

STUDENT TITLE IX REPORTS: 2011 – 2015

This data is for four academic years: 2011-12, 2012-13, 2013-14, and 2014-15. A report included in a year indicates that the report was made during that year; the incident reported may have occurred during a prior year.

The data is about reports of sexual harassment and sexual misconduct. These terms are defined in W&M's policies, specifically its [Discrimination, Harassment, and Retaliation Policy](#) (which defines sexual harassment and explains that sexual violence is a form of sexual harassment) and its [Policy on Sexual Harassment and Misconduct, Dating and Domestic Violence, and Stalking](#) (which defines the different types of sexual misconduct, including non-consensual sexual intercourse. For the first three years, the data shows incidents of sexual harassment and two types of sexual misconduct: non-consensual sexual contact and non-consensual sexual intercourse, which may be called sexual assault. For 2014-2015, the data includes incidents of other forms of sexual misconduct: sexual exploitation, dating and domestic violence, and stalking.

This data is about reports of sexual harassment or misconduct experienced by a W&M student.

“Reports” includes complaints, reports, or disclosures made directly or indirectly to the Office of Compliance & Equity (Title IX office) or Dean of Students. It also includes complaints, reports, or disclosures brought to the attention of these offices by a faculty member, administrator, or other individual. It includes reports made confidentially and anonymously – reports made by students who did not want to disclose details and/or did not want any action taken on the report.

This data is different from the data disclosed in W&M's [Annual Campus Security and Fire Safety Report](#). This is because that Report must comply with the Clery Act, a federal law that specifies exactly what data must be disclosed. The Clery Act data is different from this data in several ways, two of which are particularly important to understand:

- (1) Definitions we must use for [Clery Act Crime](#) reporting are different than our policy definitions of sexual misconduct. More importantly, non-criminal sexual harassment is not reported under the Clery Act.
- (2) The Clery Act data is only about crimes (included alleged or suspected crimes and attempted crimes) that occurred on campus or certain other specified property. Many of the reports included in this data occurred off campus and so are not disclosed in the Annual Campus Security and Fire Safety Report.

More detail about the Clery Act and its reporting requirements is available on [W&M's compliance website](#).

The data shows that some reports did not result in investigation or adjudication, for one or more of the following reasons:

- the victim/reporting party did not want investigation or adjudication,¹
- the report did not include necessary identifying information such as names,
- the alleged perpetrator was not a W&M student (or staff or faculty) and so not subject to university discipline, or
- the report was recanted or withdrawn. This is an extremely rare occurrence.

This data was compiled manually by William & Mary's Dean of Students Office and Office of Compliance & Equity (Title IX), and is subject to revision.

¹ Section IV.F of the Policy on Sexual Misconduct, Dating and Domestic Violence, and Stalking specifies how the university handles this type of report:

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 Review Team when making this decision are described in Appendix B to the Policy:

- Any known preference or request of the reporting party;
- Whether the respondent (person named, accused, suspected, or reported as having engaged in the alleged misconduct) has prior arrests, reports and/or complaints of related misconduct or has any history of violent behavior;
- Whether the respondent has a history of failing to comply with any related university protective or disciplinary measures, and/or any judicial protective order;
- Whether the respondent has threatened to commit violence or any form of sexual misconduct;
- Whether the reported misconduct involved multiple respondents;
- Whether the reported misconduct involved physical violence. Examples of physical violence include hitting, punching, slapping, kicking, restraining, choking and brandishing or using any weapon;
- Whether the report reveals a pattern of misconduct (e.g., by the respondent, by a particular group or organization, around a particular recurring event or activity, or at a particular location);
- Whether the misconduct was facilitated through the use of drugs or intoxicants;
- Whether the misconduct occurred while the reporting party was unconscious, physically helpless or unaware that the misconduct was occurring;
- Whether the reporting party is (or was at the time of the reported incident) a minor (under 18);
- Whether any other aggravating circumstances or signs of predatory behavior are present;
- Applicable law, policy and procedure; and
- Any evidence that a report was made in bad faith or is baseless.

2014-15	Sexual Harassment	Non-Consensual Sexual Contact	Non-Consensual Intercourse	Sexual Exploitation	Dating/Domestic Violence	Stalking	TOTAL
Reported	13	3	8	1	3	7	35
Investigated	9	2	5	1	2	1	20
Adjudicated: Student Responsible for Policy Violation	6	1	3	1	2	0	13
Adjudicated: Student Not Responsible for Policy Violation	2	1	2	0	0	1	6
Permanent Resignation Prior to Adjudication	1	0	0	0	0	0	1
Probation	3	0	0	0	0	0	3
Suspension ²	1	1	3	1	0	0	6
Other	2	0	0	0	0	0	2

2013-14	Sexual Harassment	Non-Consensual Sexual Contact	Non-Consensual Intercourse				TOTAL
Reported	9	3	13				25
Investigated ³	2	1	5				8
Adjudicated: Student Responsible for Policy Violation	1	1	3				5
Adjudicated: Student Not Responsible for Policy Violation	0	0	2				2
Permanent Resignation Prior to Adjudication	0	0	0				0
Probation	1	1	0				2
Suspension ²	0	0	3				3
Other	0	0	0				0

2012-13	Sexual Harassment	Non-Consensual Sexual Contact	Non-Consensual Intercourse ⁴				TOTAL
Reported	7	8	15				30
Investigated	3	5	3				11
Adjudicated: Student Responsible for Policy Violation	3	5	2				10
Adjudicated: Student Not Responsible for Policy Violation	0	0	0				0
Permanent Resignation Prior to Adjudication	0	0	1				1
Probation	1	4	1				6
Suspension ²	2	0	1				3
Other	0	1	0				1

2011-12	Sexual Harassment	Non-Consensual Sexual Contact	Non-Consensual Intercourse				TOTAL
Reported	4	2	11				17
Investigated	3	1	1				5
Adjudicated: Student Responsible for Policy Violation	3	1	1				5
Adjudicated: Student Not Responsible for Policy Violation	0	0	0				0
Permanent Resignation Prior to Adjudication	0	0	0				0
Probation	2	0	0				2
Suspension ²	0	1	1				2
Other	1	0	0				1

2 Suspensions are typically multi-semester and designed to allow the reporting party/victim to graduate prior to the student found responsible returning to campus.

3 One case was investigated, but violation charges were not brought because of lack of evidence.

4 One case was investigated, but charges did not result in Title IX allegation being pursued; however, respondent was found responsible for other student conduct charges and was issued probation