged, or suspected to have experienced the misconduct) wants to remain anonymous or does not want any action to be taken relating to the matter, the university will carefully consider this as described in Paragraph F below.

C. How and Where to File an Internal Report or Complaint

The reporting obligation relates to incidents occurring (or reported or suspected to have occurred) on William & Mary’s Clery Act geography, which is its:

1. campus
2. public property bordering campus, and
3. non-campus areas leased or otherwise controlled by the university. This includes (for example) the Gloucester campus of VIMS, the William & Mary in Washington physical areas, the William & Mary Peninsula Center, and the university offices located in New Town.

Further information is provided in the Discrimination, Harassment, and Retaliation Policy, the Crime Reporting Policy and the Clery Act Guidance for Campus Security Authorities.
This reporting information (in this Paragraph C) is primarily for

- students and
- other people who have themselves experienced misconduct.

Employees (faculty and staff) who are required to report as described in Paragraph B must report directly to the Title IX Coordinator.

Reporting sexual misconduct allows William & Mary to take prompt, interim measures, to protect students. A confidential Title IX Review Team carefully considers each report. More information about how reports are handled is provided in Appendix C.

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

Kiersten L. Boyce, J.D., CCEP
Chief Compliance Officer
108 James Blair Hall
College of William & Mary
Williamsburg, VA 23185
757-221-3146
klboyc@wm.edu

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

- **Online reporting**
- **In-person reporting**
- **Paper reporting (including email)**
- **Anonymous reporting**
- **Criminal reporting**

**Online reporting**
William & Mary’s **online reporting portal**, offered by the Dean of Students, provides options for anyone to report a Title IX concern relating to a student. Online reporting for matters not relating to or involving students is not currently available. Reports also may be emailed to reportconcern@wm.edu
In-person reporting

Reports relating to students:
Dean of Students
Campus Center, Room 109
757-221-2510

Any type of Title IX report:
Title IX Office (Compliance)
James Blair Hall Suite 110
757-221-3146

Paper reporting - providing a written report by mail or email

Reports relating to students:
Dean of Students
Campus Center, Room 109
College of William & Mary
P.O. Box 8795
Williamsburg, Virginia 23187
deanofstudents@wm.edu

Any type of Title IX report:
Title IX Office (Compliance)
James Blair Hall Suite 110
College of William & Mary
P.O. Box 8795
Williamsburg, Virginia 23187
reportconcern@wm.edu

Anonymous reporting options

Anonymous reports as well as partial disclosure reports of incidents involving students may be made online through the Dean of Students "Report a Concern" portal.

Anonymous reports may be filed physically using the secure dropbox located outside of the Title IX Office 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 crime statistics if appropriate under the Clery Act. The Police can also assist students with the process of having physical evidence collected (PERK), anonymously, and maintained. This gives students the options 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. (757) 221-4596.

Information about confidential resources – people and places you can go without triggering a report or an investigation – is provided below.

**Reporting for criminal prosecution -- reporting to the police**

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 and also report internally. **You do not need to choose one or the other.**

- **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.

**D. How and Where to File an External Grievance**

Individuals experiencing harassment or discrimination also have the right to file a formal grievance with government authorities. Information about the different state and federal governmental agencies, which laws they enforce, and what types of complaints they handle is provided in Appendix A.

**E. Confidential Resources – How and Where to Receive Resources and Support without Making a Report**

**For students:**

Students who are not sure whether they want to make a complaint or report are encouraged to seek help from the Haven. The Haven can provide non-judgmental support and information to help the person decide what is best while the person recovers.

**The Haven and Lesley Henderson, Assistant Dean of Students**

Campus Center 166
(757) 221-2449
thehaven@wm.edu
ljhenderson@wm.edu

Other confidential resources for students on campus are:

**William & Mary Counseling Center**
Blow Hall 240
(757) 221-3620

**Student Health Center**
Gooch Drive
(757) 221-4386

**Director of Center for Student Diversity**
Dr. Vernon Hurte
Campus Center 158
(757) 221-2301
vjhurt@wm.edu

**Graduate Ombuds** (for graduate students; not a confidential resource for sexual violence)
Dr. Peter Vishton
Integrated Science Center 1089
(757) 221-3879
pmvish@wm.edu

**International Travel & Security Manager** (for international students or students participating in international programs; not a confidential resource for sexual violence)
Nick Vasquez
Reves Center 222
(757) 221-1146
snvasquez@wm.edu
For staff:

The University Ombuds (not a confidential resource for sexual violence)

Tatia Granger
Hornsby House 336
(757) 221-1941
ombuds@wm.edu

F. Confidentiality and Anonymity and Requests Not to Investigate

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. The university also takes steps to protect members of its community against further misconduct, including retaliation. Confidentiality and retaliation protections exist in part to help encourage people who experience misconduct to come forward and to permit an investigation to proceed. For people who remain concerned about their identities being known or who do not want investigation to occur, however, there are options:

- If you have experienced misconduct yourself, you can make a report without giving your name (see reporting options under Paragraph C above).
- If you are a student reporting misconduct that happened to someone else, you may report without disclosing the name of the victim (see reporting options under Paragraph C above).
- A person may report sexual misconduct with names, but may request that the name of the victim of the misconduct remain confidential and not be shared, as would be required in an investigation.
- A person may also request that the university not take action in response to a sexual misconduct incident of which it becomes aware. The university will consider this request carefully.40

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40 For example, if a student tells a faculty member that she has been assaulted and the faculty then reports this as required to the Title IX Coordinator, but the student did not want any investigation.
Typically, the university will not begin an internal administrative investigation or make a referral to law enforcement without the consent or involvement of the reporting party, but the university must consider its obligation to other students or staff and the campus community. In addition, Virginia law requires the university to report sexual violence incidents to law enforcement and/or the relevant prosecutor, in certain circumstances. The Title IX Review Team will decide whether an investigation or referral is required after evaluating various factors and laws. The factors considered by the Title IX Review Team and its process for deciding what action to take on a report are detailed in Appendix B.

G. Amnesty from Student Discipline for the Reporting Party and Witnesses

Assisting people who are reporting sexual misconduct is the university’s primary interest. In order to facilitate reporting, the Dean of Students does not charge students who report sexual misconduct and any material witnesses with Code of Conduct violations for behavior that would otherwise be considered violations (for example consuming alcohol under age or consuming illegal drugs).

V. Examples of Sexual Misconduct

A. Joel is a junior at the College. Beth is a sophomore. Joel comes to Beth’s room with some mutual friends to watch a movie. Joel and Beth, who have never met before, are attracted to each other. After the movie, everyone leaves, and Joel and Beth are alone. They hit it off and are soon becoming more intimate. They start to make out. Joel verbally expresses his desire to have sex with Beth. Beth, who has suffered from trauma since being sexually abused by a babysitter when she was five, is shocked at how quickly things are progressing and says nothing. As Joel takes her by the wrist over to the bed, lays her down, undresses her, and begins to have intercourse with her, Beth has a severe flashback to her childhood trauma. She wants to tell Joel to stop, but cannot. Beth is stiff and unresponsive during the intercourse. Is this a policy violation? This is a policy violation. Joel would be held responsible in this scenario for Non Consensual Sexual Intercourse. It is the duty of the sexual initiator, Joel, to make sure that he has mutually understandable consent to engage in sex. Though consent need not be verbal, it is the clearest form of consent. Here, Joel had no verbal or non-verbal mutually-understandable indication from Beth that she consented to sexual intercourse. Of course, wherever possible, students should attempt to be as clear as possible as to whether or not sexual contact is desired, but students must be aware that for psychological reasons, or because of alcohol or drug use, one’s partner may not be in a position to provide as clear an

41 “Reporting party” typically refers to the victim or person experiencing the sexual misconduct, but may be a third party. If it is a third party, the wishes of the victim/person experiencing the sexual misconduct will also be considered.

42 Certain examples are adapted with permission from Duke University’s Sexual Misconduct Policy.
indication as the policy requires. As the policy makes clear, consent must be actively, not passively, given.

B. Kristen and Myra have been intimate for a few weeks. One night, Myra calls Kristen and asks her to come over. When she arrives, Myra kisses Kristen passionately and leads her into the bedroom. They each express their excitement and desire to “hook up,” and are soon making out heavily in Myra’s bed. After a while, Kristen tries to engage in oral sex with Myra. Myra tells Kristen that she really likes her, but that she doesn’t feel ready for that. Kristen tells Myra she’s just being shy, and ignores her when she repeats that she doesn’t feel ready. Finally, Kristen threatens to reveal on the Internet that Myra is a lesbian. Because Myra has not yet come out to her friends and family, she becomes frightened and relents. Kristen proceeds with oral sex. This is a policy violation. Because of Kristen’s manipulative and threatening arguments, Myra was afraid and unable to freely give her consent. Consent must be given freely and without undue pressure or threat. Kristen threatened Myra and therefore did not receive effective consent from Myra.

C. Liz and Kwan have been together for six months. She often tells her friends stories of Kwan’s sexual prowess, and decided to prove it to them. One night, she and Kwan engage in consensual sexual intercourse. Without Kwan’s knowledge, Liz sets up her digital camera to videotape them having sex. The next evening, she uploads the video to an online video-sharing site and discusses it with her friends online. This is a policy violation. Kwan’s consent to engage in sexual intercourse with Liz did NOT mean Liz had obtained his consent to videotape it. This is a form of sexual exploitation.

D. Andrew and Felix have been flirting with each other all night at a party. Andrew notices Felix slurring his speech when he goes to the bathroom and wonders if Felix went there to vomit. When Felix returns, the two begin flirting more heavily, and as the conversation continues, the two become more physically affectionate. Andrew soon suggests they go back to his room, and Felix agrees. As they walk, Andrew notices that Felix looks unstable and offers his arm for support and balance. When they get back to his room, Andrew leads Felix to the bed and they begin to become intimate. Felix becomes increasingly passive and appears disoriented. Andrew soon begins to have sexual intercourse with him.

E. The next morning, Felix thinks they had sex but cannot piece together the events leading up to it. This is a policy violation. Felix was clearly under the influence of alcohol and thus unable to freely consent to engage in sexual activity with Andrew. Although Andrew may not have known how much alcohol Felix had consumed, he saw indicators from which a reasonable person would conclude that Felix was intoxicated, and therefore unable to give consent. Andrew in no way obtained consent from Felix for sexual intercourse.
F. Denise is an undergraduate teaching assistant in Paul’s economics class. She notes that he has not been performing well on take-home assignments and exams. Both of them have come to tailgate, each with their own group of friends. Denise has one beer, while Paul is rather intoxicated. Denise sees Paul and approaches him. She flirts with him, telling him that she can help him improve his grades if he will hook up with her. As Paul turns to walk away, Denise grabs his buttocks and squeezes them. **This is a policy violation. Denise, in a position of power over Paul as his teaching assistant, attempted to arrange a quid pro quo sexual relationship. Additionally, she did not seek consent from Paul to touch him, even if a reasonable person could conclude that Paul was not too intoxicated in order to provide consent. Denise has sexually harassed Paul.**

G. Jeff and Michael are neighbors in their dorm. Michael soon realizes that Jeff is undergoing the transition from identifying as male to female and prefers to be called Becca. Becca begins wearing women’s clothing and starts applying makeup on a regular basis. This is alien to Michael’s experience and makes him uncomfortable. Michael begins muttering slurs whenever they pass each other in the dorm. Additionally, Michael starts telling his friends on other floors about the “freak living next door,” and tells them to take a look for themselves. They do, a few individually, a few as groups that murmur and snicker to each other when they see Becca. Becca begins to dread leaving or returning to her room and starts to isolate herself to avoid Michael and his associates. It gets to the point that Michael invites people to his room specifically for the purpose of showing them Becca when she passes by so they can have a laugh at her expense. **This is a policy violation. Not only have Michael and his associates created a hostile environment for Becca based on her identification, they also have stalked her.**

H. At a university social function, Jennifer, a campus employee, spends some time talking with her supervisor, Scott. At one point in the conversation, Scott reaches out and puts his hand on Jennifer’s hip. Jennifer freezes, completely uncomfortable but is not sure how to proceed. After a few minutes, Scott takes his hand away and Jennifer ends the conversation and moves away. Now Jennifer is scared that Scott may make further overtures. Is this a policy violation? A single act of unwelcome sexual conduct can constitute sexual harassment. This particular act is not the most severe, but the power differential is an aggravating factor. Unquestionably, it is inappropriate for a supervisor to touch an employee in this manner and the behavior needs to be stopped. Depending on where Scott touched Jennifer, this may be non-consensual sexual contact and depending on the purpose of Scott’s contact, it may be fondling.

I. Shawn is a faculty member in the Biology department and Monica, a currently unemployed IT specialist, is his fiancée. Monica comes to the department chair, whom she has met socially, distraught by Shawn’s recent behavior. Monica says that Shawn has been losing
his temper with her, to the point several times of throwing objects angrily. Last night, she says, Shawn “lost it” and slammed her back against a wall, banging her head and wrenching her neck. She is scared and doesn’t know what to do. Has a policy violation occurred? This behavior violates the policy definition of dating violence, but may have occurred outside of the scope of the policy. If Shawn slammed her against the wall on university property, it would be covered by the policy. Regardless, the conduct as described is criminal.

VI. Enforcement

Any student, faculty, or staff who violates this policy is subject to discipline, up to and including permanent dismissal. Disciplinary action will be taken in accordance with the applicable procedure:

- For students, the Student Sexual Misconduct Procedure
- For faculty, the Faculty Handbook
- For staff, the Discrimination Grievance/Complaint Procedure and the applicable policy relating to discipline. 43

Appendix C provides important summary information about these procedures.

43 For classified and operational staff, the State Standards of Conduct (DHRM Policy 1.60); for professional staff, the Policy on Appointments and Termination for Professionals and Professional Faculty; for executive employees, the Employment Policy for Executives.
VII. Approval and Amendment

This document was amended effective February 6, 2015 to (1) separate the policy from the procedure; (2) incorporate new definitions of certain types of sexual misconduct to comply with the Violence Against Women Reauthorization Act of 2013 (VAWA); and (3) make other revisions and improvements to the definitions of consent and the examples of sexual misconduct.

This policy was amended by the President effective August 17, 2015, to (1) expand its application to faculty and staff and certain third parties, (2) make minor revisions to the definitions of sexual misconduct including changes to clarify the relationship of the policy definitions to VAWA offenses, (3) modify the definition of incapacitation to make it easier to understand, (4) make changes relating to the initial review of reports and employee reporting obligations, to comply with state law effective July 1, 2015, (5) update contact information and other reporting provisions, and (6) make the policy easier to read through changes to format and organization.

The Title IX Coordinator is authorized to make minor, technical amendments to this policy, such as to update contact information.

VIII. Related Documents, Policies, and Procedures

Appendix A: External Reporting Options (government agencies with which students or employees or others may file a complaint or grievance)

Appendix B: Title IX Review Team Initial Assessment Process

Appendix C: How Complaints and Reports are Handled – Investigation Procedures
**Sexual Misconduct Prevention and Education Activities**

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

- In September 2014, the President of William & Mary established a Task Force on Preventing Sexual Assault and Harassment. The group was tasked with finding facts and making recommendations in four areas: campus climate, prevention and education, training for faculty and staff, and investigation and adjudication. On September 10, 2015, the [Task Force Final Report](#) was published to the campus community. Some overarching recommendations that resulted from the task force’s work included the following recommendations related to prevention:
  1. Centralizing oversight and responsibility for addressing sexual violence on campus with the Title IX Coordinator
  2. Creating a permanent coordinating committee to continue analyzing, planning, and coordinating prevention efforts and response to sexual violence on campus
  3. Enhancing the role of the Violence Education and Prevention Committee to advise key offices in their prescribed work in violence prevention, catalog all education and prevention activities, identify gaps, and identify problem areas or opportunities for improvement.
  4. Developing a 3-5 Year Strategic Plan for the Prevention of Sexual Assault and Harassment
  5. Ensuring adequate resources for education, prevention and response.

- **Faculty and Staff Training.** In 2015, all W&M employees completed either online or in-person training, which educated them on the Clery Act, Title IX, VAWA, identifying sexual misconduct, reporting obligations, reporting options and protocols, and bystander intervention. This training included definitions of the VAWA offenses under Virginia criminal law. It also included policy definitions of consent and the forms of sexual misconduct.

- **New Student Orientation**—During new student orientation prior to the start of each semester (freshmen and transfers in the Fall, and transfers in the Spring), peer educators and student staff inform new students about the values of the community and the prohibition of sexual misconduct, including interpersonal violence, stalking and sexual assault. The program also provides various in person and online resources that the university provides, explain the phone numbers on the back of every new ID card, and instruct them in the steps of being a good bystander. There are also specific sections on establishing consent and supporting
survivors of sexual violence. A program required of all incoming freshmen and transfers to the university is “Sex & Alcohol: Make a Tribe Choice”. This 90-minute program active roll-playing by orientation coordinators communicates the values of the community around healthy relationships and states that the university prohibits sexual misconduct, which includes interpersonal relationship violence, sexual assault and stalking. Actors demonstrate and explain in depth the definition of and meaning of consent and incapacitation. Interactive break-out question and answer sessions among students and orientation leaders ensure a level of comprehension and retention of the material.

- **First Year Initiative/Extended Orientation**— Extended orientation programs continue and help reinforce prevention programming provided during orientation. Each freshman hall signs up during the first six weeks of the fall semester for their own presentation and receives information on the definition of consent, state and college definitions of sexual assault, the prevalence of sexual assault on college campuses, being an active bystander, helping a survivor, and campus resources. Attendance is mandatory for all freshmen.

- **HAVEN Education**—The university requires all incoming students – first year and transfer – to complete Haven, an online tutorial about sexual assault, dating and domestic violence, and stalking and how to be an active bystander. Haven is 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 also helps prevent by giving students training in 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.

- **The Haven** is a newly created 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.

- **Health & Wellness.** A part of the Student Affairs division, Health & Wellness has professional staff who work to prevent, through education and awareness activities, gender-based violence, and stalking. The Office also advises student groups on campus who work directly with the issue of sexual assault, including Healthy Relationships (a co-ed division Health Outreach Peer Educators or “HOPE”), and Someone You Know, an all-male group with a mission similar to Healthy Relationships. After a sexual assault has occurred, this
person can educate survivors, families, friends, and even the alleged perpetrators about resources, procedures, and ways to heal and grow. Call 221-7369 to schedule an appointment with a Health Promotion Specialist.

- **Someone You Know (SYK)**—Formerly One in Four, this male-identified student group works to prevent sexual violence on campus and to comfort survivors. The group provides programming throughout the year.

- **Health Outreach Peer Educators (HOPE)** - a student organization at William and Mary. Its goal is to provide the William & Mary community with up to date and reliable health information, including sexual violence prevention. HOPE provides training and outreach on the topic, including workshops on consent and recognizing healthy and unhealthy relationships. Peer Educators receive training through a three-credit class and regional and national conferencing.

- **Red Flag Campaign** is a public awareness campaign designed to address dating violence and promote the prevention of dating violence on college campuses. The campaign was created using a “bystander intervention” strategy, encouraging friends and other campus community members to “say something” when they see warning signs (“red flags”) for dating violence in a friend’s relationship. Through students who lead the effort, William & Mary participates annually in the Red Flag Campaign with a week of nightly programs and discussions open to all student, and campus displays that communicate a consistent message of bystander intervention. The Campaign includes large posters, prominently displayed in targeted campus locations, which help educate the reader about warning signs of dating violence.

- **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 Campus Violence and Threat Management Policy.

- **Take Back the Night**—Annual event for the campus community to come together to demonstrate commitment to end sexual and domestic violence, support survivors of sexual assault and visibly take a stand for the cause.

**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, the College of William & Mary Police Department is providing 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 I 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**

To help ensure that sexual violence, dating and domestic violence, and other forms of violence are promptly addressed, William & Mary has strong policies requiring those who become aware of these matters to report. These policies do not require victims or survivors to report. The most important policies are

- The Code of Ethics, which requires 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.”
- The Discrimination, Harassment, and Retaliation Policy, which covers sexual violence, requires all employees to report incidents of sexual harassment involving students.
- The Campus Violence and Threat Management Policy, which requires reporting of acts of violence, including sexual assault, dating and domestic violence.
- The Crime Reporting Policy, which 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.
Each of the above-listed policies is described or reproduced in this Report.

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:

1. The Compliance & Equity Office maintains a website summarizing all mandatory reporting obligations for employees. 
   [http://www.wm.edu/offices/compliance/topics/mandatory_reporting/index.php](http://www.wm.edu/offices/compliance/topics/mandatory_reporting/index.php)  The Office of Human Resources provides all new employees with a handout summarizing these reporting obligations.

2. 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.

3. Most faculty, many employees in Student Affairs, and a number of other employees are Campus Security Authorities (CSAs), responsible for reporting 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 biannually. The method of notification is described on the Campus Safety-Clery Act website which includes links to the memorandum provided to CSAs and the guidance provided to them.

4. Beginning in 2015, the university requires all employees to complete an in-person or online training on sexual harassment and violence prevention and response.

5. The Office of Compliance & Equity provides training pamphlets for faculty and staff providing guidance and protocols for helping a student disclosing a sexual assault. These pamphlets include an insert to be provided to the student, which includes information about the importance of preserving evidence, completely confidential resources, and other important information.

**Complaint/Grievance Resolution Procedures and Other Reporting Options**

Complaints and reports of sexual misconduct (including the VAWA crimes of dating and domestic violence and stalking) are processed under one of three 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.
Why is the identity of the respondent important? Because grievance/complaint procedures may lead to disciplinary action, and the university's relationship with the person potentially being disciplined determines the nature of and process for discipline.

**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 criminal complaint is being made.

**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 and familiar with investigation strategies and protocols, relevant university policies and procedures, and Title IX requirements. Investigators have completed over a combined 200 hours of Title IX investigation and campus and safety training in 2014-2015.

**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. More information about the Title IX Review Team’s initial assessment process is provided as [Appendix B to the Sexual Harassment and Misconduct Policy](#).

**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.

- **Reports of sexual misconduct by a student** are processed under the [Student Sexual Harassment and Misconduct Grievance/Complaint Procedure](#)
  - complaints are investigated by the university, usually Title IX staff
  - the Dean of Students decides whether a policy violation has occurred
mediation never used

appeal rights granted to both parties

standard of proof is preponderance of the evidence

investigations typically completed within 60 days (not including any appeals)

this procedure was significantly revised effective February, 2015, and, on interim basis, September 2015. The interim procedure is effective as of September 16, 2015. The amendments made during these two revisions are described in Section VIII of the procedure, which is reproduced in its entirety in this Report, below. Copies of previous versions of the procedure are available from the Office of Compliance & Equity or the Dean of Students Office.

- **Reports of sexual misconduct by a faculty member** are processed under the Faculty Handbook

  - complaints are investigated initially by Title IX Coordinator, then by faculty investigators if proceeds to formal investigation stage
  
  - settlement/negotiated resolution is encouraged
  
  - if proceeds to hearing, is considered first by Equal Opportunity Committee and then, if proceeds, by Faculty Hearing Committee
  
  - appeal rights granted to accused faculty member
  
  - standard of proof is clear and convincing
  
  - timeline variable depending on nature of allegations, whether settled, and other factors

- **All other reports of sexual misconduct** are processed under the Discrimination Grievance/Complaint Procedure

  - complaints are investigated by Compliance & Equity Office
  
  - early resolution possible when appropriate; mediation never used for Title IX matters
  
  - determination of responsibility (policy violation) made by Provost based on investigation findings
  
  - no hearing
appeal rights granted to both parties

- standard of proof is preponderance of the evidence

- investigations completed within 45 days, not including determination by Provost (or appeals).

At William & Mary, most complaints, grievances, allegations, or other reports of sexual assault, dating or domestic violence, or stalking—VAWA offenses—are reports of student misconduct (rather than reports of faculty or staff misconduct). This means that the procedure used most frequently to address these VAWA offenses is the Student Sexual Harassment and Misconduct Grievance/Complaint Procedure. This procedure is reproduced in its entirety in this Report. The other two procedures, the Discrimination Grievance/Complaint Procedure and the Faculty Handbook procedure, are summarized in this Report; the full procedures are available on the university’s website.

Other Reporting Options

Students and other members of the campus community who experience sexual misconduct may report matters for criminal action, to law enforcement. Criminal reporting may occur instead of reporting for internal administrative investigation, or may be an additional, parallel report. Students and others also have many other reporting options:

- anonymous reporting options
- confidential disclosures (no report)
- in-person reporting
- online reporting
- reporting as a third party

These reporting options are detailed in the Sexual Misconduct Policy, reproduced above in this Report, and online on the sexual violence website.
Title: Interim Student Sexual Harassment and Misconduct Grievance/Complaint Procedure

Effective Date: August 2011

Revision Date: September 16, 2015

Responsible Office: Dean of Students/Compliance & Equity

Contents:

I. Purpose

II. Scope

III. Reporting, Retaliation, and Other Initial Matters

IV. Timeline and Other General Procedural Issues

V. Initial Assessment of Report

VI. Investigation and Determination of Policy Violation

VII. Appeals

VIII. Approval, Amendment and Interpretation

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, Dating and Domestic 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.  

B. Summary of Procedure. 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, trained investigators interview the parties and relevant witnesses and collect and analyze evidence (such as emails, pictures, medical records). The investigators prepare a preliminary investigation report, which is shared with the parties for review and response. After any additional investigation or modifications to the investigation report, the report is finalized. The final investigation report is submitted to the Dean of Students. Each party may meet with the Dean, prior to the Dean making a determination. The Dean decides whether a policy violation occurred based on the preponderance of the evidence, and imposes sanctions. Either party may appeal the determination to the Provost. The Provost’s decision is final.

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 investigating any conduct prohibited by the Sexual Misconduct Policy. Different procedures are 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.

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

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44 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.

45 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.

46 Investigations of alleged misconduct by a faculty member are handled under the procedures set out in the Faculty Handbook. Investigations of alleged misconduct by any other type of employee, contractor, or other non-student third party are handled under the Discrimination Grievance/Complaint Procedure.
• other reported violations of the rights of others, particularly those requiring significant investigation, such as allegations of hazing.

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), dating and domestic 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.47

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

47 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.
university will modify its process in these situations, depending on the specific facts and circumstances.

**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.

If a student is ready to make a report under this procedure, the Director of Student Conduct 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. 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, but it still will seek to meet its Title IX obligations by providing support for the reporting party and taking steps to end the prohibited behavior, prevent its recurrence, and address its effects.
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 conferral of a degree may therefore be held, if necessary, until proper 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) should be reported promptly to the Director of Student Conduct 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”
- damaging property.

For more information about retaliation generally, including more examples, please visit the College’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. The university aims to conclude the investigation and adjudication, including notification of outcome, but not including any appeal(s), within a sixty (60) calendar day time period. Scheduled or unscheduled breaks in university operations (including winter and spring break) may extend this sixty day time period. The time period may also be extended as necessary for appropriate cause by the Title IX Coordinator or the Dean of Students with notice to the parties.

The timeline for resolution begins with notice to a mandated reporter or the filing of a report with the Title IX Coordinator or the Dean of Students.

All time periods, unless otherwise specified, are in working days, i.e. days the university’s administrative offices are open for business.

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.48

C. Reporting Party Withdrawal of Participation or Request to Halt Investigation. If a reporting party 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 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.

1. Multiple charges: The university may adjudicate multiple charges 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 Director of Student Conduct.

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

48 If the perceived conflict is with the Title IX Coordinator, the request may be made to the Provost.
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. 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 Student Conduct and any other administrators who have a need to know of appropriate accommodation(s).

F. **Respondent/Witness Failure to Cooperate.** If a student fails to appear for a scheduled appointment or otherwise fails to respond to a written direction to appear after being properly notified, the student may be held responsible for conduct charges.

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 when classes are in session and to the student's home address when classes are not in session.

H. **Witness Intimidation or Other Abuse of Process System.** 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.**

1. **Prior Sexual History of a Reporting Party.** In general, a reporting party's prior sexual history, character or reputation is not relevant and will not be considered as evidence during the investigation. 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. 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.

Any prior sexual history of the reporting party with other individuals is not relevant and will not be permitted, except to explain injury or mistaken identity.

2. **Evidence of Other Sexual Misconduct or Harassing Conduct by a Respondent.** The following types of evidence may be considered: (a) evidence of conduct similar in nature to the alleged misconduct by the respondent, (b) evidence of a pattern or to be considered together with the alleged misconduct in determining whether a hostile environment was created, (c) evidence relevant to proving intent, state of mind, or identity. Such evidence may be considered regardless of whether there has been a finding of responsibility as to the other conduct.

**J. Rules of Evidence and “Second Hand” Information.** University proceedings are not judicial or policy 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. It is in the investigator’s discretion to determine what evidence is relevant and material to the case.

**K. “Counter Complaints”, Other Reports of Misconduct Arising During Investigation.** Students participating in an investigation process or who have made a report are protected from retaliation and remain subject to all university conduct rules. Because counter complaints – accusations made against the reporting party – can be used as a tool of retaliation or to attempt to discredit the initial report, the university must exercise caution in initiating an investigation in response to such complaints.

**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 and as soon as practicable in all other cases, to:

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49 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.”
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 Office of the Provost, 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 will 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;

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 notification to law enforcement. In some instances, the notification would be in the form of an incident report to W&M Police.
• 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 intoxicants;

• 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\textsuperscript{52} 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.\textsuperscript{53}

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 consultation will not include personally identifiable information, unless such information

\textsuperscript{52} If the Title IX Review Team cannot reach consensus, the W&M Police representative on the team shall make the determination.

\textsuperscript{53} As required by Va. Code §23-9.2:15(F). The report will include personally identifiable 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.\(^{54}\)

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.\(^{55}\)

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.

\(^{54}\) As required by Va. Code §23-9.2:15(G).

\(^{55}\) As required by Va. Code §63.2-1509.
3. **Further action under this procedure** (or the procedure used for reports of misconduct by faculty, staff or third parties, as applicable).

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 do not reflect a determination that misconduct has occurred. Possible interim steps include:

- Issuing orders barring further contact (no-contact orders), either bi-lateral (directing both parties not to contact the other) or unilateral (directing one party not to contact the other)\(^56\)
- Providing the reporting party with an escort to ensure that he or she may move safely between classes and activities\(^57\)
- Providing counseling or medical services, including free services from the university Counseling Center or Student Health Center

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\(^56\) 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.

\(^57\) May be arranged by the Dean of Students or W&M Police.
• Making academic accommodations\textsuperscript{58}
• Relocating or rescheduling of classes
• Changing residence locations (reporting parties will not be moved without their consent)\textsuperscript{59}
• Restricting the respondent’s presence on campus or to certain areas of campus\textsuperscript{60}
• Issuing interim suspension 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.\textsuperscript{61}

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.\textsuperscript{62}

The university will maintain as confidential any accommodations or other interim measures provided to the reporting party, to the extent maintaining such confidentiality would not impair the ability to provide the accommodations or protective measures. (For example, no-contact orders must, by their nature, be disclosed to the affected student.)

Interim actions may be modified at any time.

D. Internal Referrals. The Title IX Review Team will refer to the university’s Campus Assessment and Intervention Team (CAIT) 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)).

\textsuperscript{58} May be provided by the Dean of Students (subject to approvals as required, depending on the nature of the accommodation).
\textsuperscript{59} May be provided by the Dean of Students in cooperation with Residence Life.
\textsuperscript{60} May be issued by the Dean of Students (to the extent relating to students), the Provost, or W&M Police.
\textsuperscript{61} May be issued 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.
\textsuperscript{62} See footnotes 13-18.
A. Initial Meetings with Parties. Prior to the formal investigation beginning, the Director of Student Conduct or designee meets or communicates separately with each of the parties. The timing of these meetings may 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 Dean of Students or designee will:

- notify him or her that a report has been made and that the matter will be investigated and resolved pursuant to this procedure,
- provide the student with information about the process and his or her rights and duties and available resources,
- provide the student with the name and contact information of the administrative advisor available to assist him/her (See Paragraph B of this Section),
- warn the student against retaliation and witness contact/collaboration, direct or indirect,
- provide him or her with information about his or her rights, including the right not to incriminate him- or herself, as defined by the Student Code of Conduct,
- discuss the consequences of failing to appear or participate in the process, and
- discuss interim measures. If the interim steps include suspension from the university or from residence, the Dean of Students will inform the student of his or her right to appeal the suspension in accordance with the policy outlined in Section IV of the Student Code of Conduct. In some cases interim measures will have been put in place and communicated prior to this meeting. The Dean of Students 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)

The Dean of Students or designee will meet or communicate separately with the reporting party to:

- provide him or her with information about the process and his or her rights and options and available resources,
- provide the name and contact information of the trained advisor available to assist him or her (advisors are discussed in Paragraph B of this Section)
- explain the protections against retaliation and witness contact/collaboration, direct or indirect, and
- discuss interim measures (see Section V(C)).
B. Resignation of Respondent. Within five days of the initial meeting with the Director of Student Conduct, a respondent may request to resign permanently from the university. If approved, the Director of Student Conduct will direct that the student’s official records, including the transcript, will carry the following designation “Resigned under suspicion of a serious violation of the Code of Conduct (or in the case of alleged sexual violence, “Resigned under suspicion of a violation of the Sexual Misconduct Policy”). Ineligible to return.” 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. The student will not be able to be present on campus property, streets and property adjacent to campus, 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.63

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. 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

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63 This investigation would be conducted when, for example, remedying the hostile environment requires institutional action requiring an adjudicated finding.
the trained administrative advisor. In this situation, the trained administrator will serve as a 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, but cannot actively participate or intervene. If an advisor has questions or concerns, he or she may request to meet separately with the investigator or other university official. An advisor may quietly and briefly confer with or advise the student he or she is advising in a manner that is not disruptive to the process. An advisor who disrupts a meeting, interview or proceeding will be required to leave the proceeding. The Director of Student Conduct will decide whether the advisor may continue in his or her role.

- 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.

**D. Conduct of Investigation.** Investigations are conducted by trained investigators, typically university employees, including staff of Student Affairs and/or the Office of Compliance & Equity.

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.

The university aims to conclude the investigation within 15 days.
Each party may introduce evidence during the investigation and may offer suggestions as to what witnesses are available to provide relevant information. The investigator(s) determine which witnesses to interview, based on their professional judgment as to the likelihood of discovering relevant evidence. 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.

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 Student Conduct 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.

E. Draft Investigation Report. At the conclusion of the investigation, the investigator(s) will evaluate the information obtained during course of the investigation and prepare a draft 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 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.

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64 For example, medical records typically may not be disseminated and will be summarized or described.
The draft 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 draft investigation report to the parties who will have three days to respond by:

- submitting written comments, corrections, or clarifications,
- refuting or challenging any assessments made by the investigator(s),
- providing a personal statement,
- submitting any additional information or evidence, or
- requesting further investigation or exploration, such as additional investigation of particular issues or events.

The parties also should indicate at this time whether they want a pre-determination meeting with the Dean of Students, as described in Paragraph G below.

F. Final Investigation Report. After careful consideration of any comments, questions, or additional information submitted by the parties during the review period and any subsequent investigation, the investigator will prepare a final investigation report. It is in the discretion of the investigator to determine whether the additional evidence submitted by the parties is relevant and material to the investigation, whether any revisions should be made, or whether additional investigation should be conducted.

The final report will take into account the written comments submitted by the parties during the review period and shall include the investigator’s rationale behind a decision not to conduct further investigation into information submitted by the parties during the review, if applicable. Upon completion, the investigator will submit the final report, including any personal statements provided by the parties, to the Dean of Students and notify both parties, simultaneously, that the final report is complete and available for review. The Dean of Students will review the report in order to make a formal determination of responsibility and, in consultation with the Title IX Coordinator, impose sanctions pursuant to Paragraph H.

G. Pre-Determination Meeting with Dean of Students. Each party has the right to meet separately with the Dean of Students prior to the Dean making a determination, provided that such meetings can be scheduled without delaying the determination process. A party’s advisor may join this meeting. The purpose of the meeting is to permit each party to speak with the
Meetings may be held telephonically or via skype or other technology to avoid delay. No party is obligated to attend a pre-determination meeting. A party may choose to submit a written statement to the Dean of Students, to be included in the investigation report, instead of or in addition to meeting with the Dean.

H. Determination of Policy Violation. Within ten days after receiving the final investigation report, the Dean of Students or designee will make a determination as to whether university policy has been violated by the respondent, and impose appropriate sanctions if a violation has been found to have occurred. The Dean may request additional investigation or information by or from the investigator prior to making the determination. The parties will be notified of any additional investigation or supplemental information provided.

The Dean’s determination of whether a policy violation occurred will be based on the preponderance of the evidence. Preponderance of the evidence means that it is more likely than not that the misconduct occurred.

The Dean’s determination may be appealed to the Provost by either party. See Section VII for the appeal process.

I. Determination of Sanctions and Remedies. Sanctions are determined by the Dean of Students, after reviewing the final investigation report and making a determination of responsibility.

The primary sanctions for Sexual Harassment, Non-Consensual Sexual Contact, Stalking, Dating and Domestic Violence, and Sexual Exploitation range from Disciplinary Probation to Permanent Dismissal. The primary sanctions for Non-Consensual Sexual Intercourse range from Disciplinary Suspension of at least two full semesters to Permanent Dismissal; typically, the respondent is placed on Disciplinary Suspension for at least the period during which the reporting party is enrolled at the university. The potential primary and secondary sanctions are:

Primary Sanctions

1. Permanent Dismissal: an involuntary separation of the student from the College 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 College-sponsored or College-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.\textsuperscript{65}

2. **Indefinite Disciplinary Suspension**: an involuntary separation from the College during which the student must leave the campus and is not eligible to participate in classes or any College-sponsored or College-related activities, with a date determined by a committee or administrative officer when the student may petition for reinstatement. In such instances, the student must first satisfy the committee or administrative officer by his/her conduct and record that he/she is in fact entitled to reinstatement. 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\textsuperscript{66} but is removed if the student is reinstated to good standing at the College.

3. **Disciplinary Suspension**: an involuntary separation from the College for a period determined by the Dean of Students or designee during which time the student must leave the campus and is not eligible to participate in classes or any College-sponsored or College-related activities. The student is not permitted to return to the campus without prior written permission from the Dean of Students or designee. At the end of the period of suspension, the student automatically is eligible for readmission provided the student has completed all secondary sanctions and there is no other encumbrance upon his or her return. The sanction is noted on the student's transcript\textsuperscript{67} but is removed once the period of suspension has been completed.

4. **Disciplinary Probation with Loss of Privileges**: continued enrollment but exclusion from participation in College, fraternal, intercollegiate athletics, and/or other student extracurricular activity for a specified period of time. Such probation also constitutes a warning that further misconduct or violation of College regulations during the period of probation will be referred to the Office of Student Conduct and will most likely result in the student's separation or dismissal from the College.

5. **Disciplinary Probation**: continued enrollment but with a warning that further misconduct or violation of College regulations during the period of probation will be referred to the Office of Student Conduct and may result in the student's separation from the College.

\textsuperscript{65} As “Violation of the Policy on Sexual Harassment, Sexual Misconduct, Dating or Domestic Violence, or Stalking.”

\textsuperscript{66} As “Violation of the Policy on Sexual Harassment, Sexual Misconduct, Dating or Domestic Violence, or Stalking.”

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Secondary Sanctions:

1. **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 College 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.

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

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

4. **Restitution**: the requirement that the student reimburse the College, appropriate individual or organization for damage, personal injury, or misappropriation.

The Dean of Students will impose primary and secondary sanctions that are consistent with institutional practice, which will have the effect of preventing recurrence of similar conduct by the respondent or others and eliminating a hostile environment for the reporting party and the campus.

The Dean of Students, in consultation with the Title IX Coordinator, will also ensure that appropriate remedies are offered to the reporting party. The goal of remedies is to restore the reporting party’s ability to enjoy institutional programs, benefits, and activities, and to attempt to remedy harm. Potential remedies for reporting parties include:

- arranging for the reporting party to re-take a course or withdraw from a class(es) without penalty,
- extending any interim measures described in Section V(C), and
- determining if there is a causal connection between any previous disciplinary action taken against the reporting party and the misconduct and, if such a connection is found, modifying the original disciplinary action.

The Dean of Students or designee will notify both parties simultaneously in writing of the decision in the case and any sanction(s) imposed. 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.  

VII. Appeals

A. Right of Appeal. Both parties have the right of appeal. The Provost or designee reviews all appeals. In preparation for a possible appeal, both parties will have access to the final investigation report.

B. Timeline and Form of Appeal. Appeals must be submitted to the Office of Student Conduct within five days following written notification of the decision. All appeals must be in writing and clearly cite the grounds for the appeal and the evidence supporting it. See Paragraphs C and D for the appeal process.

C. Grounds for Appeal. Parties may appeal on the following grounds:

1. Procedural irregularity. Procedural or technical deviations will not be sufficient to sustain an appeal unless found to have denied the appealing party a fair process.

2. Discrimination (as defined by the Policy on Discrimination, Harassment, and Retaliation), which caused an unfair process.

3. 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.

4. New material evidence which is not merely corroborative or repetitive, which was previously unknown or unavailable to the party and pertinent to the case.

5. 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.

D. Appeal Process. If a student files an appeal, the Director of Student Conduct or designee will promptly notify the other party of the date the appeal was submitted and grounds for the appeal, and provide him or her with access to the appeal itself. The other party has three days to

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provide a written response to the appeal. The Director of Student Conduct or designee promptly will submit the appeal to the Provost or designee, and provide the Provost with access to all relevant case records. The Provost or designee retains the option of conferring with appropriate individuals, in order to obtain information necessary to make a fully-informed decision.

The Provost shall strive to render a determination on the appeal within ten days of the receipt of the appeal packet. The Provost’s determination is final and not subject to further appeal.

E. Appellate Outcomes. The possible outcomes of the Provost’s review of the appeal include:

i. There is insufficient basis to grant the appeal. The Provost will dismiss the appeal, and the original decision will stand.

ii. The Dean of Students’ determination was not supported by the evidence. The Provost typically will modify the determination. He or she may order further investigation.

iii. The investigation was unfair or inadequate; the Provost may order further investigation.

iv. The sanction administered is inappropriate. The Provost, in consultation with the Title IX Coordinator, will determine a sanction that is appropriate given the facts and circumstances of the case and precedent.

F. Respondent Status During Appeal. If the sanction being appealed includes suspension or dismissal, the student will not take part in any university function (academic, social activities, student activities, etc.) except scheduled classes while the appeal is pending without the written permission of the Dean of Students.

Interim measures will continue pending appeal, unless modified or lifted by the Dean of Students.

In those cases where the Dean of Students determines that the continued presence of the student constitutes a risk to the educational process, to him/herself, or to the safety of others, the Dean of Students may prohibit the student from attending classes until the appeal is complete.

G. Notification of Appeal Decision. Both parties and the Dean of Students will receive written notification of the decision regarding the appeal, including the reasons for the decision. This written notice will be provided contemporaneously.
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 including: (1) providing student parties with administrative advisors, (2) reflecting university practice of conducting investigation prior to information sessions, (3) making adjudicative option selection (that is, the choice of administrative or hearing resolution) equitable, (4) refining the hearing process, (5) modifying the composition of the hearing board, (6) modifying the process of determining sanctions, (7) streamlining the appeal process and provide fully equitable appeal rights, (8) providing a process for resigned students to seek readmission, (9) increasing the minimum sanction for findings of non-consensual sexual intercourse to two semesters suspension, and (10) making other important modifications and improvements to ensure compliance with applicable law and regulatory guidance.

This procedure was amended by the President effective September 16, 2015, to (1) comply with Virginia law effective July 1, 2015, by addition of an initial assessment process and noting university actions on the transcript, (2) expand and detail the role of advisors and the consideration of past evidence or evidence of other sexual misconduct, (3) change the process for making determinations of violations from a hearing panel model to an investigative/administrative resolution model, (4) insert several standard provisions from the Code of Conduct, and (5) make slight modifications to several deadlines.

The Title IX Coordinator, with notification to the President, may make minor or technical revisions to this procedure.

The Dean of Students and the Title IX Coordinator are responsible for interpreting this procedure.
Summary of Faculty Handbook Procedure: Investigation of Sexual Misconduct Complaints Against Faculty

Any accusation of discrimination, including discriminatory harassment, including sexual misconduct, or retaliation, against a faculty member (as defined by the Faculty Handbook) is handled under the procedures set forth in Section III(F) of the Handbook. The Handbook is available online at:

http://www.wm.edu/about/administration/provost/documents/facultyhandbook.pdf

Information about William & Mary’s discrimination-related policies is available online at:

http://www.wm.edu/offices/compliance/discrimination_overview/index.php

This document summarizes the Handbook process.

The Faculty Handbook procedure is an investigation procedure with three main stages:

1. **An initial intake and inquiry phase.** During this stage, the appropriate administrative officer (typically a Dean, or one of the other individuals listed on page 53 of the Handbook), in consultation with the Chief Compliance Officer (CCO),\(^69\) makes an initial determination as to whether the complaint was made in good faith and whether the complaint actually alleges misconduct that, if substantiated, would violate W&M policy. The administrative officer and CCO also determine whether the complainants are willing to “go on the record” or prefer to remain anonymous.

2. **Informal investigation/mediation phase.** Here, the CCO meets separately with the parties to provide information about William & Mary’s policy and procedures and other complaint options, such as this document, and to make some preliminary determination of “the facts and respective positions of the parties.” The CCO also must attempt to mediate or negotiate a resolution acceptable to all parties. Any resolution must be acceptable to William & Mary, as well as to the individuals, and must be documented. Typically, this will require some consultation with the Provost and the accused’s Dean. The CCO/Title IX Coordinator shall obtain written statements of the complainant’s allegation and the accused faculty member’s response, specifying which assertions are in dispute, and shall submit them to the investigative team, along with the written statement of charges and the written summary of the informal investigation and mediation.

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\(^{69}\) The Director of Equal Opportunity is specified as performing this role, in the Handbook. The Director of Equal Opportunity is no longer a university position; these duties are performed by the Chief Compliance Officer. If the point of entry is the Chief Compliance Officer, he or she makes the initial determination, in consultation with the appropriate administrator.
3. **Formal investigation phase.** If the matter is not resolved through a negotiated or mediated settlement, the Provost charges two faculty members of the Equal Opportunity Committee to conduct a formal investigation. This investigation must be completed within 20 days, unless extended. The investigators have latitude as to how they conduct the investigation, although they must meet with the parties. The investigators prepare a written report of their findings as to the allegations. These are not “ultimate findings” – the investigators do not make findings as to whether or not discrimination has occurred. The findings are findings as to specific events or conduct alleged to have occurred.

The investigative report is shared with the parties, who have 10 calendar days to respond. The report and the responses are then considered by the Equal Opportunity Committee, which makes a finding as to whether or not the allegations were substantiated or may negotiate a settlement. The Committee does not have authority to impose discipline or take other remedial action; it may make recommendations. The Committee’s deliberations and recommendations are forwarded to the Provost.

The Provost may direct that further formal investigation be conducted by the Faculty Hearing Committee, may negotiate a settlement, or may conclude the matter. If he directs further formal investigation, the accused has 10 days to respond to that determination. The Faculty Hearing Committee then investigates the matter as described on pages 57-58 of the Handbook.

4. **Faculty Hearing Committee.** The Faculty Hearing Committee conducts a formal hearing, at which the parties may attend, question witnesses, and present evidence. If the Faculty Hearing Committee concludes that sufficient evidence of misconduct has been established, it may include in its formal findings a recommendation for appropriate disciplinary action by the university (which might include major sanction or dismissal). The standard of proof is clear and convincing evidence.

Upon receipt of the Committee’s findings, the faculty member shall have ten calendar days to submit a response to the Committee’s findings to the Provost.

(A) Should the Provost agree with the Committee’s findings and recommendation about disciplinary action, he or she shall so inform the faculty member, the Committee, and the President, formalizing in writing the action to be taken, particularly of any sanction (including dismissal).

(B) Should the Provost disagree with the Committee’s findings and/or recommendation about disciplinary action, the Provost will determine the appropriate action to be taken only after consulting with the Faculty Hearing Committee and the CCO/Title IX Coordinator. The Provost shall then, in writing, inform the faculty member, the Committee, the CCO, and the President of any action to be taken (including sanction or dismissal). The Provost
shall include the findings and/or recommendation of the Faculty Hearing Committee in his or her report.

If the Faculty Hearing Committee concludes that sufficient evidence has not been established to prove misconduct, it will so report in writing to the CCO/Title IX Coordinator and to the Provost. If the Provost rejects the Committee’s formal findings, he or she will state the reasons for doing so, in writing and within ten calendar days, to the Committee, to the Director, and to the faculty member, and provide each ten calendar days in which to respond before submitting his or her final decision, along with any response from the faculty member, the CCO/Title IX Coordinator, and/or the Faculty Hearing Committee, to the President.

An investigation that results in the imposition of a major sanction may be appealed as described on page 59 of the Handbook.

Confidentiality. Information about the investigation – including even the existence of a complaint – should be shared only with those with a need or right to know.

Interim Suspension or Reassignment. At any time during the informal or formal investigation phase, the Provost may, if he determines that “immediate or likely harm to the faculty member, other members of the College community, or the educational function of the College is threatened by continuance,” suspend the accused faculty without pay or assign him to other duties. He must first consult with the FA Exec Committee and abide the limitations outlined on page 50. Note that for faculty with administrative appointments, the Provost has greater latitude to reassign, under the policies for professionals and professional faculty.

Protection Against Retaliation. W&M must protect individuals “giving information in good faith” against retaliation. Retaliation of any kind is itself a form of misconduct under Section III(F)(1)(d) of the Handbook.

Remedies and Sanctions. The Handbook has a non-exclusive list of sanctions, found on page 51.
Discrimination Grievance/Compliance Procedure for Employees (Non-faculty) and Third Parties

Under the Discrimination Grievance/Compliance Procedure, discrimination investigations are objective, fact-finding inquiries. The purpose of the investigation is to gather facts relating to the allegations and so enable the Provost to decide whether university policy has been violated. The requisite fact finding will typically be conducted by the Compliance & Equity Office. This is a summary of the Discrimination Grievance/Complaint Procedure; the full procedure is posted prominently on William & Mary’s website, in various locations.

Investigation Process.

- The investigation will include interviews with the respondent and other key witnesses. The parties may identify witnesses who can provide information relevant to the allegations, but the investigator determines which witnesses will be interviewed.
- The investigation may include written statements, interviews, document requests, and any other sources the investigator deems appropriate. The reporting party and respondent can present evidence.
- The investigator will provide the respondent a copy of the allegations and a document request, if appropriate, and allow the respondent five (5) business days to respond, in writing.
- Investigations may be expanded to address additional allegations that surface during the investigation, at the investigator’s discretion. The respondent will be given the opportunity to respond to the additional allegations.
- The investigator typically will complete the investigation within 45 calendar days of the date the report was filed, subject to extension.
- Adversarial hearings, including confrontation, cross-examination by the parties, and active advocacy by attorneys or other outside representatives or third parties, are neither appropriate nor permitted during the investigation process. Parties and witnesses are expected to speak for themselves during the investigation; attorneys are not permitted to participate in university interviews or meetings in the course of an investigation or resolution of a report, except for investigations of stalking, domestic violence, dating violence or sexual assault. For these investigations, each party has a right to an “advisor of their choice” to accompany them throughout all steps of the campus resolution process.

Modifications to Process. The university may modify the process when and as warranted, including the following:

1. **Deadlines and Time Frames.** Efforts will be made to expedite the procedure for urgent matters. Deadlines or time frames under this procedure may be extended based on the complexity of the matter, the availability of witnesses and involved parties, or other intervening events or circumstances. The university is mindful of the importance of
providing prompt and effective resolution of complaints, and will make such adjustments only as needed. The investigator will notify all parties of any adjustments.

2. **Roles.** The university officials specified in this procedure may recuse themselves, delegate their roles to other officers, or otherwise have their roles performed by other individuals, as necessary to ensure impartiality or to accommodate leave, professional or personal demands, or aspects of particular reports.

3. **Reports Implicating Third Parties.** The university will investigate and respond to reports implicating volunteers, contractors, vendors or other third parties using an abbreviated or modified process, since some procedural steps are designed to respect rights afforded to members of the campus community that are not afforded to third parties.

4. **External Charges or Investigations.** Investigations under this procedure will proceed independently of any criminal process or external agency (e.g., EEOC, OCR) investigation that may be ongoing, to the extent feasible.

**Formal Complaint/Investigation Resolution**

At the conclusion of the investigation, the investigator(s) will prepare a written report. The report typically will

- summarize the allegations investigated,
- describe the scope of the investigation, i.e., the witness interviews and/or written statements made,
- include a timeline of events alleged to have occurred, if useful, and
- describe the relevant information discovered and factual findings made, including whether any allegations were substantiated, and the basis for such findings, which may include credibility as determined in the investigator’s judgment. The report will not make findings as to whether there has been a violation of law or university policy. The investigator will indicate any facts or allegations in dispute, and present his or her conclusions (if any) about such facts, including the basis for such conclusions (e.g., whether an allegation was corroborated by witnesses, or whether the investigator found one version of events more credible than another).

The investigator will provide the investigation report, the written complaint, the response, and any other information deemed necessary to the Provost. The Provost will make a determination within ten (10) working days, unless extended. (See A-B below for a description of the possible determinations.)

The standard of proof is preponderance of the evidence – more likely than not. Thus, if the Provost determines that the evidence and findings do not show that it is more likely than not that an allegation or violation occurred, he or she will determine that the allegation or violation has not been proven.
A. Determination of “No Violation” of University Discrimination Policy. If the Provost determines that a violation of the university’s discrimination policy has not been shown, all parties and those with a need to know will be so informed and the matter closed, subject to appeal as discussed under Section IX below. The Provost will provide the reporting party with an explanation of the key findings on which the determination is based.

The investigation may reveal evidence or allegations of violations of other university policies or other misconduct by the respondent or other parties. The investigator will present, typically in a separate report, such evidence or allegations to university management to pursue as deemed appropriate.

B. Determination of “Violation” of the University’s Discrimination Policy.

1. Final Determination; Notifying Respondent. If the Provost determines that there was a violation of W&M discrimination policy, the Provost will inform the respondent of such determination along with the key findings on which the determination is based and a description of the possible disciplinary action (or range of actions) that may be taken. The respondent will be given the opportunity (e.g., five (5) business days) to respond in writing. The Provost will consider any such response, may modify his or her determination if appropriate, and will, in consultation with the administrator, the Compliance Officer and University Counsel as appropriate, determine the appropriate disciplinary action and other remedial steps to be taken. (See 3 below for further discussion of remedial steps.)

2. Notifying Reporting Party and Other Parties. After the Provost’s final determination is made, the Compliance Officer will provide written notification to the reporting party informing him or her that the investigation is complete and that a violation was determined to have occurred, and an assurance that corrective action will be taken. The Compliance Officer will also remind the reporting party to immediately report any conduct that he or she believes was/is retaliatory.

The Compliance Officer will inform individuals with a need to know that the matter has been concluded, and make appropriate reminders as to confidentiality and obligations not to retaliate.

3. Remediating Discrimination. Remedial steps are designed to stop the discrimination, correct its effects, and ensure that the discrimination does not recur. They may or may not be the action that the reporting party requests or prefers. Steps may be specific to the parties involved or may be aimed at a broader group. Typical steps range from counseling (which may be either remedial counseling, for the respondent, or supportive counseling, for the reporting party) or training or separation of the parties, to discipline of the respondent, including a written warning, suspension, demotion, transfer, or termination for cause. The appropriate discipline will depend on the nature and severity of the conduct, the respondent’s overall record, the applicable policy on discipline (such as the state Department of Human Resources Policy No. 1.60), and other factors.

The Compliance Officer will document the remedial steps taken.
Appeal or Grievance Rights

A. Respondent. As described above, respondents have the right to appeal a determination in the form of responding to planned disciplinary action prior to a final determination being made. Employees also may have a grievance right under separate state or university policy. Classified and operational employees may contact the university’s Department of Human Resources or the state Department of Human Resources for further information. Professionals and professional faculty should look to the university Grievance Resolution Policy.

B. Reporting Party. A reporting party may appeal the Provost’s determination to the President. An appeal is made by filing with the Office of Compliance & Equity, within ten (10) working days of the Provost’s determination, a brief document describing which determination is being appealed (for example, a reporting party may accept a finding as to harassment and appeal only a finding as to retaliation) and basis of the appeal. The possible bases for an appeal are:

1. The determination is not supported by the evidence.
2. There was significant procedural error in the handling of the report, which materially prejudiced the reporting party.
3. Material new evidence coming to light, which was previously unavailable.

The President will review the appeal, the investigation report, the written allegations, and the Provost’s determination, and take action within fifteen (15) working days, unless extended. Action taken on the appeal can be (1) reversal of the Provost’s determination, which typically will result in the matter being returned to the Provost for determination of appropriate remedial steps, (2) upholding of the Provost’s determination, or (3) request for additional investigation or information regarding the investigation.

The President’s action on an appeal is final and non-appealable, with the exception of an appeal that results in additional investigation and resulting action by the Provost, in which case the reporting party may appeal the new determination made.
EMERGENCY MANAGEMENT: STRUCTURE, PREPAREDNESS & RESPONSE

The university takes a comprehensive approach to protecting the university community and preparing for any emergency. Although a university campus is among the safest places you can be, we work every day to make our campus safer. The ability to deal with 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.

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.

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.

STRUCTURE

Emergency Management Team

The College of 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 are:
- Samuel Jones, Chair, Senior Vice President for Finance and Administration
- Virginia Ambler, Vice President for Student Affairs
- Deb Boykin, Assistant Vice President for Student Affairs & Director of Residence Life
- Courtney Carpenter, Chief Information Officer, Information Technology
William & Mary has policies that help it prepare for emergencies, 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 Operations Plan**

The EMT is responsible for the development, maintenance and activation of the Emergency Operations Plan. The Emergency Operations Plan prepares for an emergency by establishing and/or coordinating policies, procedures and organizational units for response to emergencies that cause or have the potential to cause significant disruptions to all or portions of the university. This plan describes the roles and responsibilities of departments, schools, units and personnel during emergency situations. The EMT also establishes preparation activities that include the development, scheduling, completion, and evaluation of all drills and exercises.

**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 university 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. Person 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 and 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>
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</tr>
<tr>
<td>Power Plant Release Release</td>
<td>X</td>
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<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.
Emergency Communications – Mass Communication System Activation & Tests

The Mass Communication System via RaveAlert provides for simultaneous notification of an emergency via the wm.edu website, voice mail, text message and e-mail to registered contact information for students, faculty and staff. The RaveAlert accommodates multiple numbers and accounts for each person in the system. 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. Students are required, and faculty and staff are strongly encouraged, to maintain current contact information for use in the system. The Mass Notification system is also linked with the computer network and the institution’s social media sites of the W&M News Facebook page and W&M News Twitter page. New students and employees enroll in the mass notification system through the personal information tab on the myWM Banner self-service website.

The university has three stations of 120 decibel sirens that can be utilized to alert the campus community.

Three times a 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 College's sirens are generally a signal to "Seek Shelter and Seek Information." During an emergency, the EMT will provide additional information and instructions through the mass notification system. This includes messages via text, email and phone. Account holders may update emergency contact information in Banner self-service. Emergency notices will also be posted on the College’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.

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 the methods described in the test message. 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.
The university documents all tests and reviews the results of such tests. This includes fire drill and tabletop exercises, which include simulation exercises. The RAVE system provides a comprehensive report of who was contacted and through what devices after each test.

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 § 23-9.2:9 of the Code of Virginia, the university conducts an annual functional exercise of the emergency operations plan. The annual functional exercise, normally conducted with our jurisdictional partners, is typically based on a hazard or threat that will impact all of our agencies. Functional exercises may be developed to involve portions of the campus community or designed to limit impact on normal campus operations. These exercises 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 exercise concept development to improvement planning.

After Action Reports (AAR) and Improvement Plans (IP) developed from actual incidents or exercises are used to refine and adjust plans. These events and incidents encourage us to develop coordinated plans with community partners prior to the exercise and expose weaknesses in our plans through exercise. 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 221-4596 (or 911 from a campus landline).

In any type of emergency, the College 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 Emergency Response Plan outlines three periods of response for emergency operations:

I. Normal
   - Perform routine monitoring and reporting of potential threats.
   - Provide response to mirror 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
- Outside agencies as approved under mutual aid agreements, including Williamsburg Police and Virginia State Police.

**Emergency Notifications**

The William & Mary Emergency Management Team has determined the following individuals have authority to issue 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

However, if an immediate life-safety threat exists (such as a tornado or active shooter), the William & Mary Police Supervisor on duty may issue 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 active.

While the base level of how the institution alerts the campus community for anticipated situations is predetermined by the Emergency Communications Team and documented in the
alerting matrix, alerting authorities are trained to consider the magnitude of the emergency to determine the pervasiveness of the alert message.

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

Common sense should dictate the appropriateness of selecting certain methods of alerting based on the proximity, mass and urgency of the threat or hazard. The following is provided as guidance in making those selections.

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<tr>
<th></th>
<th>Siren</th>
<th>Email</th>
<th>Text</th>
<th>Voice</th>
<th>RSS Web - Small</th>
<th>RSS Web - Large</th>
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</tr>
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</table>
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 College, 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 College’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.

Continuity of Operations Plan

William & Mary also develops a Continuity of Operations Plan (COOP), designed to help ensure that the university has the capability to continue to conduct certain operations during an emergency. The COOP also is designed to mitigate the impact of an emergency by allowing the university to resume functions rapidly and efficiently once the immediate crisis has passed. The COOP is a companion to and consistent with the Emergency Response Plan.
CRIME STATISTICS

Procedures for Collecting

The College of William & Mary prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The College of 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 College 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, City of Arlington, Gloucester County, Accomack County, 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 designed 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, fondling, incest or statutory rape as used in the FBI’s UCR 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,
- By a person with whom the victim shares a child in common,
- By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or
• By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

**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
  o certain members of the staff of the Dean of Students Office
  o Residence Life staff
  o faculty advisors to student organizations
  o some academic deans
  o 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 two-page Frequently Asked Questions that provides more details on what to report, when to report, and how to report. The list of CSAs is reviewed by department heads and deans to confirm accuracy prior to distribution. CSAs were not required to report the new Violence Against Women Act crimes of stalking or domestic and dating violence for 2014 Annual Security Report, with the exception of Dean of Students Office staff designated as CSAs. All CSAs were required to report these crimes for this 2015 Report.

In 2015, all CSAs completed online training regarding Title IX and VAWA, including training on their reporting obligations. The university took many other actions to ensure that CSAs were aware of their reporting obligations, including providing information about CSA obligations to new employees during orientation and to all faculty and staff through annual notifications from the Provost.

**Annual Statistics for 2012, 2013 and 2014**

Official Clery Crime and Fire Statistics are located at the [Department of Education](https://nces.ed.gov) web site.

The Clery Act requires the College to report statistical information for certain types of reported offenses. These offenses include: homicide, manslaughter, arson, hate crimes, assault, robbery, burglary, forcible and non-forcible sex offenses, and motor vehicle theft. The Violence Against Women Act recently amended the Clery Act by adding several additional types of offenses that need to be reported with the annual statistics beginning for the year 2013. For three of these types of offenses – dating violence, domestic violence, and stalking – additional regulatory guidance is expected.

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 DC Office 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 the The Buchanan, residential apartments located in Arlington, Virginia and a required component of the W&M Washington 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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<th>Offense</th>
<th>On Campus</th>
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### CHART I: W&M Williamsburg Campus Crime Statistics

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^ Distinctions of Forcible and Non-Forcible Sex Offenses ceased after 2013 data collection. Beginning in 2014, Sex Offenses are classified in one of four categories: Rape, Fondling, Incest or Statutory Rape.
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<tr>
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**VIOLENCE AGAINST WOMEN ACT OFFENSES**

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**ARRESTS & REFERRALS**

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VIOLENCE AGAINST WOMEN ACT OFFENSES

| STALKING                          | * | * | 0 | * | * | 0 |
| DOMESTIC VIOLENCE                 | * | * | 0 | * | * | 0 |
| DATING VIOLENCE                   | * | * | 0 | * | * | 0 |

ARRESTS & REFERRALS

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| DRUG LAW ARRESTS                 | 0 | 0 | 0 | 0 | 0 | 0 |
| DRUG LAW VIOLATIONS REFERRED     | 0 | 0 | 0 | 0 | 0 | 0 |
| ILLEGAL WEAPONS POSSESSION ARRESTS | 0 | 0 | 0 | 0 | 0 | 0 |
| ILLEGAL WEAPONS VIOLATIONS REFERRED | 0 | 0 | 0 | 0 | 0 | 0 |</p>
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## CHART IV: W&M Eastern Shore Campus Crime Statistics

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### VIOLENCE AGAINST WOMEN ACT OFFENSES

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### ARRESTS & REFERRALS

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2015 Campus Security & Fire Safety Report
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### Chart V: W&M D.C. Office Crime Statistics

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**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 everyone. It directly impacts both the quality and value of the university. Fire, 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 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 college 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 College of 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) (2009 Ed.), the Virginia Statewide Fire Prevention Code (VSFPC) (2009 Ed.), and the Virginia Uniform Statewide Uniform Building Code (VUSBC) (2009 Ed.). The Program helps satisfy insurance requirements and prevent loss of life, injury and property damage due to fire and other emergencies.

**Fire Prevention Inspections**

Fire prevention starts with identifying fire hazards. All members of our college 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. Facilities Maintenance teams conduct monthly walk through inspections of their assigned residence halls to identify and correct facilities fire and life safety issues. 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.

**Fire Protection System Communications**

All resident hall fire protection systems located on the campus of The College of William & Mary 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. 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; 3) Murray House has supervised smoke detectors and the monitoring company is Camco. Central communications for the college is located in a secure area within the W&M Police Department Headquarters. The central communications office is staffed with highly trained dispatch personnel. Central communications is an essential department that is staffed 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.

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

**Fire Safety Policies for College 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 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 reference to VSFPC section 308.4.1; Candles, incense and similar open-flame producing devices are prohibited in residence halls, even if such items are unlit or being used for decorative purpose only.
5. In reference to VSFPC section 807.1.2; No more than 10% of a residence hall room’s wall surface area may be covered by potentially flammable objects. This includes but is not limited to posters, framed pictures, photos, flags, tapestries or any other decorative objects that are mounted on the wall. Residents in residence hall rooms that approach or surpass this 10% level may be required to remove items as necessary to comply with state fire safety requirements. 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 reference to chapter 8 of the VSFPC window decorations other than college furnished shades, drapes or blinds, may be used provided they carry a recognized fire rating and are constructed of fire retardant material.

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 College Fire Safety Officer: DuPont Hall, Graduate Complex Building 800 Lounge, Sororities (with the exception of the 2nd floor fireplace located in Sorority House 1), Lodges 4-16, 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 is prohibited.

**Prohibited Items in the Residence Halls**

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

- animals (excluding fish and therapy/ service 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;
- 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;
- torcheire-style (pole) halogen lamps;
- waterbeds; and
- live-cut Christmas trees, as mandated by the State fire code.

**Prohibited Items 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.

**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 College.
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 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, ceilings or floors, or under doors or floor coverings, nor shall any cord be subject to environmental damage or physical impact.

9. Any cord that has physical damage or splicing must immediately be removed from service and removed from residence halls.

**Smoking Policy**

Complying with the requirements of the Commonwealth of Virginia Executive Order 41, all residence halls, apartments, and houses are smoke-free. Residents and their guests must refrain from smoking at any time they are physically present in the building, including in private residence rooms and within twenty five (25) feet of any building entrance or exit.

**Transient Quarters**

During summer months, The College of William & Mary offers many of their residence halls to be used by a multitude of youth academic and athletic camps. Coaches, group leaders, and/or supervisors are responsible for providing instruction to youth participants on fire evacuation procedures at the beginning of their stay. When our facilities are being utilized by campers we take some additional precautions in order to ensure a safe and pleasant visit to our campus. Buildings are strategically selected based on their proximity to the Williamsburg Fire Department (WFD) and ease of access for response. The WFD is located 2 minutes off campus. Building Emergency Plans (BEP) are updated and posted prior to building occupation. Building evacuation maps are posted in each building on every floor, and a copy is provided to all campers. The muster point for each building is located 100 feet from each building.

**Emergency Evacuation/Fire Drills**

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

The Virginia Statewide Fire Prevention Code (VSFPC) Section 405.1 through 405.9 and 408.3 through 408.3.4 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. The College of 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. At least one of these aforementioned drills is performed in the evening. Emergency Evacuation/Fire Drills at The College of 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 area” located one hundred (100) feet from each building. During a drill, the Fire Safety Officer (FSO) provides a five to ten (5-10) minute “tool box” 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, elevators, and other secured areas. At The College of 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. This information is updated at the beginning of each school semester. Only the City of Williamsburg Fire Department, The W&M Police Department and the Environment, Health & Safety 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.

In accordance with the VSFPC section 404.3.1.1, all university-owned buildings have fire evacuation plan placards 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 refurbishment or new construction that alter the path of egress, the fire evacuation plan placards, as a condition of occupancy certification by the Authority Having Jurisdiction (AHJ), are updated prior to the admittance of any occupants.

The Environment, Health and Safety (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.

**Future Improvements**

The following data reflects information provided in the Fire Safety Systems Summary section.
Proposed FY 2013 Improvements:
Sorority House 1 (Kappa Kappa Gamma) Fire Alarm System upgrade to include software and new Fire alarm Control Panel. Update: Completed in FY 15 (August 2014).

Proposed FY 2014 Improvements:
Mumford Hall (Dillard Complex) Fire Alarm Panel upgrade to include software. Update: Work began in FY15 and was completed in FY16 (August 2015).
Chandler Hall Renovation includes Fire Alarm Panel upgrade to include software.
Graduate Complex Building 500 Sprinkler upgrade and Fire Alarm Panel upgrade to include software. Update: Work began in FY15 and was completed in FY16 (August 2015).

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 Smoke House where they talk about kitchen safety and sleeping room evacuation. The WM Police Department partner with the EH&S Office as well during the hands-on portion of the training with discussion on how to recognize and respond to drug and alcohol use in the residence halls.

AED—The College of William & Mary currently maintains an Automated External Defibrillator Program (AED). Sixty-three (63) AED’s have been strategically placed in buildings throughout the campus in order to provide a reduction in response time to life threatening emergencies. Fifteen (15) of the 63 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 to the large number of portable fire extinguishers on campus (approximately nineteen hundred) (1900) The College of William & Mary instituted a bar code tracking system for all of its portable fire extinguishers. This new tracking system ensures that the College fully meets the requirements set forth in the National Fire Protection Association
(NFPA) standard ten (10) in regards to inspection, placement and maintenance of our portable fire extinguishers. Additionally, classes are taught each year to students (at the request of their RA’s and clubs), faculty and staff as to the proper use of portable fire extinguishers. Classes are also taught to research students in our science program. The P.A.S.S. method (pull; aim; squeeze; sweep) is our preferred method for small fire extinguishment using portable extinguishers. We augment instruction with hands on training utilizing the “live fire” 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 “tool box” training annually at each muster point during the fall 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. We also partner with our Dining Services contractor to provide a more extended cooking safety class along with cooking demonstrations by our chef for Graduate Housing residents.

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

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

**Fire Alarm Log**—The College of William & Mary maintains a detailed fire alarm log which is available by contacting the Environment, Health and Safety (EH&S) Office. There were no fires in residential halls during the 2014 HEOA Fire Safety Reporting period. Residence Hall false alarms accounted for 78.8% (301/382) of all false alarms in the 2014 HEOA Fire Safety Reporting period. Of the 301 false alarms in residence halls, cooking false alarms accounted for 46% of all smoke detector activations. Two major contributing factors to these alarms were placement of smoke detectors in kitchens and inadequate cooking exhaust ventilation. The corrective actions taken included replacing kitchen smoke detectors with heat detectors, adding kitchen hoods in community kitchens and emphasizing use of the exhaust hoods during toolbox cooking safety training.
False Alarms

The following information is a compilation of false alarms that occurred on campus during the 2014 HEOA Fire Safety Reporting period:

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

**Environment Health and Safety Office:**
Sandra Prior, Director: 757-221-2146 (office); 757-345-9549 (cell)
Steve Singleton, Senior Safety Engineer: 757-221-2288 (office); 757-345-9634 (cell)
Bradley Meirs, Fire Safety Officer: 757-221-1745 (office); 757-645-8657 (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:**
Bradley T. Meirs, Fire Safety Officer
Dept. of Facilities Management, Environmental, Health, & Safety Office
208 S. Boundary Street, Williamsburg, VA 23185
Desk 757-221-1745, Cell 757-645-8657, Email: btmeirs@wm.edu
## Annual Statistics

### Fire Safety Systems Summary (Residence Halls)

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<tr>
<th>Location</th>
<th># of Beds</th>
<th>Disabled Resident Rooms</th>
<th>Supervised Fire Alarm System</th>
<th>Sprinkler System</th>
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<th>Stand Alone Smoke Detectors</th>
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</table>

* Residence Halls indicating only 2 fire drills completed were not occupied by students during the summer sessions.
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