Welcome to William & Mary.

As William & Mary’s Interim Chief Compliance Officer and Title IX Coordinator, I am writing to introduce you to the university’s Compliance and Ethics Program, and to give you information about your responsibilities under this program.

You are responsible for familiarizing yourself with the information and completing the training presented in this curriculum.

What is a Compliance and Ethics Program?

The main goal of our compliance & ethics program is to establish a culture where employees want to do the right thing and expect others to also comply with the rules and regulations of the university. Our most important way of ensuring an atmosphere of compliance is to set rules and expectations, through policies, and then educate employees about these policies.

The Code of Ethics (second item in curriculum) is the foundation upon which the institution’s policies are based. It articulates the core beliefs and values of William & Mary and it establishes specific duties by which all members of the community must abide. The Code has eight standards of conduct. They all are important, but let me draw your attention to three of them in particular.

We, as members of the William & Mary community, will:

- Obey the laws, regulations, and policies applicable to our university activities.
- Treat other people with dignity and respect, ensuring there is no discrimination or harassment at William & Mary.
- Report any illegal or unethical action that comes to our attention, so the university can investigate and take corrective steps.

Please visit the online library at [http://www.wm.edu/offices/compliance/policies/](http://www.wm.edu/offices/compliance/policies/) for a comprehensive list of university regulations and policies on everything from conflicts of interest policy to smoking policy to the discrimination, harassment and retaliation policy.

Make sure you are aware of your employee classification:

- Executive
- Administrative faculty
- Instructional or research faculty
- Professional
- Operational
- Hourly
Review the applicable personnel policies as well as the policies applicable to all members of the university community.

**W&M is a Safe, Harassment-Free, Ethical Workplace; Safety is a Shared Responsibility**

W&M is committed to providing a safe environment for campus community members to work, learn, live, and socialize together without fear of assault, harassment or discrimination.¹ We do not tolerate violence, threats, discrimination, harassment, or sexual misconduct. You have the right to be treated with dignity and respect, and we expect you to treat others the same way. See William & Mary’s **Notice of Non-Discrimination (third item in curriculum)** for a formal articulation of these principles.

To keep our campus safe, ethical, and free from harassment, we expect all employees to report misconduct. To learn about your reporting obligations, carefully review the attachment on **mandatory reporting (fourth item in curriculum)**. To learn about reporting options, visit the William & Mary’s central employee reporting portal at [https://www.wm.edu/report/faculty-staff/index.php](https://www.wm.edu/report/faculty-staff/index.php).

Some faculty and staff are designated as Campus Security Authorities (CSAs) by virtue of the positions they hold at W&M. CSAs have additional reporting obligations. If you are a CSA, you will be advised of your status in a separate communication from Compliance & Equity.

Please know that you are protected from any negative consequences from filing a report. William & Mary’s **Whistleblower Policy (fifth item in curriculum)** protects you against retaliation.

**Mandatory Training - Due Within 30 Days**

Employees are required to complete training mandated by the university as a condition of employment. The **sixth item** in this curriculum is an online course on sexual harassment, assault, relationship violence, and stalking, called “Haven for Faculty & Staff”. Unless advised otherwise, **you must complete this training within 30 days of the date you received the email instructing you to complete the New Employee Compliance Curriculum.** From time to time you may be required to complete other training courses.

**Conclusion**

If you have any questions about the information included in this packet or want to learn more, please don’t hesitate to contact the office or visit the [Compliance & Equity website](https://www.wm.edu/report/faculty-staff/index.php). Welcome to William & Mary!

Sincerely,

Pamela Mason

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¹ Strategic Plan, 2015
Code of Ethics: Additional Explanation

William & Mary (including the Virginia Institute of Marine Science) is committed to integrity, excellence, and respect. These values shape our work, education, and research, and are expressed in W&M’s Code of Ethics. The Code of Ethics has eight standards, which are listed below in bold text along with some explanation and information. All employees – faculty and staff – are held accountable for compliance with the Code of Ethics.

1. **Obey the laws, regulations, and policies applicable to their university activities.** Employees must educate themselves about the policies and procedures that apply to their work, including this Code of Ethics. If an employee does not know whether an action is permitted, they will ask their supervisor or review the relevant policies, or seek assistance from the Office of Compliance & Equity. *Important policies are collected on the Compliance & Equity website* (http://www.wm.edu/offices/compliance/).

2. **Protect and preserve university resources and ensure their proper use.** Any decision that involves spending W&M money must be made carefully and follow applicable policies and procedures. Employees will not use university computers, offices, cell phones, supplies, or other resources for non-university purposes, except for occasional use that does not interfere with job performance.

3. **Avoid both conflicts of interest and the appearance of such conflicts.** Any type of personal or professional interest that is in tension with an employee’s duties to W&M presents a conflict of interest. Conflicts of interest appear unfair and compromise W&M’s integrity and reputation. *More information about conflicts of interest can be found on the Compliance & Equity website* (http://www.wm.edu/offices/compliance/topics/coi/index.php). Employees will avoid conflicts of interest, including the following:

   - **Conflicts of commitment.** Faculty and staff owe their primary professional commitment to W&M. That means that other professional activities – paid or unpaid – must be managed so that they do not conflict with W&M duties, either in terms of the amount of time spent on these activities or by creating a competing interest. *See the Policy on External Paid Employment* (http://www.wm.edu/about/administration/provost/documents/external_paid_employment.pdf).

   - **Conflicts in buying goods or services.** Employees must follow procurement rules and ensure that no personal relationship or personal interest affect their actions. Employees understand that hiring or contracting with a family member, or a company that a family member is a part of, is a conflict of interest, and must immediately notify W&M of this conflict and do so prior to any purchase.

   - **Conflicts in sponsored research.** Employees must maintain the highest level of integrity in the conduct of research. Employees understand that the appearance of gain alone is sufficient to jeopardize the integrity of the research process. Employees will immediately disclose any financial interest or potential for personal gain that may constitute a conflict of interest. *See the Policy on Financial Conflicts of Interest* (http://www.wm.edu/about/administration/provost/documents/financial_conflict_of_interest.pdf).
• **Other personal & professional conflicts.** Employees should disclose any other personal interests, including relationships to family members, which have the potential to conflict with the university’s interests. Failure to disclose may be a violation of law or policy, and under all circumstances employees must follow the relevant policies and procedures.

4. **Safeguard confidential information.** Employees understand that many W&M offices work with student data or personnel information, and this information must be protected. Sensitive data should never be emailed or shared with anyone outside the university unless authorized by an executive employee. Sensitive data should only be shared internally on a need-to-know basis. If in doubt, employees will review Information Technology’s Security Policies and Standards ([http://www.wm.edu/offices/it/security/index.php](http://www.wm.edu/offices/it/security/index.php)).

5. **Make procurement decisions impartially and objectively.** Employees understand that state-approved rules apply to every single purchase or contract for any good or service. Employees will educate themselves about these rules, including the Contracting Handbook ([http://www.wm.edu/offices/procurement/contracts/Contracting_Guidelines_Handbook_5.26.13.pdf](http://www.wm.edu/offices/procurement/contracts/Contracting_Guidelines_Handbook_5.26.13.pdf)), and seek help from the Office of Procurement before making any procurement decision.

6. **Maintain effective internal controls to safeguard the regularity and integrity of our activities.** *Internal controls are procedural steps or “checks and balances” that help make sure that we act ethically and that mistakes are found.* Employees are required to respect and follow all internal controls.

7. **Treat other people with dignity and respect, ensuring there is no discrimination or harassment at William & Mary.** *Every member of the university community has the right to be free from unlawful, discriminatory treatment, and it is important that all employees assist the university in safeguarding this right.* Employees will educate themselves about W&M’s discrimination policies, so that they understand their rights and responsibilities. Employees understand that they should not try to handle concerns about discrimination on their own but should instead report concerns to the Office of Compliance & Equity.

8. **Report any illegal or unethical action that comes to an employee’s attention, so the university can investigate and take corrective steps.** *W&M is dedicated to providing a safe and ethical environment for members of its community.* Employees must report any illegal or unethical action. Employees understand that the university will protect them from retaliation for making a report. Certain situations must be reported a particular way. Employees will visit the Office of Compliance & Equity website ([http://www.wm.edu/offices/compliance/topics/mandatory_reporting/](http://www.wm.edu/offices/compliance/topics/mandatory_reporting/)) or contact Office staff to learn about mandatory reporting and how to make a report.
Notice of Non-Discrimination

Unless otherwise constrained by law, William & Mary is committed to providing an environment for its students and employees that is free from discrimination based on any personal factor unrelated to qualifications or performance such as, 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, disability, marital status, pregnancy status, parental status, height, weight, military service, veteran status, caretaker status, or family medical or genetic information. William & Mary also provides reasonable accommodations for qualified individuals with disabilities as required by law. William & Mary is an equal opportunity/affirmative action employer and complies with all applicable laws regarding nondiscrimination and affirmative action in admissions, hiring, and all other programs and activities.

The following person has been designated to handle inquiries regarding the university's non-discrimination policies, to receive discrimination/ harassment complaints from members of the university community, and to monitor the institution's compliance with non-discrimination laws and regulations:

Kiersten L. Boyce, J.D., CCEP
Chief Compliance Officer, Title IX and ADA/504 Coordinator
108 James Blair Hall
William & Mary
Williamsburg, VA 23185
757-221-3146
kboyce@wm.edu

William & Mary's full Equal Opportunity/Affirmative Action Policy Statement and Discrimination, Harassment and Retaliation Policy are available online for review.
Mandatory Reporting

General Reporting Obligation – Code of Ethics

The College of William & Mary’s Code of Ethics requires all members of the university community to report any illegal or unethical conduct that comes to their attention, “so the university can investigate and take corrective steps.” The Code of Ethics is focused on illegal or unethical conduct by members of the W&M community relating to the W&M community. We call this type of illegal or unethical conduct “misconduct.”

There are many ways to report misconduct. The Office of Compliance & Equity has information can accept reports (reportconcern@wm.edu). Criminal conduct typically should be reported to William & Mary Police.

Specific Reporting Obligations

In addition to the Code of Ethics’ general reporting requirement, there are some things that employees (faculty and staff) must report in a particular way to comply with law or policy.

1. **All employees**, except for those who work in the Student Health Center, the Counseling Center, or the Haven, and a very few other "confidential resources," are required to report specific incidents of sexual misconduct, including sexual assault, that impact a student to the Title IX Coordinator (http://www.wm.edu/titleix/form). Employees may NOT report anonymously or without identifying information. ALL known details of the complaint (e.g. the complainant, the offender, date, time location, type of misconduct) must be disclosed in the report. See reverse for definitions of sexual misconduct.

2. **Faculty & Staff who supervise and/or manage another employee** (even student employees) must report incidents or complaints of discrimination or harassment (sex, race, national origin, religion, etc.) impacting the employee for whom they have supervisory responsibilities.

3. **All employees** must report threats and acts of violence. See reverse for list of “acts of violence”.

4. **Campus Security Authorities** (who are notified annually of their status) must report to W&M Police (757-221-4596) certain types of criminal conduct (“Clery Act crimes”) occurring on campus or W&M-controlled property. See reverse for list of Clery Act crimes. Note that if the Clery Act crime is sexual assault, you may report to the Title IX Coordinator instead of the W&M Police.

5. **All employees** must report actual or suspected abuse of a minor. Such incidents must be reported to the Department of Social Services (1-800-552-7096) within 24 hours.

6. **All employees** must report (to their supervisors) if they are convicted of certain drug or alcohol law violations.

For more information about each of these reporting obligations, please visit the Office of Compliance & Equity website at http://www.wm.edu/compliance/mandatoryreporting.
Sexual Misconduct: Everyone must report (exemptions for health care providers, counselors and victim support personnel only). Defined in detail in the Sexual Misconduct Policy.

- **Sexual assault** is physical sexual acts including non-consensual sexual intercourse or fondling of an intimate body part perpetrated against a person’s will or where a person is incapable of giving consent. Alcohol, drugs, sleep or other conditions may render a person incapable of giving consent.

- **Relationship Violence** is violence between people who are in or have been in a romantic, intimate or familial relationship. Violence can be actual physical violence, the threat of violence, and/or emotional, financial, or other controlling behavior designed to isolate the person being abused.

- **Sexual exploitation** is taking sexual advantage of another person, including electronically recording, photographing, or transmitting intimate or sexual information about a person without consent; allowing third parties to observe sexual acts, engaging in voyeurism, distributing intimate or sexual information about another person, exposing one’s genitals, transmitting a sexually transmitted infection or disease knowingly.

- **Stalking** is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their own safety or safety of others or causes substantial emotional distress.

- **Sexual harassment** is unwelcome conduct based on sex. It can be unwelcome conduct that becomes severe or pervasive enough to create a hostile or offensive environment. Another form of sexual harassment is “quid pro quo” (“this for that”), when someone forces or threatens someone to submit to sexual advances or conduct by using their submission as a factor in a decision affecting that person.

**Threats and Acts of Violence: Everyone must report.**

- Intentional physical injury to another
- Intentional property damage
- Threats: language or behavior that threatens physical injury or property damage and has the effect of intimidating, frightening, coercing, or provoking others
- Brandishing or using a weapon in a manner not required by the individual’s job

**Clergy Act Crimes: Campus Security Authorities are required to report.** Defined in detail in the Crime Reporting Policy.

- Murder and manslaughter
- Sexual violence and other sex offenses, forcible or non-forcible, but not including sexual harassment or indecent exposure
- Domestic violence and dating violence (relationship violence)
- Stalking
- Robbery and burglary
- Aggravated assault
- Motor vehicle theft, including theft of motorized scooters, golf carts, motorized wheelchairs, etc.
- Arson
- “Hate crimes”: crime involving bodily injury, or larceny-theft, simple assault, intimidation, and destruction/ damage/ vandalism of property, when motivated by the perpetrator’s negative opinion or attitude toward a group of persons based on their race, gender or gender identity, religion, sexual orientation, ethnicity/national origin, or disability

Revised August 2018, Office of Compliance & Equity
Whistleblower Policy

Effective Date: July 1, 2011
Revision Date: January 25, 2017
Responsible Office: Compliance & Equity

I. Scope
This policy applies to William & Mary, including the Virginia Institute of Marine Science (the "university"). It applies to all reports about compliance matters (as defined below) made by students and employees of all types (including faculty), volunteers.

This policy does not replace or supersede existing mechanisms such as (for example):

- Faculty Handbook procedures for addressing allegations of faculty misconduct,
- Procedures outlined in the Student Code of Conduct and Honor Code for addressing complaints against students,
- Commonwealth grievance procedure or university policies and procedures addressing allegations of discrimination or discriminatory harassment, or
- The Virginia Fraud, Abuse and Waste Hotline.

II. Purpose
The university is committed to complying with all applicable laws and regulations as well as university and applicable state policies and procedures. As part of its compliance and ethics program, the university has established the following policy to encourage reporting of unethical behavior or other misconduct. This policy also complies with the Fraud and Whistleblower Protection Act, Title 2.2, Chapter 30.1 of the Code of Virginia.

III. Definitions

Compliance matters:
- failure to comply with applicable federal or state laws, regulations;
- failure to comply with university policies or procedures; and
- conflicts of interest, fraud and other ethical breaches by university employees.

Good faith report:
Any report of a compliance matter that is made without malice and that the person making the report has reasonable cause to believe is true.[1]
IV. Procedure

A. Making Complaints; Filing Reports.
Employees are encouraged to raise concerns with their immediate supervisor. If the concern is regarding their immediate supervisor, they are encouraged to report to the Compliance Office, Internal Audit or Human Resources as appropriate. Supervisors or other university offices receiving compliance reports should contact the Compliance Office, Internal Audit or Human Resources to determine next steps and should not investigate the matter themselves.

Employees and others are always free to report to the Compliance Office or to one of the following offices, if appropriate:

- **Internal Audit** - for complaints regarding fraud, waste, and abuse, or other concerns regarding financial reporting, auditing compliance, internal financial controls.
- **Vice Provost for Research** - for complaints regarding research misconduct, grants compliance.
- **Human Resources** - for complaints regarding compliance with personnel policies such as processing of leave, performance evaluations and pay.

Reports may be made by phone, email, regular mail or in person to the Compliance Office:

**Office of Compliance & Equity**
William & Mary
James Blair Hall, First Floor, Suite 110 (secure dropbox available for anonymous reporting)
Williamsburg, VA 23185
[[kilboyc@wm.edu, Report a concern]]

Certain reports may also be made to external agencies or regulators. See [www.wm.edu/compliance/employeecomplaints/](http://www.wm.edu/compliance/employeecomplaints/) for a list of reporting mechanisms.

B. Initial Assessment of Reports.
The report will be assessed by the Compliance Office in consultation with appropriate university officials to determine whether it is actionable and whether it should be referred. Examples of non-actionable reports include:

- Reports regarding conduct over which William & Mary does not have jurisdiction, such as off-campus conduct by an employee outside the scope of his university position.
- Reports that do not provide enough information.
- Reports of conduct that occurred more than a year prior. Note that the university may make exceptions to this general rule, depending primarily on the severity of the reported misconduct and the ability of the university to investigate it.
• Reports that do not, as alleged, present significant compliance concerns.
• Reports made in bad faith.

Reports that will be referred are those for which there is a dedicated policy or procedure, such as complaints against faculty, which are subject to the Faculty Handbook, or complaints that are more appropriately handled through the university’s processes for discipline or performance management. The Compliance Office will either refer the matter or provide the complainant with information on the appropriate process. (Some processes, such as the state’s grievance procedure, require the complainant to file the complaint him- or herself.) For matters referred internally, the Compliance Office typically will monitor the disposition.

Any report of fraud, waste or abuse will be reviewed by Internal Audit and reported to the state if required under state law.[2]

The initial assessment is not subject to appeal under this procedure.

C. Investigation.
Actionable reports typically will be investigated by the Compliance Office or Internal Audit. Interim measures may be taken to prevention retaliation or to facilitate effective investigation. Investigation findings typically shall be made available to the Provost and Chief Human Resources Officer.

The Compliance Office will work with senior management to ensure that prompt and appropriate corrective action is taken when and as needed, in compliance with any applicable personnel policies.[3] Employees will be given an opportunity to review and respond to relevant evidence prior to any disciplinary action being taken.

Compliance and Internal Audit, with accountability for confidentiality and safeguarding records and information, are authorized full, free and unrestricted access to any and all of the university’s records, physical properties and personnel pertinent to carrying out any investigation. Employees are required to cooperate with any investigation under this procedure.

D. Confidentiality and Protections for Whistleblowers.
Confidentiality will be maintained to the fullest extent possible, consistent with the need to conduct an adequate review. Complaints may be submitted anonymously, but full investigation and remediation of anonymous complaints may not be possible.

The university absolutely prohibits retaliation against any student or employee submitting a complaint in good faith, or from participating in a compliance investigation in good faith. This means, for example, that the university will not discipline, discharge, demote, suspend, threaten, discriminate against or harass any such individual based on their good faith reporting under this procedure.[4] Any retaliation that occurs should be reported promptly to the investigator or Compliance Office.

E. Reporting and Retention of Records of Reports and Investigations.
The Compliance Office will maintain a log of all reports, tracking their receipt, investigation and resolution.

V. Authority and Amendment
This policy was originally published by the Chief Compliance Officer July 1, 2011. Minor amendments were made
in 2012 and 2013. It was amended to provide examples of non-actionable reports, expand the retaliation protection provisions, change the policy name and provide additional detail regarding investigations effective January 25, 2017.

VI. Related Policies or Other Documents

Code of Ethics
Fraud, Waste and Abuse Hotline
Compliance Program Charter
Retaliation Guidance (FAQs) (pdf)
Internal Audit Charter

Personnel Policies Relating to Employee Conduct and Discipline:

- Standards of Conduct (pdf) - state policy establishing conduct expectations and progressive discipline system for classified and operational employees
- Policy on Appointments and Termination of Professionals and Professional Faculty (pdf)
- Employment Policy for Executives (pdf)


[3] Typically, this will mean that the Compliance Officer forwards or communicates the complaint to the appropriate individual or committee. In some cases, however, the relevant policy or procedure requires that complaints be submitted only to designated individuals, in which case the Compliance Officer will return the complaint to the individual who submitted it and direct them on where (or with whom) to file it. If the complaint was submitted anonymously, the Compliance Officer may be unable to take any action.

[4] This retaliation protection is in compliance with the Virginia Fraud and Whistle Blower Protection Act.