ACKNOWLEDGEMENT OF RECEIPT OF HANDBOOK

I acknowledge receipt of Washington and Lee University’s Employee Handbook. I understand that it is my responsibility to read and comply with the policies and procedures contained in this handbook and any revisions made to it by the University.

In particular, I acknowledge that I have read and understand the University’s Policies on Prohibited Discrimination, Harassment, and Retaliation Other than Sex and Sexual Discrimination and Misconduct, as well as the University’s Protocol on Mandatory Reporting of Suspected Child Abuse/Neglect.

I understand that this handbook supersedes all previous versions that the University has issued. Further, I understand that because the University may add, modify, delete or otherwise change provisions of the handbook, I should contact the Office of Human Resources to obtain current information regarding the status of any particular policy, procedure or practice.

Employee’s Signature  Date

Employee’s Name (Please Print)
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ABOUT THIS HANDBOOK

This handbook is intended as an explanation and description of Washington and Lee University’s policies and employee benefits. It is not intended, nor should it be construed as, an employment contract, and it does not create any binding obligation. The descriptive materials contained in this handbook are only summaries, and any discrepancies between these summaries and the terms of the actual plans, or plan documents, must be governed by the actual terms of the more detailed plans and plan documents. Like any other compilation of general information, certain portions of the handbook may become outdated. You should check with the Office of Human Resources or the Office of the Provost to be sure you have current information before taking action based on any specific information in this handbook. It is your responsibility to confirm the status of policies or other information. This handbook is available in a hard-copy version from Human Resources or on the Human Resources and Provost’s Office websites. The Web version will be the most up-to-date.

The Employee Handbook (http://go.wlu.edu/employee-handbook) contains employment-related policies applicable to both faculty and staff employees of W&L. The Employee Handbook also contains certain employment-related policies applicable only to staff. The Faculty Handbook (http://go.wlu.edu/facultyhandbook) contains certain employment-related policies applicable only to faculty. Beyond the handbooks, the W&L Code of Policies (http://go.wlu.edu/policies) contains additional university policies that govern various aspects of employment and university operations. Where a policy appears in either or both handbooks and the Code of Policies, the code is the authoritative source. Faculty and staff employees should familiarize themselves with all applicable handbook provisions and university policies, as well as other applicable university practices and department/school rules and procedures.

Washington and Lee is an at-will employer, and this handbook in no way precludes, limits, alters or otherwise restricts the University’s at-will-employer status. Staff and administrative employees have the right at any time to terminate their employment with or without good cause, and Washington and Lee reserves the same right to terminate employment with or without cause. No University official has authority to make any agreement to the contrary.

Washington and Lee University reserves the right at any time to modify, revoke, suspend, terminate or change, either retroactively or prospectively, any and all terms of this handbook, plans, policies or procedures, in whole or in part. However, W&L will make every effort to notify all affected employees when such changes or modifications are made. Except for W&L benefit documents, the policies contained in this handbook are intended to supersede the policies and procedures that existed prior to the date of this handbook. All prior policies and procedures are, therefore, null and void except where the University has agreed otherwise.
INTRODUCTION

Welcome from the President

By accepting employment at Washington and Lee University, you have chosen to work at one of the finest liberal arts colleges in the nation. Washington and Lee has long prided itself on being a warm, friendly, open community that strives for excellence, with a caring staff that is involved in the life of the University. Washington and Lee has earned a reputation as a place unique in the national educational scene for many reasons. The depth and breadth of its curriculum, combining the traditional liberal arts with pre-professional programs in business and journalism; the School of Law, one of the smallest, nationally recognized legal programs in the country; the student-run Honor System; the emphasis on leadership, integrity and service; and the close-knit community explain why so many students don’t want to leave the W&L campus after graduation.

I hope you will have a rewarding experience while working at Washington and Lee. Our employees are one of the University’s most valuable resources, and we strive to provide you with the services, benefits and information you need to perform your job. Today’s workforce is diverse, and our employees have a varied and broad array of skills, all of which contribute to the student experience and the work environment.

Washington and Lee understands that our employees are often balancing complex work and family lives. Working at the University provides you with various benefits, many of which this handbook describes. As an employee, you have health care and other benefits choices, work-life resources and time-off options to help you manage your work and family life commitments. I encourage you to take advantage of these and other opportunities and resources that are available to all employees.

This handbook has been developed to inform you of your benefits and responsibilities as W&L employees, and to acquaint you with the variety of services and facilities available to you at W&L. This Employee Handbook serves as a convenient reference for matters of employee interest and concern. By reading this handbook and being an informed, responsible member of the W&L community, you can contribute significantly to W&L’s success and strengthen the University’s excellent reputation as a fine liberal arts institution.

I would like to thank you for your contribution to the success of the University. I hope that your association with W&L will be long and rewarding.

Sincerely,

William Dudley
President
ABOUT WASHINGTON AND LEE UNIVERSITY

Mission Statement

Washington and Lee University provides a liberal arts education that develops students’ capacities to think freely, critically and humanely and to conduct themselves with honor, integrity and civility. Graduates will be prepared for lifelong learning, personal achievement, responsible leadership, service to others, and engaged citizenship in a global and diverse society.

Statement of Philosophy

Washington and Lee University has two preeminent objectives: one, to dedicate all its resources to developing in its students the capacity and desire to learn, to understand, and to share the fruits of their intellectual growth; two, to pursue its educational mission in a climate of learning that stresses the importance of the individual, personal honor and integrity, harmonious relationships with others, and the responsibility to serve society through the productive use of talent and training. Independent, non-sectarian and privately endowed, it comprises three divisions: one graduate, the School of Law, and two undergraduate, the College and the School of Commerce, Economics, and Politics. With a rich heritage from the past and a history spanning more than two centuries, the University has a profound sense of tradition; likewise, it has a firm commitment to the ideal embodied in its motto, non incautius futuri (not unmindful of the future), and therefore remains responsive to changes and innovations that contribute to the realization of its aims.

Convinced that it helps to meet a vital need in American higher education by offering undergraduate preparation in the arts and sciences of the highest possible quality, Washington and Lee provides a program that demands both broad exposure to the principal areas of human knowledge and intensive exploration of a single field or discipline. It requires students to have competence in the use of English and familiarity with a second language; appreciation of the values of the human experience as derived from a study of the liberal arts and the social sciences; mastery of the rudiments of mathematical reasoning and understanding of the nature of scientific inquiry; and, in keeping with the ancient idea of mens sana in corpore sano (a healthy mind in a healthy body), development of physical fitness and dexterity. It further requires completion of a major in one of more than 30 subjects, designed to enable the student to explore in depth a significant body of knowledge and to grow in mental discipline and the capacity to deal with complex ideas and issues. The curriculum as a whole is both broad and exceptionally open to applied work, as in business, journalism and engineering science. Through the regimen of general and concentrated studies, the University seeks to encourage originality and creativity and to nurture all the qualities of a liberally educated mind, among them intellectual curiosity and unbiased judgment, critical and analytical power, clarity of thought and precision of language, patience and open-mindedness, love of excellence, and a desire to understand the world in which we live.

The University recognizes teaching as its central function. It believes that the personal association of its students with a highly qualified and motivated faculty holds the greatest promise of inspiring in them a respect and thirst for knowledge that will continue throughout their lives. It seeks, therefore, to organize its instructional program in small classes and to encourage personal attention and a close relationship between teacher and student. It recognizes, too, that a faculty of eminent teacher-scholars is essential to the achievement of its educational purposes and to the success of its academic programs. Accordingly, it
seeks to maintain a faculty of men and women who gladly accept the challenge to teach effectively and whose scholarship and professional development are vigorous and growing. It endeavors to compensate its teacher-scholars in ways appropriate to their training, skill, experience and effectiveness in aiding the development of their students. Moreover, because it recognizes research, scholarly investigation and creative achievement as proper companions to the most effective teaching processes, Washington and Lee attempts to provide ways and means by which its faculty members may pursue their scholarly and creative interests, and by which its students may be properly introduced to the tools, techniques and methodology used to increase knowledge and understanding, and may be stimulated to become involved themselves in the process of generating knowledge.

Washington and Lee is selective in its enrollment of students. It chooses young men and women with the highest qualities of intellect, character and the promise of future achievement, and it seeks to create a student body that is geographically, socially and economically diverse but unified as an aristocracy of talent. It imposes no other barriers to admission. For all those qualified to undertake its exacting degree programs, the University seeks to render whatever financial assistance may be needed for their enrollment.

Through an effective program of self-government, Washington and Lee attempts to involve its students in responsible participation in the affairs of the University. It grants considerable autonomy to them in the governance of their own affairs and the management of clubs and social organizations. Through such means as Omicron Delta Kappa, founded on the campus and annually recognized at a University convocation, it seeks to encourage the development of the capacity for leadership that traditionally has been a distinguishing trait of Washington and Lee graduates. More important still, it gives to the student body final responsibility for the Honor System, which has been a powerful and central force throughout the University from its very beginning during the Lee presidency. It rests on the fundamental principle that a spirit of trust pervades all aspects of student life. Finally, aware of the great men whose names it bears, the University seeks to develop in its students the qualities of mind and spirit they exemplified and demonstrated in their regard for personal honor and integrity, for duty, for tolerance and humility, and for self-sacrifice on behalf of their fellow citizens.

Because it believes that student activity outside the classroom may contribute as much to self-fulfillment as that inside, the University devotes a substantial part of its resources to enhancing the intellectual and artistic life of the campus at large and providing extensive athletic and recreational programs. From both special and general endowments, it funds a wide variety of lectures by distinguished visiting speakers, and it supports a rich array of programs and exhibits in music, drama, film, painting and sculpture. Insofar as its location and resources allow, it seeks to establish itself as a center of intellect and culture extending beyond the boundaries of its campus, bringing both direct and indirect benefits to the surrounding community and providing a series of summer programs that attract executives, business families, elderly citizens and alumni from all parts of the country. In athletics, it emphasizes the development of the student-athlete, maintains a balanced program in a broad range of both intercollegiate and intramural sports, and encourages the use of its recreational facilities for individual and group exercise.

To determine how well it achieves its aims, the University engages in almost continuous self-examination. The Board of Trustees regularly reviews, through its standing committees, the policies governing the life of the University, modifying them when there is good reason to do so. At the departmental level, course offerings and major requirements are regularly reexamined for the purpose of
improving academic programs. Each year, virtually every aspect of the University comes under some form of review by standing and ad hoc committees addressing various questions and making recommendations, or by members of the faculty and administration drafting grant proposals for financial assistance. From alumni, both individually and corporately in a board of directors and regional chapters, come comments and suggestions for further strengthening of the University. It is in these alumni, in fact, and in their achievements, their loyalty and their generosity that the University finds the primary evidence of its success in reaching its goals.

Washington and Lee: A History

Washington and Lee is a small, private, liberal arts university nestled between the Blue Ridge and Allegheny Mountains, in Lexington, Va. It is the ninth-oldest institution of higher learning in the nation.

In 1749, Scotch-Irish pioneers who had migrated deep into the Valley of Virginia founded a small classical school called Augusta Academy, some 20 miles north of what is now Lexington. In 1776, the trustees, fired by patriotism, changed the name of the school to Liberty Hall. Four years later, the school moved to the vicinity of Lexington, where in 1782 the Virginia legislature chartered it as Liberty Hall Academy and empowered it to grant degrees. A limestone building, erected in 1793 on the crest of a ridge overlooking Lexington, burned in 1803; its ruins are preserved today as a symbol of the institution’s honored past.

In 1796, George Washington saved the struggling Liberty Hall Academy when he gave the school its first major endowment—$20,000 worth of James River Canal stock. The trustees promptly changed the name of the school to Washington Academy as an expression of their gratitude. In a letter to the trustees, Washington responded, “To promote the Literature in this rising Empire, and to encourage the Arts, have ever been amongst the warmest wishes of my heart.” The donation—one of the largest to any educational institution at that time—continues to contribute to the University’s operating budget today.

In 1813, the name of the academy was changed to Washington College. By then, the college was established on its present grounds. A statue of Washington (known as "Old George"), carved by Matthew Kahle from a log found floating in the nearby Maury River, was placed on the pinnacle of Main Hall, now known as Washington Hall, in 1844.

Robert E. Lee reluctantly accepted the position of president of the college in 1865. Because of his leadership of the Confederate army, Lee worried he “might draw upon the College a feeling of hostility,” but he also added, "I think it the duty of every citizen in the present condition of the Country, to do all in his power to aid in the restoration of peace and harmony.”

During his brief presidency, Lee invited Judge John White Brockenbrough to bring to the college his Lexington Law School, which he had established in 1849; encouraged development of the sciences; and instituted programs in business instruction that led to the founding of the School of Commerce in 1906. He also inaugurated courses in journalism, which developed by 1925 into the School of Journalism—now the Department of Journalism and Mass Communications. These courses in business and journalism were the first offered in colleges in the United States.

After Lee’s death in 1870, the trustees voted to change the name from Washington College to Washington and Lee University. Once an all-male institution, Washington and Lee first admitted women to its Law
School in 1972. The first undergraduate women matriculated in 1985. Since then, Washington and Lee has flourished. The University now boasts a science building, a performing arts center and an indoor tennis facility.

During the 1998-99 academic year, Washington and Lee University observed its 250th anniversary with a year-long, national celebration.

**The Honor System at Washington and Lee University**

Honor is the moral cornerstone of Washington and Lee University. Since Robert E. Lee’s presidency, the concept of honor has been the guiding principle of life here. The commitment to honor is recognized by every student, faculty member, administrator and staff member of the University. Providing the common thread woven through the many aspects of this institution, honor creates a community of trust and respect affecting fundamentally the relationships of all its members.

**Speaking Tradition**

An especially eloquent description of the University’s speaking tradition is found in this excerpt from the late President John W. Elrod’s inaugural address (Oct. 21, 1995):

We are more than just fortunate to have received from those who have been here before us the legacy of an honor system, which keeps alive this virtue in our daily affairs.

Civility is no less a practiced virtue at Washington and Lee when it is at its best. The speaking tradition calls for the ordinary courtesy of greeting each other in our daily commerce. It is a simple act, but one whose meaning and value we should not underestimate.

A greeting can be a phony gesture concealing indifference or disdain, but it can also express genuineness, warmth, concern, delight. Our daily greetings should reflect the commitment that we will not be strangers to each other; that we will know and care for each other as friends and not as strangers.

But the familiar greeting is only one way in which we interact with each other through language. We speak with, about and to each other in so many ways: in class, in our newspapers, in casual conversations in the Snack Bar or on the Colonnade, in fraternity houses, in faculty offices, in social settings and on the playing fields. It is vital to the academic community that we show respect for each other in the language that we use. Civility elevates the respect for each other, called for by the Honor System with regard to truth-telling and property, into our daily conversations with each other. The tradition of civility means that we will show respect for each other not only regarding each other’s physical and intellectual property, but also in the way that we relate to each other through language. Language is perhaps the most fundamental form of human interaction, and in practicing the virtue of civility, we show respect for each other in this essential form of community life.

**Statement of Ethical Principles**

The ethical principles of Washington and Lee University derive from one of the two fundamental objectives of the University, as set forth in its expanded mission statement: “To pursue its educational mission in a climate of learning that stresses the importance of the individual, personal honor and integrity, harmonious
relationships with others, and the responsibility to serve society through the productive use of talent and training."

Faculty and staff employees of the University are expected to commit themselves to these fundamental institutional objectives and to uphold the highest ethical standards while acting on behalf of Washington and Lee University in discharging its business and academic affairs.

Statement of Commitment to Diversity

(As adopted by the Board of Trustees, May 18, 2002)
With a rich heritage from the past and a history spanning more than two centuries, Washington and Lee University has a profound sense of tradition. Likewise, it has a firm commitment to the ideal embodied in its motto, non incautus futuri (not unmindful of the future), and therefore remains responsive to changes and innovations that contribute to the realizations of its aim. In the 21st century, the members of our community need to live with and understand different cultural backgrounds in preparation for a changing world.

To that end, Washington and Lee University commits itself to the recruitment and retention of a broad, inclusive student body, faculty and administration who represent a wide range of interests, abilities and cultures—a diverse array of talent. The University will strengthen a curriculum that increases knowledge, awareness and understanding of diversity and inclusiveness, and will create a climate that builds on our core values to welcome and nurture all members of the Washington and Lee community. Just as a vibrant liberal arts education in the classroom challenges attitudes, beliefs and accepted ways of thinking, the interaction outside the classroom of individuals with different perspectives strengthens our educational enterprise.

Statement on Response to Bias Incidents

Washington and Lee University strives to be a diverse and inclusive community. It draws intellectual and social strength from the range of knowledge, opinion, belief, and background of its members, whether of age, ancestry or ethnicity, color, creed, disability, gender, gender identity, gender expression, genetic information, immigration or citizenship status, marital status, national origin, race, religion, religious practice, sexual orientation, or veteran’s status.

Bias incidents - incidents that one could reasonably conclude may intimidate, mock, degrade, or threaten individuals or groups because of actual or perceived inclusion in any of the categories or statuses listed above - can adversely affect the members of our University community and undermine the climate of civility and respect necessary to achieve and maintain a diverse and inclusive community. The University is therefore committed to responding promptly and effectively, as appropriate, to bias incidents reported by members of the University community.

Non-Discrimination/Equal Employment Opportunity Statement

In compliance with Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and all other applicable non-discrimination laws, Washington and Lee University does not discriminate on the basis of race, color, religion, national or ethnic origin, sex, gender identity, gender expression, sexual orientation, age, disability, veteran’s status, or genetic information in its educational
programs and activities, admissions, and with regard to employment. Inquiries may be directed to Lauren E. Kozak, Title IX Coordinator, Elrod University Commons 306, (540) 458-4055, kozakl@wlu.edu, who is designated by the University to coordinate compliance efforts and carry out its responsibilities under Title IX, as well as those under Section 504 and other applicable non-discrimination laws.

The Coordinator has designated the following Title IX Assistant Coordinators:

**Employment** – Mary E. Main, Executive Director of Human Resources, Two South Main 109, (540) 458-8920, mmain@wlu.edu; and

**Gender Equity in Athletics** – Elizabeth Knapp, Associate Provost and Director of the Johnson Program in Leadership and Integrity, Washington Hall 217, (540) 458-8705, knappe@wlu.edu.

Inquiries may also be directed to the Assistant Secretary for Civil Rights, U.S. Department of Education.

**WORKING AT WASHINGTON AND LEE**

**Office of Human Resources**
(http://go.wlu.edu/humanresources)

The Office of Human Resources engages with the Washington and Lee community in an inclusive and professional manner providing consultation, guidance and resources to recruit, develop and support diverse and highly skilled employees. Human Resources is committed to providing quality programming and services to promote a workforce that is the foundation of the W&L student experience.

**Recruitment and Job Postings**

To fulfill its mission, Washington and Lee University must have a staff of the highest caliber, one that strives for excellence and is committed to the ideals and goals of the University. The University is committed to a vigorous program of faculty, staff and student recruitment that will create a diverse community of serious and competent people devoted to furthering the educational aims of the institution. Announcements of vacant positions are placed on the website of the Human Resources Office at https://jobs.wlu.edu.

Internal promotions of highly qualified individuals whose careers at Washington and Lee have prepared them for specific vacancies will be permitted without a search when the head of the administrative department or division identifies a current employee whose specific skills qualify him or her for the promotion. And, on occasion, the University may make an appointment without conducting a full search to meet a strategic objective. Such promotions/appointments will require the review of the executive director of Human Resources, the appropriate vice president or dean and the vice president for Finance and Administration.

Human Resources confirms by letter all appointments as well as all promotions, job transfers and changes in employee status. Before being placed on the payroll, new employees must complete the necessary tax and payroll forms at the Human Resources Office.

**Employment Categories**
• **Full-time**—Employees who work in established positions that are approved for 35 hours per week or more for at least nine months of the year (a minimum of 1,365 hours per year), employees who have reduced their hours as part of an approved phased retirement arrangement, or employees who are hired specifically to share an approved full-time position. Full-time *undergraduate faculty* members teach at least five courses per academic year and have other administrative responsibilities such as advising.

Full-time *law faculty* members teach an average of 10 credit hours per academic year, plus devote substantial time to one or more of the following responsibilities (as appropriate for their tenured, tenure-track or visiting status): student engagement outside of class; legal scholarship; faculty governance; legal clinic, immersion program, or other administrative duties; service to the law school, University, legal profession, and the public.

• **Part-time with partial benefits** —Employees who work in established positions that have been approved for less than full time, but at least 1,000 hours per year. Only certain benefits are provided for employees in these positions. There are no part-time positions with partial benefits for undergraduate faculty.

Law faculty who fall into this category teach at least seven credit hours per academic year, plus devote substantial time to one or more of the following responsibilities: legal clinics, immersion program, or other administrative duties; service to the law school, University, legal profession, and the public.

• **Part-time**—Employees other than the two categories defined above who work in ongoing positions. Employees in this category cannot exceed 999 hours in each anniversary year and cannot exceed 29 hours of work per week. Only those benefits mandated by law are provided (FICA, workers’ compensation, unemployment insurance). Employees in this category who are regularly scheduled to work at least 10 hours per week, 9-12 months per year, will also receive a parking tag and university I.D. card.

• **On-call**—Employees who work only when needed by the University. This occurs mostly in dining services and catering. Employees in this category cannot exceed 999 hours in their anniversary year and cannot exceed 29 hours of work per week. Only those benefits mandated by law are provided (FICA, workers’ compensation, unemployment insurance).

• **Temporary**—Employees with short-term assignments (generally no longer than six months). Employees in this category cannot exceed 999 hours in each anniversary year and cannot exceed 29 hours of work per week. Only those benefits mandated by law are provided (FICA, workers’ compensation, unemployment insurance).

• **Seasonal**—Employees who are hired to work for less than six months only at certain times of the year in annually recurring work. For example, employees who are hired to work in the University Store during book rush or in Facilities to work on the summer grounds crew are seasonal employees. Only those benefits mandated by law are provided (FICA, workers’ compensation,
unemployment insurance). Seasonal employees cannot work more than 999 hours per anniversary year but are not limited to 29 hours of work per week.

Orientation

A benefits and payroll orientation takes place every Monday to assist new employees in completing required employment paperwork and to enroll in benefit programs for which they are eligible. Faculty and staff members are later invited to attend a day-long, new-hire orientation hosted by Human Resources. This session is designed to introduce new employees to Washington and Lee, to review some of the most important University policies and procedures, and to acquaint new employees with the mission, values and culture of the University. At this session, new hires will also meet senior administrators and leaders of various departments on campus.

University Cards


A Washington and Lee University Card is issued to each new benefit-eligible employee and to part-time employees who work consistently at least 10 hours per week, 9 months per year. This card allows access to the athletic facilities and the libraries and opens some doors on campus. In addition, employees may use their University Card to make purchases across campus, including the Dining Services locations and the University Store, where employees receive a 10% discount on select items. The University card is not an official identification document outside of the university community.

Work Hours and Meals

Most full-time employees are scheduled to work either a 35-hour or 40-hour week. These hours may vary, but the standard schedule for administrative offices is 8:30 a.m. – 4:30 p.m. Monday through Friday, with an unpaid hour for lunch. Schedules in other areas of the University vary according to the support function performed. Exempt employees are expected to work all hours necessary to complete their assignments.

Lunch or meal periods will vary by department and will range from a half hour to a full hour. Bona fide meal periods are not paid time unless the non-exempt employee is required to work and remain at the work site.

The University reserves the right to determine the hours of employment when shift work is necessary. Although the University attempts to minimize the disruption of changing shifts, it may need to change shifts from time to time to meet operational needs.

It is also expected that employees be willing to work additional hours and/or overtime when needed. Supervisors will provide this notification as far in advance as possible and will limit recurring overtime requests.

Flexible Work Schedules
With supervisory approval, some flexibility in the starting time of work and lunch breaks is permitted, provided that the business needs of the office and University are met. Supervisors may also provide flexibility in the work week upon consultation with the Executive Director of Human Resources as long as offices remain open during the standard workday (8:30 a.m. – 4:30 p.m., Monday through Friday) and as long as the business needs of the office and University are met. For example, some departments may wish to permit employees to work their 35 or 40 hours in four days instead of five during the summer. Some departments may be able to offer a reduced work schedule during the summer, in which case, salary and benefits would also be prorated during the reduced schedule.

Attendance, Punctuality and Dependability

To maintain a productive work environment, W&L expects all employees to be reliable and punctual in reporting for work and remaining in the office throughout the scheduled workday. When you know about an expected absence, you should notify your supervisor as soon as possible prior to your absence. When you are unable to report to work due to an illness or injury, you must notify your supervisor as early as possible, each day of your absence. Excessive tardiness, absenteeism or unauthorized absence may result in disciplinary action.

Length of Service and Reemployment

An employee’s length of service is defined as the period of continuous employment in an ongoing position beginning with the current period of work, plus any qualified previous service. Such employment is the basis upon which eligibility for benefits is normally determined, although specific programs may impose additional restrictions and waiting periods.

Approved paid absences, such as combined time off, sick leave, extended sick leave, parental leave, and military leave, as well as authorized unpaid absences/leaves, do not constitute a break in continuous employment. A break in employment occurs when the employee is removed from the active employment records of the University.

Re-employment. If an employee has five years of previous service in a full-time or part-time benefit-eligible position, leaves employment voluntarily, and returns to University employment within two years of the previous termination date, the employee will be reinstated with an adjusted date of hire reflecting the number of years of previous service. Re-hired employees should inform Human Resources immediately upon reemployment of any prior service at Washington and Lee University.
TOTAL REWARDS

Rewards Philosophy

At Washington and Lee we believe in:

- Cultivating a work environment where employees value the day-to-day work experience, differentiating us from other employers.
- Defining rewards as a combination of base pay, benefits, career development, growth and recognition.
- Offering market-based compensation competitive with the appropriate labor markets to attract, motivate and retain high-caliber employees.

The following sections contain information about the total rewards package offered to employees at Washington and Lee.
COMPENSATION

Compensation Philosophy and Objectives

Washington and Lee University strives to maintain a compensation program directed toward attracting, retaining and rewarding a highly qualified and diverse workforce to serve students, faculty and staff. The compensation program focuses the University’s HR efforts on maintaining both external competitiveness and internal equity, making decisions that support the overall rewards philosophy, consistently administering pay policies, and responding to and supporting organizational priorities, changes and needs. A more detailed explanation of program objectives may be found below.

Maintain external competitiveness by developing and maintaining a pay structure based on benchmark market data and pay targeted at the median of our market competitors.

The market for our positions includes those organizations we compete with for employees, or with whom we have decided to compare ourselves. For the majority of positions, we use the top-25 liberal arts colleges (excluding the United States Naval and Military Academies). The list can vary somewhat from year to year, but currently comprises the following schools:

- Amherst College
- Bates College
- Bowdoin College
- Bryn Mawr College
- Carleton College
- Claremont McKenna College
- Colby College
- Colgate University
- Colorado College
- Davidson College
- Grinnell College
- Hamilton College
- Harvey Mudd College
- Haverford College
- Kenyon College
- Macalester College
- Middlebury College
- Oberlin College
- Pomona College
- Smith College
- Swarthmore College
- Vassar College
- Wellesley College
- Wesleyan University
- Williams College
Pay Frequency and Time Reporting

Maintain internal equity by reviewing pay ranges to determine whether or not jobs with comparable skill sets and responsibilities have similar pay opportunities.

Support the rewards philosophy by conducting salary reviews on a regular and consistent basis, in order to determine current market-related data so as to maintain external equity.

Establish salaries for new employees at levels that recognize the individual’s skills and experience, while considering the salary levels of current employees within the same position or role.

Make salary-increase decisions based on recognizing performance, retaining our best employees, maintaining market alignment, and supporting internal equity.

Create compensation structures and strategies that respond to and support organization priorities, changes and needs.

Complete details of the Compensation Program can be found in the Compensation Program Overview at http://www.wlu.edu/human-resources/compensation/staff-compensation-program.

Fair Labor Standards Act (FLSA)

Washington and Lee is committed to compliance with all terms of the Fair Labor Standards Act (also known as the Federal Wage and Hour Law), including the payment of minimum wages and overtime pay. This law and its implementing regulations establish the criteria for determining which positions are non-exempt (eligible to receive overtime pay), and which are exempt (not eligible to receive overtime pay). Human Resources is responsible for overseeing compliance with such laws, including the determination of exempt and non-exempt status. Please contact Human Resources with questions concerning exempt and non-exempt status of positions.

Exempt Staff Positions
Exempt staff positions are those that are exempt from certain provisions of the FLSA and are not entitled to overtime pay. These positions generally include administrators, managers and professionals (including faculty). Staff members in exempt positions receive a fixed salary, which is paid on a monthly basis. The work of exempt staff is evaluated and compensated on outcomes accomplished. Exempt employees are expected to work all hours necessary to complete their assignments.

Non-exempt (Hourly) Staff Positions
For staff positions that the law defines as non-exempt, the University is required to keep hourly time records and to calculate pay on an hourly basis. Such positions are entitled to overtime pay at 1.5 times the employee’s regular pay rate for all hours beyond 40 in a work week. (Hours worked between 35 hours to 40 hours will be paid at the regular rate.) Paid-time-off hours count toward the 40-hour threshold for overtime eligibility.

Pay Frequency and Time Reporting
Exempt employees are paid monthly on the last banking day of the month. Non-exempt employees are paid biweekly on alternate Fridays. There are a few exceptions and they are noted on the payroll schedule posted on the Business Office website http://www.wlu.edu/business-office. Non-exempt employees are required to record all hours worked for each biweekly pay period on a time sheet using the online recording software WebAdvisor at http://go.wlu.edu/WebAdvisor. Time sheets must be approved by the supervisor (who should ensure the accuracy of the information) and submitted to Payroll by Monday of the pay week at noon. Time sheets must accurately document hours worked.

Exempt, non-faculty employees should record absences using WebAdvisor. Failure to record time off appropriately may result in non-payment of accrued CTO on separation of employment.

Direct Deposit of Paychecks

Employees are strongly encouraged to have their paychecks directly deposited. Direct deposit can be made to multiple accounts in most any U.S. bank, credit union and/or savings and loan.

Payment When Working a Holiday

Benefit-eligible persons in non-exempt positions who work a holiday have a choice, in addition to regular pay, of time-and-one-half pay or time off at a time-and-one-half rate for hours worked, to be taken within the same pay period. Based on staffing needs, a department may require pay rather than time off. Non-exempt employees in non-benefit eligible positions who are required to work on a holiday will receive time-and-one-half pay. Exempt employees who are required by their supervisor to work on a holiday may take another day off during that calendar year.

Payment When Working Overtime

All employees may be asked to work extra hours as needed. Overtime assignments will be distributed as equitably as practicable to all non-exempt employees qualified to perform the required work. Non-exempt employees will receive time-and-one-half the regular rate of pay for hours worked over 40 hours per week. All non-exempt employees must receive approval from their supervisors prior to working any hours beyond a regular work week. Non-exempt employees who work overtime without receiving prior authorization will be paid for those hours worked but may be subject to disciplinary action.

Payment When Attending On-campus Workshops and Seminars

A number of on-campus workshops and seminars are offered to employees by Human Resources and other departments. Managers are encouraged to support employee attendance at these programs - many of which are intended to help the individual achieve personal or professional goals or help the department achieve its goals. Many sessions are beneficial more on a personal or work/life level; however managers may still want to encourage attendance at these programs as the information presented may be helpful to employees managing personal issues and could result in increased
productivity and improved employee morale. Employees will normally be compensated for attendance at sessions that occur during their regular work hours.

With supervisory approval, employees may be compensated for attendance at workshops and seminars that are held when they are not scheduled to work. In such instances, the employee’s work schedule for the week might be adjusted so that they do not work more than their regularly scheduled hours.

Compensatory Time

Compensatory time (comp time) is not permitted. This is the practice of saving or holding extra hours worked beyond the same pay period to be exchanged for time off or paid at a later time, to avoid payment of overtime. All hours worked must be reported in the period they are worked and will be paid on the standard biweekly pay cycle. With supervisory approval, adjustments may be made to an employee’s weekly work schedule to accommodate the need for time off and/or to make up hours missed.

Deductions from Exempt Employees’ Salary

The University is committed to complying with the Fair Labor Standards Act, which limits deductions that can be made from the salary of exempt employees other than authorized deductions and mandatory federal and state payroll deductions. Exempt employees are paid on a salary basis, and may not have their pay reduced for variations in the quantity or quality of work performed. Employees who believe their pay has been improperly reduced should contact the executive director of Human Resources.

Exempt employees routinely receive their full salary for any week in which they perform any work, without regard to the number of days or hours worked. Deductions from the pay of exempt employees are permissible in the following circumstances:

1. Absences of one or more full days for personal reasons when the employee has exhausted all available paid time off or the employee has requested leave without pay. Partial days must be paid.
2. Absences of one or more full days due to sickness or disability when the employee has exhausted all paid leave benefits. Partial days must be paid.
3. Unpaid disciplinary suspensions of one or more full days in accordance with University policies.
4. Deductions for unpaid leave taken in accordance with a legitimate absence under the Family Medical Leave Act.
5. Deductions for the first and last week of employment, when only part of the week is worked by the employee.

Additional Compensation for Exempt Employees

Occasionally, full-time exempt staff may be asked to serve in a capacity outside their normal work environment. Examples of such assignments include, but are not limited to, teaching a class, presenting workshops, consulting, serving on various committees, and/or performing duties for other
University departments. Normally these assignments are to be considered part of exempt employment for which the employee is already compensated. Therefore, exempt staff will not receive additional compensation for performing such duties even when such duties are conducted during the employee’s own time or outside of normal business hours. Exceptions to this policy must be approved by the Executive Director of Human Resources before the work is performed.

Deductions for Monies Owed the University

From time to time, employees may wish to charge items to their employee accounts. Such items may include, but are not limited to, charges made through the University card system for on-campus purchases, telecommunications-system charges, catering system charges, fines, or charges for rents or tuition. Because employee accounts are not revolving accounts, employees wishing to make charges to their accounts will need to sign a written consent, available in the Business Office, voluntarily authorizing Washington and Lee University to deduct from wages/salary any amounts that become past due and owing during employment with the University. The University charges for past-due accounts interest of 18% per annum (1.5% per month).

Optional Payroll Deductions

- Charitable Contributions to Washington and Lee University

- United Way—To assist employees in contributing to worthwhile endeavors in the community, the University will, if desired, process an employee’s United Way contributions through payroll deduction.

- Deductions for Voluntary Benefit Programs

Determining Appropriate Pay

The Office of Human Resources is responsible for managing and overseeing pay decisions, in consultation with the appropriate vice president, dean, department head, manager and/or supervisor, based on available market data and internal equity.

Managers should consult with HR for guidance on pay decisions for benefit-eligible, part-time positions. Communicating pay decisions should not occur until after appropriate approvals have been received.

Starting Pay

Determining the appropriate starting salary for a new employee requires Human Resources to consider a number of factors both in relation to the applicant and current position incumbents. Decisions will have to be made after a careful assessment of available information from interviews, reference checks, educational accomplishments, the pay of personnel in similar roles, etc. Starting salaries are based on candidates’ job qualifications, work experience, salary history, and the market reference range for each position. Starting salaries typically fall within the minimum and midpoint of the salary range. In order to attract highly skilled and experienced performers or to respond to specific
market conditions, however, exceptions may be made. Hiring managers must consult with Human Resources prior to discussing salary with prospective candidates and before extending a salary offer.

Supplemental Pay

Supplemental pay is additional pay for assuming temporary new duties/responsibilities in a higher career stage. Supplemental pay can be provided to an employee who is assigned different or additional duties and responsibilities on an interim basis for a limited period of time (i.e. assignment to a special project, reassignment during organizational changes, filling a vacant position, extended leave of another employee, etc.).

The amount of the adjustment will be determined by the executive director of Human Resources or the vice president for Finance and Administration in consultation with the supervisor and the vice president or dean of the division. The adjustment will be based on the market reference range of the interim position, the responsibilities to be assumed by the employee, and the level of additional effort required. Once an employee is relieved of the additional responsibilities, the pay is returned to the original level (plus any annual salary increases the employee would have received). The job description of the higher-level position is used to specifically identify additional responsibilities.

Annual Salary Increases

Each year, as a part of the annual budget process, the Board of Trustees determines the staff salary increase pool. Human Resources then develops increase guidelines to reward employees within the established budget parameters.

All continuing, non-faculty, benefit-eligible employees are eligible for an annual performance-based increase. Employees who start work at W&L between March 1 and June 30 are not eligible for salary increases until the following year. Managers/supervisors should ensure this is communicated to the employee at the time of hire. Individuals on extended leave without a performance review and individuals hired after August 30 have a shortened annual performance review period. Thus, the possible salary pool increase for this group of employees has been designed to fall slightly below the salary pool due to reduced time in position.

Employee salary pool increase decisions are determined in coordination with managers, department heads, division heads, deans and vice presidents. Pool increases are calculated in two parts: a position in range increase that accounts for 75% of the salary pool and a merit increase accounting for the remaining 25% of the pool.

The first and primary portion of the salary increase decision is the position in range increase, which accounts for 75% of the pool. Guidelines use an employee’s overall performance score and position within market reference range to determine an appropriate increase that will both reward performance and begin to move employee pay to the appropriate position within the market reference range. Guideline parameters are designed to speed up salary growth for employees with performance scores considered “successful” but whose salary/rate is lower than the expected position within market reference range. Likewise, the guidelines will keep steady or slow down salary growth for employees
whose salary is already at or above the appropriate position within the range based on performance. The position in range increase guidelines are published annually prior to the distribution of salary letters.

It is expected that as a result of solid performance, an employee will progress over time through the market reference range for his/her position. Market reference ranges provide the flexibility to reward different levels of individual development and performance, while assuring that individual pay is competitive for the level of performance delivered.

The second portion of salary increase decision is the merit pool, which equates to 25% of the total pool. Only employees with at least strong performance (3 or 4 or 5) are eligible for a merit increase. It is expected that most employees receiving scores of 4 or 5 will receive merit funds while a smaller percentage of employees with strong performance will receive merit. Managers have the flexibility to determine an appropriate merit increase as long as the departmental salary budget remains within established budget parameters.

Market Adjustments

The salary structure will be reviewed annually to ensure market competitiveness and internal equity. HR regularly assesses the University’s base salary levels relative to the defined market. Based on these findings, HR may suggest market adjustments for select jobs and/or incumbents to better align these salaries to the market. This is most common when labor-market pressures force pay rates higher, resulting in new hires entering W&L at pay levels that aren’t necessarily equitable with those of current incumbents, when comparing skills and competencies. These adjustments are typically based on the positioning of the salaries relative to the market and the University’s budget. HR makes recommendations for market adjustments, which are reviewed with vice presidents and deans and approved as a part of the annual staff-salary-increase process.

Spot Awards

Discretionary spot awards may be given to recognize extreme effort and/or achievement of outstanding results. Spot awards are generally given for performance above and beyond the normal scope of the job. Vice presidents and deans may make requests for spot awards to be reviewed by the executive director of Human Resources and the vice president of Finance and Administration.

Annual Salary Letters

The Office of Human Resources sends a letter to continuing employees each spring that states the new salary effective July 1. Letters are typically mailed in early June.

Career Events and Corresponding Pay Adjustments
Job Enrichment
Jobs can change in a variety of ways. Most staff members’ jobs change in the form of job enrichment. Job enrichment is typically when employees take on additional tasks or work, without increasing the level of responsibility within the job. Employees are expected to increase the amount of work performed as they become more proficient in the job; accordingly, job enrichment is typically a part of all employee jobs and does not normally warrant a change in career stage, market reference range or salary. Jobs that grow and expand through a significant increase in responsibility and skill level, however, may require a change in career stage or market reference range, and a subsequent salary increase. These situations are defined as job reclassifications, and the process for assessing whether a job should be redefined is outlined below.

Job Reclassification to a Higher Career Stage
This program was developed to focus on the broad roles and responsibilities of employees’ jobs, not tasks and specific activities. Accordingly, the reassignment or movement of a job to a different career stage or market reference range would normally result from a significant change in current job responsibilities and require a significant increase in skill level, including:

- Responsibilities that add a major component to the current job requirements; and/or
- New responsibilities that are very different from current responsibilities.

If there is a situation in which a job reclassification may be necessary, the supervisor should discuss the issue with HR and the respective vice president or dean, highlighting the changes in the role and subsequent impact on the job placement within the staff compensation structure. If the department head and supervisor agree that a job reclassification is justified, the supervisor will complete and submit the following to Human Resources prior to March 1st:

- An updated job description; and
- A brief cover letter highlighting the job duties and responsibilities that have changed.

Human Resources will review the materials and determine whether a change of career stage and/or salary is warranted. Normally, when a job is reclassified and assigned to a new career stage, a salary increase of up to 10% or to the minimum of the new market reference range, whichever is greater, will be approved. Human Resources will discuss any changes with the department head prior to final approval.

Job Reclassification to a Lower Career Stage
Movement to a lower career stage or market reference range typically occurs for one of three reasons, and each would have a different impact on the employee’s salary:
Transfer, initiated by staff member, to pursue new interests or to enhance and broaden his or her development opportunities within the University | Current salary may be reduced, because it would be adjusted to the new job’s market reference range.

Transfer or demotion occurs due to poor performance or lack of skills in prior job | Salary would be reduced to level appropriate to the employee’s skills, competencies and performance relative to the new job’s expectations and standards.

Organizational changes (i.e., reorganization) | Treatment of salary adjustments due to an organizational change would be handled on a case-by-case basis

**Lateral Transfer**

A lateral transfer occurs when an employee moves to a similar position within the same career stage and with the same market reference range. Normally, no increase is given for a lateral transfer when the pay ranges of the old and new positions are approximately equivalent.

Most changes in positions within a career stage do not constitute reasons for salary changes. However, there may be circumstances that warrant salary adjustments based on the staff member’s skill, experience and capabilities. HR should be contacted to discuss whether or not an increase would be warranted in this circumstance.

**Promotion**

A promotion occurs when an employee moves to a job with greater responsibilities with a higher market reference range or in a different career stage. A promotion may occur as a result of the following:

- The employee applying for and being selected for a position through the recruitment and selection process.
- The employee demonstrating exceptional performance and advanced competencies, thereby receiving a promotion as recognition for contributions to the University.

Changes to individual capabilities and activities (e.g., learning a new skill, increasing number of staff supervised) do not constitute a promotion (although they may help develop an employee’s skills and competencies to enhance their career) (see “Job Enrichment”).

A promotional increase generally ranges from 5–15% based on an employee’s experience, skill level, market reference range for the new position, and relevant internal salaries. The new salary will be at least at the minimum of the new position’s market reference range. If an employee is promoted to a position requiring greater qualifications or experience than is currently possessed, the promotion increase to the range minimum may be phased in over a set time period to allow for training.
Starting salaries for promotions will be determined in consultation with Human Resources. No salary adjustment will be made if the employee’s previous salary exceeds the maximum salary range of the new position. Additionally, a promotion may occur when an employee moves to a different position within the same market reference range. In this case, the salary-increase guidelines shown in the “Lateral Transfer” section will apply.

The hiring manager will work with Human Resources to determine the appropriate promotional increase before the offer is made and before potential pay is discussed with the employee.

**BENEFITS FOR FACULTY AND STAFF**

Washington and Lee offers an extensive range of health and life insurance benefits, retirement options, educational assistance programs, and other programs and services to our staff and faculty. Because we want to attract and retain the highest-quality staff, we are committed to providing a competitive benefit package.

Enrollment in some benefit plans is not automatic. Although Human Resources makes an effort to notify or remind employees when they become eligible to enroll in a particular benefit plan, it is the employee’s responsibility to enroll in a timely manner. Please consult with Human Resources should any questions arise concerning eligibility for or status in a plan.

Although it is the intent of the University to continue the benefit plans described in this section, the University reserves the right to modify, amend or terminate any benefit plan, with or without notice. The summaries included below describe only the major features of the plans. In the event of any inconsistency between these summaries and the legal plan documents, the legal plan documents (located in the Office of Human Resources) will govern.

Note: Full-time exempt employees who work less than 12 months a year are paid monthly over 12 months with benefit costs deducted over 12 monthly paydays. Full-time non-exempt employees who work less than 12 months a year are paid over the months actually worked, so benefit deductions are higher to pay for benefit coverage during the months when there is no pay.

**Benefits Philosophy**

Washington and Lee is committed to providing its employees with a highly competitive benefits package that enhances the well-being of its employees and is consistent with the strategic objectives of the University. This befits its rich tradition as a top-quality institution of higher education, and is important in order to attract and retain high-quality faculty and staff.

There are five underlying objectives that are considered when constructing the university-provided and university-assisted benefits program at Washington and Lee.
- Provide wise defaults for employees.
- Protect employees against catastrophic expenses or income interruptions.
- Provide a total compensation package that is strongly competitive with those of peer institutions.
- Comply with all relevant Federal and State laws.
- Manage the benefits package to get the highest total value for premium dollars and to ensure the continued financial soundness of the institution.

Process for structuring benefits at the University

Human Resources and the administrative units to which that department reports have the responsibility for the structuring of benefits at the University, as well as periodic reevaluation of their appropriateness. The Employee Benefits committee exists as an advisory committee to provide feedback to Human Resources and the administration from the employees’ perspective. Membership of the committee consists of employees and retirees of the university (all appointed by the Provost), as well the Executive Director of Human Resources, the University Treasurer, and the Provost (as ex officio members). When considering benefits issues, Human Resources, the administration and the Employee Benefits Committee operate under, and make decisions based on, the principles and understanding articulated in the Benefits Philosophy Statement at [http://www.wlu.edu/human-resources/benefits/about-our-benefits-program/benefits-philosophy](http://www.wlu.edu/human-resources/benefits/about-our-benefits-program/benefits-philosophy).

Benefit Categories

Staff benefit eligibility is based upon the authorized appointment hours for the employee’s position.

- **Full-time**—Employees who work in established positions that are approved for 35 hours per week or more for at least nine months of the year (a minimum of 1,365 hours per year), employees who have reduced their hours as part of an approved phased retirement arrangement, or employees who are hired specifically to share an approved full-time position.

  Full-time *undergraduate faculty* members teach at least five courses per academic year and have other administrative responsibilities such as advising.

  Full-time *law faculty* members teach an average of 10 credit hours per academic year, plus devote substantial time to one or more of the following responsibilities (as appropriate for their tenured, tenure-track or visiting status): student engagement outside of class; legal scholarship; faculty governance; legal clinic, immersion program, or other administrative duties; service to the law school, University, legal profession, and the public.
• **Part-time with partial benefits** — Employees who work in established positions that have been approved for less than full time, but at least 1,000 hours per year. Only certain benefits are provided for employees in these positions.

There are no part-time positions with partial benefits for undergraduate faculty.

Law faculty who fall into this category teach at least seven credit hours per academic year, plus devote substantial time to one or more of the following responsibilities: legal clinics, immersion program, or other administrative duties; service to the law school, University, legal profession, and the public.

• **Part-time** — Employees other than the two categories defined above who work in ongoing positions. Employees in this category cannot exceed 999 hours in each anniversary year and cannot exceed 29 hours of work per week. Only those benefits mandated by law are provided (FICA, workers’ compensation, unemployment insurance). Employees in this category who are regularly scheduled to work at least 10 hours per week, 9-12 months per year, will also receive a parking tag and university I.D. card.

• **On-call** — Employees who work only when needed by the University. This occurs mostly in dining services and catering. Employees in this category cannot exceed 999 hours in their anniversary year and cannot exceed 29 hours of work per week. Only those benefits mandated by law are provided (FICA, workers’ compensation, unemployment insurance).

• **Temporary** — Employees with short-term assignments (generally no longer than six months). Employees in this category cannot exceed 999 hours in each anniversary year and cannot exceed 29 hours of work per week. Only those benefits mandated by law are provided (FICA, workers’ compensation, unemployment insurance).

• **Seasonal** — Employees who are hired to work for less than six months only at certain times of the year in annually recurring work. For example, employees who are hired to work in the University Store during book rush or in Facilities to work on the summer grounds crew are seasonal employees. Only those benefits mandated by law are provided (FICA, workers’ compensation, unemployment insurance). Seasonal employees cannot work more than 999 hours per anniversary year but are not limited to 29 hours of work per week.

**Domestic Partner Benefits**

Washington and Lee University extends the same benefits to persons who meet the University’s definition of domestic partner that the University extends to spouses of employees, to the extent permitted by law and by the underwriting guidelines imposed by the insurance companies. The inclusion of domestic partner coverage in W&L’s benefit program is consistent with the University’s dedication to non-discriminatory practices and represents a commitment to remain competitive in the recruiting of new faculty and staff.
A domestic partner is an unrelated adult of the same or opposite sex of the employee with whom the employee is living in an intimate, long term relationship with an exclusive commitment similar to marriage, in which the partners are jointly responsible for one another’s welfare and share financial obligations. In order to qualify for benefits, the domestic partnership must have been in existence for at least six (6) consecutive months with the expectation that the relationship will continue indefinitely.

For more information and applicable forms, visit http://www.wlu.edu/human-resources/benefits/about-our-benefits-program/domestic-partner-benefits.

Health Insurance
http://www.anthem.com

The University offers eligible employees and their families enrollment in Anthem BC/BS’s KeyCare plan. This plan includes both in-network and out-of-network benefits as well as coverage for prescription drugs.

A. Eligibility

- Full-time and part-time benefit-eligible employees.
- Spouses, dependents through the end of the month in which they turn age 26, and/or eligible domestic partners. Dependents are identified by W&L as your naturally born and/or adopted children, step children or other dependents for whom you are the legal guardian. Coverage is available regardless of their student, marital or tax dependent status and regardless of their access to another employer sponsored group plan. When enrolling a non-IRS dependent, notify HR as the share of the premium for them may be taxable.

B. Enrollment Options

Employees may select either an Individual membership, a membership for self and one legal dependent, or a Family membership.

C. Cost

The University pays 75% of the cost of the plan. The University subsidizes the cost of health insurance so that full-time benefit-eligible and part-time benefit-eligible employees do not pay more than 10% of their family income for health insurance premiums. Contact Human Resources for more information and to determine whether you qualify. Discounts are also available for employees who participate in the University’s wellness program, as allowed by law.

D. Coverage Begins

Coverage is available on the first day of employment.

E. Timely Enrollment is Necessary

Health insurance coverage is not automatic if the employee does not enroll him/herself, and/or dependents, within 31 days of the employee’s eligibility for insurance. Thereafter, coverage may be added only during open enrollment periods (typically held in May with coverage to be effective July
1), or if an employee loses other coverage. A change in dependent coverage may be made only during the open enrollment period, or if there is a change in the employee’s status (marriage, divorce, death of a spouse or child, birth or adoption of a child, and changes in the employment status or benefit eligibility of a spouse).

Dental Insurance

https://www.unitedconcordia.com/tuctcc/clients.jsp?id=142

A. Eligibility

- Full-time employees
- Spouses, dependents through the end of the month in which they turn age 26, and/or eligible domestic partners. Dependents are identified by W&L as your naturally born and/or adopted children, step children or other dependents for whom you are the legal guardian. Coverage is available regardless of their student, marital or tax dependent status and regardless of their access to another employer sponsored group plan. When enrolling a non-IRS dependent, notify HR as the share of the premium for them may be taxable.

B. Membership Options

Employees have a choice of two plans, core or buy-up, and may select either an Individual membership, a membership for the employee and one legal dependent, or a Family membership.

C. Cost

The University makes a contribution equivalent to the cost of an Individual core plan membership.

D. When Coverage Begins

Coverage is available on the first day of employment.

E. Timely Enrollment is Necessary

Dental coverage is not automatic if the employee does not enroll him/herself and/or dependents within 31 days of the employee’s eligibility for insurance. Thereafter, coverage may be added only during open enrollment periods (typically held in May with coverage to be effective July 1), or if an employee loses other coverage. A change in dependent coverage may be made only during the open enrollment period, or if there is a change in the employee’s status (marriage, divorce, death of a spouse or child, birth or adoption of a child, and changes in the employment status or benefit eligibility of a spouse).

COBRA

The Federal Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA) provides eligible employees and their qualified dependents the opportunity to continue coverage under the University’s health and dental insurance plans when a qualifying event would normally result in loss of benefit. Enrollment may be continued up to 18, 29 or 36 months depending on the qualifying event under federal law. The employee is responsible for paying 100% of the group premium rate plus a 2%
administration charge. Note: see option of electing COBRA for healthcare spending account under limited circumstances described below in section on “Flexible Spending Accounts.”

It is the employee’s responsibility to notify the Office of Human Resources of a divorce, legal separation, or a child reaching the age limit for the plan, within 60 days of the later of the date of the event or the date on which coverage would be lost because of the event.

Flexible Spending Accounts
http://www.wlu.edu/human-resources/benefits/health-and-dental/flexible-spending-accounts

Benefit-eligible employees are eligible, upon hire, to participate in Health Care and Dependent Care Flexible Spending Accounts that enable an employee to pay for certain health care and dependent care expenses with pre-tax dollars, thus eliminating federal and state income taxes and Social Security (FICA) tax on these expenses. The amounts in each account must be decided at the beginning of each plan year and cannot be changed during the year except in certain circumstances prescribed by law. Any funds in excess of $500 at the end of the plan year are forfeited, but up to $500 may be carried over to the next year. In the event of an employee’s death or termination of employment with the University, you may elect continuation coverage of your healthcare spending account through COBRA. This option is only available when the balance in your healthcare spending account on the date of the qualifying event is greater than the cost of continuing contributions to the account for the remainder of the plan year. If you do not elect continuation coverage, you will have 90 days to spend down the balance in the account for charges incurred before or on the date of the qualifying event.

Each year, the employee determines whether, and how much, to contribute to one or both of these accounts for the following plan year. More details on the programs are available on the Office of Human Resources website at the link above.

Health Advocate
http://www.healthadvocate.com/

Benefit-eligible employees are automatically enrolled in Health Advocate, the nation’s leading health-care advocacy and assistance company, serving millions of Americans nationwide. Health Advocate helps employees and their families navigate the complexities of the health-care and health-insurance systems. The program is centered around a team of personal health advocates, typically registered nurses, supported by medical directors and benefits specialists who provide highly personalized services ranging from addressing a host of clinical and insurance issues to providing one-on-one support for improving health and well-being.

The cost for this service is fully funded by the University. Coverage is extended to an eligible employee’s spouse or domestic partner, dependent children, parents and parents-in-law.

Employee Assistance Program
www.carilionclinic.org/eap
The Employee Assistance Program (EAP) offers professional and confidential counseling to benefit-eligible employees and their family members. EAP services include, but are not limited to, stress management, substance abuse, depression, anger, anxiety and grief. Experienced counselors are available 24 hours a day, seven days a week by phone. When you call, a counselor will assess the situation, provide short-term counseling when appropriate, and assist you with scheduling visits with their staff or other counselors or resources as mutually agreed upon. The first four sessions are free. Additional sessions, if necessary, are billed to your health insurance.

Life Insurance
http://www.wlu.edu/human-resources/benefits/life-insurance-and-long-term-care/group-life-insurance

The University offers a life insurance program with coverage that is directly related to the employee’s salary. This helps to protect the value of the insurance from erosion due to inflation.

A. Eligibility

Full-time and part-time benefit eligible employees.

B. When Coverage Begins

Coverage is available on the first day of employment.

C. Cost

The University pays 50% of the premium.

D. Amount of Insurance

Insurance coverage for full-time employees is two times annual salary rounded down to the nearest $1,000. Generally, no one will receive less than $50,000 of insurance or more than $400,000 of insurance. Part-time benefit eligible employees are offered a $10,000 policy. The insurance coverage is adjusted, as appropriate, each July.

The amount of insurance decreases to 65% of the above formula on July 1 of the year following attainment of age 65, and to 50% on July 1 following attainment of age 70.

A person with a terminal illness may be eligible to receive an advance of up to 80% of the face value of his/her life insurance benefit.

E. Timely Enrollment is Necessary

Employees can enroll within 31 days of employment without medical underwriting. After the initial offer, employees can apply during open enrollment or within 31 days of a qualifying life event but will be subject to full medical underwriting.

Group Long Term Disability
Should a lasting disability occur, the University’s Long Term Disability Plan provides income for as long as the disability continues or until the employee is eligible for retirement benefits. The University’s long term disability insurer has the right to review medical records and to assess whether the disability designation should continue.

A. Eligibility

Benefit eligible employees.

B. When Participation Begins

Employees are automatically enrolled in this plan after one year of qualifying employment. This one-year waiting period is waived for employees who had group long term disability coverage for 12 months immediately prior to being employed by Washington and Lee.

C. Cost

The University pays the entire cost of employees’ participation in this plan.

D. When Payments Begin

If approved by the University’s long term disability insurer, payments begin after 180 days of disability as that term is defined in the University’s Long Term Disability Plan.

E. Amount of Benefit Payments

The plan assures a monthly income benefit equal to 60% of the employee’s pre-disability pay by supplementing disability income, if any, from Social Security or workers’ compensation up to this 60% combined total (with a maximum monthly amount of $7,000). This benefit is taxable unless an employee chooses, upon enrollment, to pay taxes on the premium instead.

This income payment may continue to age 65, or to somewhat later if disabled after age 60.

If the employee is receiving university contributions to his/her defined contribution retirement plan before the onset of his/her disability, the plan will, from the date disability benefits begin, contribute 10% of the employee’s former salary to the retirement annuity plan until the employee’s income payments end. Thus, through the combination of income payments and annuity contributions, the plan provides an income for life.

F. Cost-of-Living Increases

The monthly income benefit payable under this plan is automatically increased by 3% annually. Social Security has traditionally increased its disability payments annually, and future increases in an individual’s Social Security payments do not reduce the benefits payable under this plan.

G. Other Benefits While Receiving Disability Payments

Health Insurance—A participant may continue on the group COBRA plan for up to 18 months from the date disability benefits begin. COBRA coverage may be extended up to 29 months if the participant is approved for Social Security Disability. The University will continue to pay its portion of the employee’s premium only.
Life Insurance—If an employee becomes disabled before age 60, he/she may apply for a disability waiver of premium, which, if approved by the insurance company, continues the employee’s life insurance coverage, up to age 70, at no cost to him/her, with the benefit reductions outlined in the plan document.

Note: The term “disability” under the University’s Long Term Disability Plan does not necessarily indicate a corresponding “disability” for purposes of the Americans with Disabilities Act (ADA) or with Social Security Disability. Whether an employee is a qualified employee with a disability for purposes of ADA will be assessed on a case-by-case basis.

Taxation of Health, Dental and Life Premiums

The employee’s portion of the premium cost for health, dental and life insurance under $50,000 is paid with pre-tax dollars. This means that an employee will not pay federal or state income taxes or Social Security (FICA) tax on these premiums, thereby reducing the taxes paid by the employee.

Tuition Benefits at Washington and Lee

Washington and Lee University supports the academic achievement and professional development of its employees. As evidence of that commitment, employees may audit courses or take tuition-free courses.

Auditing Courses
With the approval of the faculty member and the employee’s supervisor, an employee may audit courses at the University. There is no charge for this privilege, but employees are expected to make up lost work time.

Tuition-Free Courses
Employees who have a high school diploma or the equivalent in regular full-time or regular part-time, benefit eligible positions, and their spouses/partners, and W&L retirees, are eligible to take up to two Washington and Lee undergraduate or law courses per term for credit without any tuition charge.

Additional information including eligibility and policy details is located at http://www.wlu.edu/human-resources/programs-and-events/employee-learning-and-professional-development/tuition-free-courses-at-washington-and-lee

Educational Grants
http://www.wlu.edu/treasurers-office/employee-programs/educational-grant-program

After an employee has completed five consecutive years of full-time employment, his/her dependent children are eligible for an educational grant from the University. “Dependent” is defined by IRS code and is verified from five years’ of employee tax records. The educational grant is awarded for up to four years of post-secondary undergraduate education. Eligible children may receive only one grant, even if both parents work for the University. Grant requests should be directed to the Treasurer’s Office.
Employees who were classified as full-time on or before June 30, 2006 and have remained in that status since June 30, 2006, the University will pay the lesser of 90% of the tuition of the institution that the dependent child is attending, or 90% of Washington and Lee University’s undergraduate tuition. The benefit may be reduced by scholarship and grant assistance that the child receives outside of Washington and Lee University. There are instances where an outside scholarship would fund room, board and fees where the University would not reduce its tuition-grant benefit. In no case will the other assistance and Washington and Lee University’s grant exceed the value of tuition, room and board of the dependent’s institution. The recipient is eligible for up to four years, or the equivalent, of undergraduate study at an accredited institution of higher education. The recipient must be under the age of 25 in order to receive this grant. In order for a dependent to be eligible for this grant, the employee must have at least five consecutive years of full-time employment and be full time at the time the benefit is to be received.

Employees who have been classified as full-time after June 30, 2006, the University will pay the lesser of 50% of the tuition of the institution that the dependent child is attending, or 50% of Washington and Lee University’s undergraduate tuition. All other terms and conditions, as described above, continue to apply.

Tuition Remission for Undergraduate Study at Washington and Lee University for dependents whose parent(s) meet the eligibility guidelines outlined above will be equal to 90% of Washington and Lee’s undergraduate tuition.

ACS Tuition Exchange: The University participates in the Associated Colleges of the South’s Tuition Exchange Program. Dependents whose parent(s) meet the eligibility guideline as outlined in the Educational Grant Policy may apply for participation in the exchange. Application does not guarantee a spot in the program, however. Benefits are subject to the exchange agreement through ACS. Please contact the Office of Financial Aid for more details on this program.

Retirement Benefits

Social Security

http://www.ssa.gov

The mandatory Social Security tax (FICA) deducted from an employee’s paycheck is matched by the University.

Defined Contribution Retirement Plan

http://www.tiaa-cref.org

https://nb.fidelity.com/public/nb/atwork/home

Social Security benefits are not substantial enough to be an individual’s sole or primary source of retirement income; therefore, the University strongly encourages its employees to participate in the Washington and Lee University Defined Contribution Retirement Plan. The University offers retirement savings plans through TIAA and Fidelity.

All non-student employees are eligible, upon employment, to open an account and can contribute as much as they would like (up to the IRS limit). There are a number of attractive features, such as tax
deferral for federal and state income tax purposes, and loan, hardship and in-service withdrawals (all subject to qualifications).

After two consecutive anniversary years of working 1,000 hours or more for Washington and Lee University, employees are eligible for a University contribution in any calendar year in which they work over 1,000 hours. Time worked at another higher educational institution in each of the two 12 month periods just prior to employment by W&L may count toward this waiting period.

The University contributes an unmatched 5% to the plan and matches an employee’s contribution up to 5% (up to the IRS maximum allowable). A person taking full advantage of the program, therefore, will contribute 5% and the University 10% for a total of 15% of salary. Certain additional catch-up contributions may be available for employees older than 50 and/or those who have more than 15 years of service.

Employee contributions may be made on a tax-deferred or post-tax basis up to permissible federal and state limits. For further information, go to http://www.wlu.edu/human-resources/benefits/retirement-savings-plan. To review the University’s most recent Summary Plan Description and any material modifications, go to http://www.wlu.edu/human-resources/benefits/retirement-savings-plan.

Home Loan Benefit
http://www.wlu.edu/treasurers-office/employee-programs/home-loans

Full-time employees are eligible to apply for University housing loans. Exempt full-time employees will be eligible for the Home Loan Program immediately upon their start date of employment. Non-exempt full-time employees will be eligible for the Home Loan Program eighteen months following the date they begin full-time employment at the University. These housing loans may be used to purchase, build or improve a principal residence in the Lexington-Rockbridge County area. The APR on a University-granted home loan is 25% less than the interest rate charged by Lexington financial institutions for residential mortgage loans.

Computer Purchase Program
The University offers interest-free loans to purchase a personal computer and printer. Employees must have completed six or more months in a benefit eligible position. Loans may not exceed $4,000 and must be re-paid within 24 months through payroll deduction. For more information about this loan program, contact Suzannah Vess in Human Resources at x8348.

Individual Disability Benefits

Washington and Lee University offers full-time benefit-eligible employees the option to purchase supplemental individual disability insurance benefits through MetLife to provide more comprehensive coverage in the event of a disability. This plan protects a portion of an individual’s base salary and is portable should the employee leave W&L. Benefits are tax-free when they are received.
**Long Term Care Insurance**


Employees may apply for a voluntary long term care policy with payroll deduction for premiums. This program pays for care in a variety of settings including care at home, in assisted living facilities, in adult day facilities, and in all types of nursing facilities. This benefit is also available to spouses/domestic partners, parents, parents-in-law, grandparents, grandparents-in-law, adult children and siblings – all of whom must be under age 75 at time of application.

**Supplemental Life Insurance**


In addition to the basic life insurance benefit, eligible employees may purchase additional life insurance for themselves (up to $300,000), their spouse or domestic partner (up to $150,000), and their dependent children (up to $10,000).

**BENEFITS FOR RETIREES**

**Health Insurance**

Social Security recipients and their spouses are eligible at age 65 for Medicare health insurance. If an employee has 10 or more years of service in a full-time benefit-eligible position, he/she may retire as early as age 59½, and continue participation in the group health insurance plan until age 65, at which time Medicare coverage begins. Assuming the employee meets the qualifications, the University’s retiree health benefit that is in effect at that time will then be available at age 65. Retiree health insurance benefits are determined by date of hire.

**For employees hired before April 1, 2003 who retire after July 1, 2008**, the University will provide up to a total of $35,000 for you (and up to an additional $35,000 for eligible spouses) toward your health care at retirement. The University makes contributions in annual installments to a Health Reimbursement Account (HRA), which is managed by Towers-Watson One Exchange Medicare Exchange. These funds are to be used for reimbursement of premiums paid for Medicare Supplement Plans, Medicare Part D prescription drug premiums and other medical expenses that are incurred in retirement. Contributions to the HRA are tax advantaged contributions.

**For employees hired on or after April 1, 2003**, the University makes monthly contributions to the TIAA Retirement Health Plan (RHP) on behalf of all full-time employees who have attained age 40 and have completed two years of benefit eligible service. The University contributions, along with any voluntary after tax contribution you make, are invested through TIAA. These funds are directed into the TIAA LifeCycle Funds that closest meets the year of your 65th birthday.

The TIAA RHP provides a tax advantaged way to invest and accumulate assets to pay for your insurance premiums and other health expenses in retirement with investment and administrative services provided by TIAA and ConnectYourCare, a third party claims processor.
An employee will become 100% invested in the University’s contributions once they become retirement eligible at age 59 ½ and have completed 10 years of full-time benefit eligible service.

Educational Grants at Retirement or Disability
If an employee has worked full-time for six or more consecutive years immediately preceding his/her retirement (as defined above), the employee’s children will remain eligible for the educational grant benefit.

If an employee has worked full-time for six or more consecutive years immediately preceding his/her separation due to disability, the employee’s children will remain eligible for the educational grant benefit provided that the disabled employee continues to meet the disability definition under the University’s long term disability program.

BENEFITS FOR SURVIVORS

To help protect an employee’s family from the sudden loss of his/her earnings, the University provides a comprehensive program of survivor benefits.

Retirement Annuity
The full value of the employee’s retirement annuity accumulation is paid to his/her named beneficiary.

Health Insurance Continuation
An employee’s spouse and children may remain in the University health insurance plan through COBRA continuation for up to three years. The University continues to pay its portion of the premium for the first year.

Educational Grants
If an employee has worked full-time for six or more consecutive years immediately preceding his/her death, the employee’s children will remain eligible for the educational grant benefit.

PAID TIME OFF/LEAVES

Combined Time Off (CTO)

In an effort to provide flexibility to employees for the use of time off, Washington and Lee University created combined time off (CTO). CTO can be used for the following types of absences:

- Vacation;
• Personal illness and doctor’s appointments; and/or
• Other personal reasons, including caring for members of the immediate family who are
  seriously ill and require care at home, or for children’s doctors’ appointments which cannot
  be scheduled outside of working hours.

In a CTO system, it is not necessary to distinguish how the time is being used. Departments establish
practices for providing notice of absences from work and for scheduling time away. Some departments
whose workload is directly dependent on students being on campus take their time off when students
are not in residence. Other departments schedule time off by mutual arrangement based upon the
person’s need and the department’s workload. Normally employees will not be permitted to carry a
negative balance. If there are extenuating circumstances, a written request for an exception may be
submitted to the Executive Director of Human Resources. The request should include a plan for
replenishing the CTO balance.

CTO does not accrue during unpaid leaves or once an employee has reached his maximum accrual
limit.

CTO for full-time employees accrues based on seniority in accordance with the following schedule:

<table>
<thead>
<tr>
<th>Years of Full-Time Service</th>
<th>Combined Time Off Accrual</th>
<th>Maximum Accrual</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-2 years</td>
<td>20 days/year</td>
<td>30 days</td>
</tr>
<tr>
<td>3 – 5 years</td>
<td>25 days/year</td>
<td>37.5 days</td>
</tr>
<tr>
<td>6+ years and all exempt staff</td>
<td>30 days/year</td>
<td>45 days</td>
</tr>
</tbody>
</table>

The applicable CTO accrual is credited to your account each payday and is prorated for employees
who hold positions that are approved for less than 12 months or are in a part-time benefit
eligible position. When using CTO, non-exempt employees record hours used. Exempt employees should
report CTO taken in half or full day increments in order to preserve exempt status.

In the CTO program, individual absences for an employee’s illness and doctor’s appointments would
come out of CTO or Sick Leave Reserve (see below). However, in most cases, long term illnesses are
covered by the University’s Extended Sick Leave plan. Employees accrue time on a pay period basis.

Part-time benefit eligible employees will receive 30 hours upon employment and each employment
anniversary date thereafter. The time can be used for vacation, holidays, illnesses, and any other time
off for which the employee wants to receive pay.

**Sick Leave Reserve (SLR)**

A sick leave reserve (SLR) is established for each staff or administrative employee. The maximum
accrual is 45 days. New hires receive a one-time allotment of 5 days in SLR. Employees can transfer
additional time from their CTO into their SLR at any point during the year. SLR time cannot be
converted back into CTO. SLR can be used in the event that the employee has a legitimate illness,
injury or disabling condition, or to care for an ill member of his/her immediate family. Immediate
family includes spouse or domestic partner, parents, grandparents, stepparents, children, grandchildren, siblings, brothers/sisters-in-law, sons/daughters-in-law, and father/mother-in-law.

SLR can also be used to cover the first 10 working days of an employee’s absence due to a serious illness or injury. After the first 10 working days, the employee will be covered by the University’s Extended Sick Leave plan for up to six calendar months. Employees are encouraged to keep enough days in their SLR (or CTO) to cover at least the first 10 working days of any extended illness or injury. The number of days in the sick leave reserve is capped at 60 days to cover the 12 weeks allotted for family and medical leave in circumstances when the University’s Extended Sick Leave plan does not apply.

Part-time benefit-eligible employees do not receive an SLR bank.

Payout of CTO/SLR on Termination of Employment

Upon termination of employment, an employee will be paid for any accrued but unused balance in his/her CTO pool (up to the maximum accrual) as of his/her last day of active employment. Failure to appropriately record time off may result in non-payment of accrued CTO upon termination of employment. An employee who transfers to a position that is not eligible for CTO will no longer accrue CTO and any accrued time is forfeited at the time of transfer.

SLR will have no cash value on termination of employment.

Extended Sick Leave

Employees who are out or who expect to be out for longer than 10 days for an illness or injury should notify HR as soon as the absence or need for absence is known. HR will work with the employee to complete FMLA-related paperwork and will work with the employee and his/her physician throughout the absence to assist the employee with his/her return to work.

To be eligible for Extended Sick Leave, an employee must have been employed in a benefit eligible position for a 12 month period immediately preceding the beginning of the leave. The first 10 days of an extended absence are charged to an employee’s SLR and/or CTO or will be unpaid if the employee has no accrued time available. Days 11 through six calendar months are, in most cases, paid through the Extended Sick Leave plan as long as necessary paperwork including appropriate medical documentation is completed and approved. The 12 month waiting period is waived for employees who had group LTD coverage for 12 months immediately prior to being employed by Washington and Lee.

Workers’ Compensation

http://www.wlu.edu/human-resources/benefits/workplace-injuries-and-incidents

The University pays the entire cost of workers’ compensation insurance covering all employees including part-time benefit eligible employees who sustain compensable work-related accidents or illnesses. If an employee is injured on the job, or if an employee believes he/she has a work-related illness, regardless of how minor the injury or illness, the employee must report this immediately to
his/her supervisor. Employees have the right to report work-related injuries or illnesses without retaliation. The University will not tolerate any such retaliation. An employee’s supervisor must report any potentially work-related accidents or injuries to the director of Environmental Health and Safety (x. 8175) within 24 hours of the occurrence of the accident/injury. If a supervisor fails to report the accident/injury to the director of Environmental Health and Safety, the employee should report the injury directly to the director of Environmental Health and Safety within 24 hours. Subsequently, if the employee is placed on restricted or limited duty by a doctor, the employee must inform both his/her supervisor and Human Resources. Human Resources must also be contacted if an accident/injury results in a loss of work time.

Workers’ compensation insurance pays for authorized medical bills and a portion of an employee’s salary (up to 66% up to a maximum salary cap) when the employee is absent due to a compensable work-related injury or illness. A benefit-eligible employee who is out of work for a compensable work-related injury will receive 100% of his/her salary if the employee is eligible for University CTO/SLR or extended sick leave. The employee must, in turn, remit to the University any workers’ compensation supplement received.

**Return to Work**

Washington and Lee is committed to helping employees remain healthy and on the job. The university and employees should work together to prevent workplace accidents and to rehabilitate injured workers and help them rejoin the workforce. It is our policy that all accidents should be reported promptly and thoroughly investigated, and that appropriate action should be taken to prevent similar events from recurring.

In fulfilling Washington and Lee’s commitment to provide a safe and healthy working environment, a Return-To-Work Program helps employees who sustain workplace injuries and cannot work at full capacity. This program helps the employee and supervisor develop a temporary, modified, less demanding duty assignment in cases where these modifications do not create undue hardship for the university. The program may involve modifying the employee’s regular job temporarily or providing an alternate temporary job, depending on the employee’s physical abilities.

Similar temporary, modified duty assignments may also be offered to employees who suffer a non-job-related injury or illness, if a position can be modified temporarily or an alternate position is available temporarily and these modifications do not create undue hardship for the university.

An employee participating in this program may be required to provide Washington and Lee with a physician’s statement specifying the nature, extent, and expected duration of an employee’s functional limitations as relevant to his/her job description.

Human Resources staff will work with an employee and supervisor to evaluate each employee’s injuries and functional limitations on a case by case basis to determine if suitable modified-duty work is available temporarily. Such assignments may require a shift change if modified-duty work is only available on an alternate shift.
An individual may participate in the Return to Work Program for a maximum of 12 weeks per illness/injury. Exceptions to this time frame may be permitted based on the physician’s estimate of when the employee may return to the regular job or where an employee’s injury qualifies as a disability under the ADA and extension of time does not create an undue hardship for the university.

The Human Resources Office is responsible for administering this program working interactively with the employee and supervisor. The Human Resources Office is available to answer questions and provide guidance.

Bereavement Leave

Paid leave upon the death of an immediate family member is arranged with the supervisor. For purposes of this leave, immediate family includes, spouse, domestic partner, child, father, mother, sibling, mother-in-law, father-in-law, grandparents and stepparents, grandchildren, brothers and sisters in law, and sons and daughters in law. Requests for paid leave at the time of a death of a person outside the immediate family are considered on an individual basis.

Family and Medical Leave

Washington and Lee University offers family and medical leave in accordance with the Family and Medical Leave Act of 1993 (FMLA), representing the minimum leave to which each eligible employee is entitled for qualifying circumstances. Consistent with federal law, the employee handbook summarizes the basic provisions of the University FMLA leave policy. This policy applies to all faculty and staff employees of Washington and Lee University, subject to the eligibility requirements contained herein.

Eligibility
To be eligible for leave under this policy, an employee must have been employed by the University for at least twelve months (which need not be consecutive) and must have actually worked at least 1250 hours during the twelve-month period immediately preceding the beginning of the leave. The University will not consider employment prior to a seven year or longer break in service in counting the twelve months of total employment for eligibility. Periods of time away from work for military service will be counted toward the twelve months of employment, as well as the 1250 hours of work in the previous twelve-months (based on the employee’s pre-service work schedule).

Effect of FMLA Leave on Other Available Leaves

Please note that FMLA leave will be designated and run concurrently with paid combined time off, sick leave reserve, the University’s extended sick leave for up to six months, parental leave, and absences for work-related injuries or occupational disease (workers’ compensation absences), when the circumstances of those absences constitute qualifying FMLA absences. Although not required, employees may apply available paid combined time off to any remaining period of unpaid FMLA leave.
Standard FMLA Leave Qualifying Circumstances

Eligible employees are allowed up to twelve weeks of unpaid leave in a twelve-month "leave year" period under the following qualifying circumstances:

1. The birth and care of an employee’s child (entitlement expires twelve months after birth);
2. The placement of a child for adoption or foster care with an employee (entitlement covers required pre-placement/adoption absences and expires twelve months after placement/adoption);
3. When an employee is needed to care for a child, spouse or parent (as those terms are defined under Sections 825.102 and/or 825.122 of the FMLA regulations) who has a serious health condition (as that term is defined under Section 825.113 of the FMLA regulations); When an employee is unable to work at all or unable to perform any one of the essential functions of his/her position because of the employee’s own serious health condition (as that term is defined under Section 825.113 of the FMLA regulations); or
4. When a “qualifying exigency” arises out of the fact that an employee’s spouse, son, daughter, or parent is on active duty in a foreign country in the Armed Forces of the United States (or has been notified of an impending Federal call or Federal order to active duty in a foreign country from the National Guard or military reserves) (as provided in Section 825.126 of the FMLA regulations and the National Defense Authorization Act for Fiscal Year 2010). Specific circumstances constituting a “qualifying exigency” are as follows: (1) short-notice deployment; (2) military events and related activities; (3) childcare and school activities; (4) financial and legal arrangements; (5) counseling; (6) rest and recuperation; (7) post-deployment activities; (8) parental care for the parent of a military member, when the parent is incapable of self-care; and (9) activities and related activities, and other specific limits) applicable to certain of these “qualifying exigency” circumstances.

NOTE: The University uses a rolling twelve-month period measured back from the date any FMLA leave is to be used in determining the “leave year” in which an eligible employee is entitled to the twelve weeks of leave described in this section.

“Military Caregiver” Leave Qualifying Circumstances

Eligible employees may take up to twenty-six weeks of unpaid leave in a “single twelve-month period” if they are the spouse, son, daughter, parent, or next of kin (as that term is defined in Section of the FMLA regulations) who is the primary caregiver for a “covered servicemember” or “covered veteran” undergoing medical treatment, recuperation, or therapy for a “serious illness or injury,” all as defined in Section 825.102, 825.122, and 825.127 of the FMLA regulations. Generally, however, a “covered servicemember” with a “serious illness or injury” is a current member of the Armed Forces (including the National Guard or Reserves) who has incurred or aggravated an injury or illness in the line of duty while on active duty and has been rendered medically unfit to perform duties of the member’s office, grade, rank or rating. Generally, a “covered veteran” with a “serious illness or injury” is a veteran who served in the Armed Forces (including the national Guard or Reserves) and who was discharged or released under honorable conditions, who incurred or aggravated an injury or
illness in the line of duty on active duty which manifested itself before or after the member became a veteran. The entitlement to take military caregiver leave extends only to family members of veterans discharged during the five years before the date of the medical treatment or care that necessitates the leave.

Military caregiver leave may only be used in one “single twelve-month period” beginning on the date the employee takes FMLA leave to care for the covered service member or covered veteran. Any remaining part of the twenty-six weeks is forfeited if not used in that twelve-month period. Leave for the circumstances outlined in this section should be designated as “Military Caregiver” FMLA leave, not leave under Section III(C)(3) of this policy to care for a family member with a serious health condition.

Combined Leave Total

During a single “leave year,” an individual eligible employee is entitled to a maximum of twelve weeks of unpaid leave even if the employee has multiple circumstances under Section III(C) above that qualify for FMLA leave, provided the employee does not also qualify for “military caregiver” leave.

Where an employee qualifies for “military caregiver” leave, the employee is entitled to a maximum of twenty-six weeks of unpaid leave during the “single twelve-month period” beginning on the date the employee begins “military caregiver” leave. However, in such a circumstance, the employee is entitled to only twelve weeks total of unpaid leave during that twenty-six weeks for any and all FMLA qualifying circumstances outlined in Section III(C) of this policy.

When both parents of a newborn, adopted, or foster child are employed by the university, the FMLA entitles the two employees to a combined total of twelve weeks of FMLA leave per “leave year” for circumstances related to the birth, care, or placement of a healthy child (“birth/care/placement leave”), as specified in Section III(C)(1) and (2) of this policy, and/or circumstances related to the care of a parent with a serious health condition (“parental serious health condition leave”), as specified in Section III(C)(3) of this policy. When “combined total” leave is taken by a spouse under this paragraph, (s)he retains the balance of any remaining individual leave entitlement (i.e. the maximum available individual leave, minus any “combined total” leave taken) for the applicable “leave year.”

When both spouses are employed by the University, they may be limited to a combined total of twenty-six weeks of leave per “single twelve-month period” (that period available for military caregiver leave described in Section III(D) of this policy) for birth/care/placement leave, parental serious health condition leave, and/or military caregiver leave (with a maximum of twelve weeks for birth/care/placement and/or parental serious health condition leave). Under the circumstances of this paragraph, neither spouse retains the balance of any remaining individual leave entitlement after the combined total of twenty-six weeks has been taken in the single twelve-month period.

Notification and Certification

When the need for leave is foreseeable and due to a “qualifying exigency” involving military duty as described in Section III(C)(5), the employee must notify the University as soon as reasonable and practicable. For all other instances in which the need for leave is foreseeable, employees are to provide the University at least thirty days prior notice. When the need for leave is not foreseeable, employees
are to notify the University as soon as practicable. Failure to provide required notice may result in delay of FMLA leave depending on the particular facts and circumstances. When paid leave is applied to any period of qualifying FMLA leave, the employee must satisfy university or department procedures applicable to such paid leave (which could involve additional documentation, call-in requirements, or other procedures).

Employees must provide sufficient information for the University to reasonably determine whether FMLA applies to the leave request. Employees have an obligation to respond to University inquiries intended to determine whether an absence is FMLA qualifying.

A complete and sufficient medical certification (and recertification(s) in certain circumstances) may be required for leaves of absence due to serious health conditions of the employee, spouse, parent or child. Appropriate certification may also be required for leave taken because of a “qualifying exigency” involving military duty as described in Section III(C)(5) and for “military caregiver” leave described in Section III(D). In all cases where certification is required, failure to provide a complete and sufficient certification may result in denial or delay of leave until appropriate certification is provided.

The University may require an employee on FMLA leave to report periodically on his/her status and intent to return to work. If an employee is returning from a medical leave for his or her own serious health condition, the employee will be required to provide a complete and sufficient certification from his or her health care provider that the employee is capable of returning to work. Such a certification must address the employee’s ability to perform the essential functions of the employee’s job.

Intermittent or Reduced-Schedule Leave

Leave may be taken on an intermittent or reduced-schedule basis if medically necessary because of an employee’s own serious health condition, to care for a parent/spouse/child with a serious health condition, or to care for a covered servicemember or covered veteran with a serious illness or injury. Employees must make reasonable efforts to schedule intermittent/reduced-schedule leave so as not to unduly disrupt University operations.

Intermittent or reduced-schedule leave may also be taken for a qualifying exigency as described in Section III(C) above.

Where leave is for the birth, care or adoption/foster placement of a healthy child, intermittent or reduced-schedule leave may only be taken with the permission of the University.

When intermittent/reduced-schedule leave is required, the University may require the employee to transfer temporarily to an alternative position for which the employee is qualified and which better allows for recurring periods of leave.

Effect on Insurance Benefits and 403(b) Plan Eligibility

During an approved family/medical leave, the University will maintain an employee’s group health insurance, dental insurance, flexible spending account, and other health benefit coverage (collectively,
“health benefits”) as if the employee had not taken FMLA leave and had continued actively working. If an employee has substituted available paid leave for unpaid family and medical leave, the employee’s share of health benefits premiums/account contributions will be handled by payroll deduction. If an employee is taking unpaid leave, the Office of Human Resources will notify the employee of the amount and date that the employee’s portion of health benefits premium/account contribution payments are due while on leave. Continuation of other University benefits during leave and payment of premiums for other benefits will be treated as with other forms of leave (paid or unpaid, as appropriate).

Any period of unpaid FMLA leave will not be counted towards a break in service for purposes of eligibility to participate in the University’s 403(b) plans, but such time will not be treated as credited service for purposes of such eligibility. If an employee has substituted paid leave for unpaid FMLA leave, that leave period will be treated as credited service for purposes of 403(b) plan eligibility.

Return from FMLA Leave

Upon return from FMLA leave, an employee will be reinstated to the same or an equivalent position as before the leave in accordance with FMLA regulations. However, employees have no greater right to reinstatement or to other benefits of continued employment than if they had been continuously employed during FMLA leave.

Tenure Probationary Period Extension for Faculty Taking FMLA Leave

An untenured faculty member qualifying for FMLA leave for the birth or adoption of a child during the tenure probationary period shall be entitled to a one-year extension of the probationary period. An untenured faculty member who experiences other circumstances qualifying for FMLA leave that seriously interrupt the performance of professional duties during the tenure probationary period shall be entitled to a one-year extension of the probationary period. An untenured faculty member is entitled to only a single one-year extension under this policy regardless of the number of qualifying circumstances the faculty member experiences during the tenure probationary period. Thus, for example, the maximum probationary period for an untenured undergraduate faculty member who qualifies for an extension under this policy is seven (7) years rather than the usual six (6). An untenured faculty member who may qualify for an extension shall notify the school Dean as soon as the need for an extension becomes apparent, but in no event later than June 30 of the year prior to the academic year in which the tenure review would otherwise occur. Such requests will be addressed in accordance with the general policy on requests for extension set forth in the faculty handbook.

Further information regarding the University’s FMLA policy, as well as procedures to be followed when requesting family and medical leave, is available from the Office of Human Resources.

Holidays


The University observes the following scheduled holidays: Independence Day, a half day before Thanksgiving, Thanksgiving Day and the day after Thanksgiving. It also closes for three days during the Christmas/New Year’s holiday season. In some years (depending on the academic calendar),
undergraduate commencement may occur before Memorial Day. In those years, the University will also observe Memorial Day as a paid holiday.

**Jury Duty**

The University recognizes employees’ civic responsibility to serve on juries and continues an employee’s compensation while he/she is performing this duty. There is no deduction for compensation received from the Commonwealth of Virginia.

**Court Testimony**

Time off to testify in court will be charged to CTO unless the employee requests unpaid leave or makes up the time during the same work week. If an employee is testifying on behalf of the University, that time will count as paid time.

**Military Leave**

The University is committed to supporting its employees’ fulfillment of their annual, several-week military training/reserve obligation, as well as those called to active-duty military service.

The University will pay the difference between the employee’s regular base salary and base military pay for training and/or active duty. Alternatively, the employee may choose to use CTO for the training and receive full pay from W&L in addition to the military pay.

If an employee is called to active-duty military service, the University will afford all reemployment rights, compensation and benefits provided for by the Uniformed Services Employment and Rights Act of 1994, [http://webapps.dol.gov/dolfaq/go-dol-faq.asp?faqid=418&faqsub=Employment+Rights%2FUSERRA&faqtop=Veterans&topicid=12](http://webapps.dol.gov/dolfaq/go-dol-faq.asp?faqid=418&faqsub=Employment%2FUSERRA&faqtop=Veterans&topicid=12) and other applicable federal or state law. For specific information, contact the Executive Director of Human Resources.

**Parental Leave – Faculty**

Washington and Lee University is committed to supporting its faculty with parental leave for eligible faculty who temporarily relinquish their duties following childbirth or adoption, in a manner consistent with its educational mission and the effective operation of the University. This policy is designed to provide a reasonable and fair period of paid leave to such employees and to address circumstances in which the University may need to reassign teaching and/or other duties as medically advised or to serve the integrity of the academic or administrative program.

This policy applies to employees defined as voting faculty in the faculty handbook. This policy does not apply to visiting faculty and part-time teaching staff. This policy is equally applicable to members of the eligible faculty who are in a domestic partner relationship in accordance with the University’s domestic partner policy.
Except as otherwise provided below, the University will provide eight (8) consecutive weeks of paid parental leave to each birth mother or new adoptive mother who is a full-time member of its eligible faculty and who temporarily relinquishes the duties of her position following childbirth or adoption. This parental leave will be provided immediately following the birth of a child or adoption of a pre-school age child, beginning at the time of arrival of the child and running consecutively, except in extraordinary circumstances (such as, but not limited to, medical complications for the mother or child) where other leave timing is approved by the appropriate Dean. In the case of adoption, eligible faculty may take parental leave before the actual adoption of the child, where approved by the appropriate Dean, for circumstances where the faculty member needs to be away from his/her position for the adoption to proceed (e.g., travel to another country to complete the adoption).

Note: This policy presumes that the mother of a child will be the primary caregiver; however, if an eligible faculty member is not the mother but is the primary caregiver for a child, that faculty member may use this parental leave.

Eligible faculty not assuming primary caregiver responsibilities for their newborn and newly adopted pre-school age children are eligible for two weeks of paid parental leave to be taken within the first three months following the birth of a child or the adoption of a pre-school age child. In the event of a childbirth or adoption occurring during the summer months (June, July, August) to an eligible faculty member, this paid parental leave benefit will only apply for any balance of the eight (8) weeks that the faculty member would otherwise have been expected to be back to academic term duties (i.e., if the employee gives birth or adopts two weeks before the start of the fall term, she would receive six (6) weeks of paid parental leave beginning at the start of the fall term, but if the employee gives birth or adopts 10 weeks before the start of the fall term, she would not need the benefit of paid parental leave during the term, as she would not otherwise be losing any salary during the eight (8) weeks following the birth or adoption).

Interplay between Parental Leave and Other Available Leaves

This policy is independent of the University’s paid sick leave benefit. However, paid parental leave will not extend unpaid leave available under the University’s Family and Medical Leave (FMLA) policy. Rather, such paid leave will run concurrently with any FMLA leave available under the circumstances, as designated by the appropriate Dean. Nothing in this policy precludes the eligible faculty member from taking any remaining unpaid FMLA leave following the expiration of the University’s paid parental leave, in accordance with the University’s FMLA policy.

Requesting Parental Leave

Eligible faculty must request parental leave in writing to their department head ninety (90) days in advance of the requested leave start date (or as early as possible in the planning phase of an adoption process). The appropriate Dean must approve faculty requests for parental leave.

Reassignment of Teaching Duties and Extension of Tenure Probationary Period

Deans have the discretion to reassign teaching duties and assign alternate appropriate duties to an eligible faculty member taking parental leave under this policy, when medically advised or to serve
the integrity of the academic or administrative program. The duration of such reassignment of duties will depend on when the birth or adoption occurs during the course of the academic term; however, Deans reserve the right to assign appropriate non-teaching duties to a faculty member up to four weeks before or after the eight week parental leave period. An untenured faculty member who becomes the mother or father of a child through birth or adoption during the tenure probationary period shall be entitled to a one-year extension of the probationary period. An untenured faculty member who experiences other circumstances covered by the Family and Medical Leave Act that seriously interrupt the performance of professional duties during the tenure probationary period shall be entitled to a one-year extension of the probationary period. An untenured faculty member is entitled to only a single one-year extension under this policy regardless of the number of qualifying circumstances the faculty member experiences in the tenure probationary period. Thus, for example, the maximum probationary period for an untenured undergraduate faculty member who qualifies for an extension under this policy is seven (7) years rather than the usual six (6). An untenured faculty member who may qualify for an extension shall notify the school Dean as soon as the need for an extension becomes apparent, but in no event later than June 30 of the year prior to the academic year in which the tenure review would otherwise occur. Such requests will be addressed in accordance with the general policy on requests for extension set forth in the faculty handbook.

Parental Leave – Staff

The University is committed to supporting its staff with parental leave for eligible employees who temporarily relinquish their duties following childbirth or adoption, in a manner consistent with its educational mission and the effective operation of the University. This policy is designed to provide a reasonable and fair period of paid leave to such employees.

This policy is applicable to all full-time non-faculty employees of the University, including those members of the eligible staff who are in a domestic partner relationship in accordance with the University’s domestic partner policy.

Except as otherwise provided below, the University will provide eight (8) consecutive weeks of paid parental leave to each birth mother or new adoptive mother who is a full-time member of its staff (full-time voting faculty should refer to the Eligible Faculty Parental Leave Policy) and who temporarily relinquishes the duties of her position following childbirth or adoption. This parental leave will be provided immediately following the birth of a child or adoption of a pre-school age child, beginning at the time of arrival of the child and running consecutively, except in extraordinary circumstances (such as, but not limited to, medical complications for the mother or child) where other leave timing is approved by the Executive Director of Human Resources. In the case of adoption, eligible staff may take parental leave before the actual adoption of the child where approved by the Executive Director of Human Resources, for circumstances where the staff member needs to be away from his/her position for the adoption to proceed (e.g., travel to another country to complete the adoption).

Note: This policy presumes that the mother of a child will be the primary caregiver; however, if an eligible staff member is not the mother but is the primary caregiver for a child, that staff member may use this parental leave.
Eligible staff not assuming primary caregiver responsibilities for their newborn and newly adopted pre-school age children are eligible for two weeks of paid parental leave to be taken within the first three months following the birth of a child or the adoption of a pre-school age child.

For academic year appointments, in the event of a childbirth or adoption occurring during the summer months (June, July, August) to an eligible staff member, this paid parental leave will only apply for any balance of the eight (8) weeks that the staff member would otherwise have been expected to be back to academic term duties (i.e., if the employee gives birth or adopts two weeks before the start of the fall term, she would receive six (6) weeks of paid parental leave beginning at the start of the fall term, but if the employee gives birth or adopts 10 weeks before the start of the fall term, she would not need the benefit of paid parental leave during the term, as she would not otherwise be losing any salary during the eight (8) weeks following the birth or adoption).

Interplay between Parental Leave and Other Available Leaves

This policy is independent of the University’s combined time off, sick leave reserve, and extended sick leave benefits. However, paid parental leave will not extend unpaid leave available under the University’s Family and Medical Leave (FMLA) policy. Rather, such paid leave will run concurrently with any FMLA leave available under the circumstances, as designated by the Executive Director of Human Resources. Nothing in this policy precludes the eligible staff member from taking any remaining unpaid FMLA leave following the expiration of the University’s paid parental leave, in accordance with the University’s FMLA policy.

Requesting Parental Leave

Eligible staff must request parental leave in writing to their supervisor ninety (90) days in advance of the requested leave start date (or as early as possible in the planning phase of an adoption process). The Executive Director of Human Resources must approve staff requests for parental leave.

Other Unpaid Leaves of Absence

Requests for other unpaid personal leave should be directed to the employee’s supervisor. The dean or vice president and the Executive Director of Human Resources must review requests for such leave. In reviewing the employee’s request, criteria such as departmental need and workload, seniority, overall work record, and the specific nature of the request are among the factors considered.

Normally all University paid benefits are suspended after the first 30 days of an unpaid leave of absence. Continuation of benefits should be discussed with Human Resources prior to requesting unpaid leave. When a leave of absence ends, every reasonable effort will be made to return the employee to the same position, if it is available, or to a similar available position for which the employee is qualified. W&L cannot guarantee reinstatement in all cases. If an employee fails to return to work promptly at the expiration of the approved leave period, s/he will be deemed to have resigned.
PERFORMANCE AND PROFESSIONAL DEVELOPMENT PROGRAMS

Performance Development Program

At Washington and Lee, we believe that performance development should be a continuous cycle of measurement, feedback and development designed to result in the highest levels of excellence and to recognize, develop and reward top performers.

Our Performance Development Program is designed to be:

- Focused on goals achieved and competencies demonstrated on the job
- Development focused
- Performance based
- A partnership between the employee and supervisor
- Objective
- Transparent
- Consistent

Supervisors are responsible for:

- Providing clear performance standards for all employees to follow to enhance performance
- Providing employees with constructive, objective, and respectful feedback
- Aligning the employee’s goals with the department’s, division’s and University’s goals
- Identifying training needs. (We will also use the Year-End Review of the PDP to identify training needs and to identify those employees who want or are ready for promotions or new assignments.)
- Conducting an annual performance review based on goals and competencies.

Employees are responsible for:

- Working with supervisors to create goals and assess individual performance
- Working with supervisors to identify career paths and training needed to develop skills or competencies

The Annual Performance Development Plan is designed for the particular Career Stage that corresponds to the employee’s role at the University and is completed by all administration and staff. The form varies somewhat by Career Stage to focus on the competencies that are relevant to that group.

Employees complete the annual process online and access the individual performance development plan (PDP) at http://go.wlu.edu/pdp.

A complete description of the program and training materials are available from the Office of Human Resources and at http://www.wlu.edu/human-resources/performance.
Performance Improvement

If the supervisor determines that current employee performance requires improvement, the supervisor should discuss the performance deficiency with the employee and agree on a remedy. In some instances, a performance improvement plan will be written that includes a description of the behavior, performance, or situation that must be changed and the expected level of performance to be achieved.

When an employee’s overall performance rating on the Annual Performance Development Plan (PDP) is less than Strong Performer, the employee is required to have a performance improvement plan and a mid-year review in the following performance year. The PDP goals for the following year may serve as the performance improvement plan.

If the performance does not improve, disciplinary action may be taken. Although the University generally follows a progressive disciplinary approach, disciplinary action can begin at any level, depending on the circumstances, and is at the discretion of the University. Some of the factors that the University may consider (non-exclusive list) are: whether the behavior, performance issue, or situation has been repeated despite coaching, counseling, or training; the employee’s overall work record; and the impact that the behavior or performance issues have on the department and the University.

Typical levels of progressive discipline include:
- Verbal warning
- Written warning
- Suspension without pay
- Termination

Professional Development

Washington and Lee University is committed to continuous learning. We believe that professional development is a shared responsibility and collaboration among the employee, the supervisor and W&L. Remaining current in the field and keeping up with changes and new technology is a normal job responsibility. Needs and priorities change over time, and employees should be prepared to acquire new skills to remain competitive and successful in their current position.

The University endeavors to support employees’ professional development through the following programs:

Technology Education
Information Technology Services offers face-to-face training and consultation on most University-licensed software systems, as well as online tutorials for Microsoft Office, Adobe Creative Suite, and other systems. If you are interested in any of these services, please contact the ITS Information Desk in Leyburn Library at x4357, or by sending an email with your request to help@wlu.edu.
On-Campus Workshops
The University offers on-campus classes and seminars throughout the year on a variety of topics including, but not limited to, supervisory skills, communication, retirement planning, computer classes, wellness activities and University policies. Staff are invited to register for these classes, which are advertised as they are developed. For professional development classes held during work hours, please discuss with your supervisor before registering.

Compensation When Attending On-campus Workshops and Seminars
A number of on-campus workshops and seminars are offered to employees by Human Resources and other departments. Managers are encouraged to support employee attendance at these programs - many of which are intended to help the individual achieve personal or professional goals or help the department achieve its goals. Many sessions are beneficial more on a personal or work/life level; however managers may still want to encourage attendance at these programs, as the information presented may be helpful to employees managing personal issues and could result in increased productivity and improved employee morale. Employees will normally be compensated for attendance at sessions that occur during their regular work hours.

With supervisory approval, employees may be compensated for attendance at workshops and seminars that are held when they are not scheduled to work, in compliance with Federal wage and hour laws and regulations. In such instances, the employee’s work schedule for the week might be adjusted so that they not work more than their regularly scheduled hours.

Educational Assistance Outside the University
The Professional Development Program provides tuition assistance to full-time employees seeking to obtain a college-level degree, attend educational courses not leading to a degree, or obtain a work-related certification or license. Requests may be funded fully or partially for courses that will benefit the employee at his/her current position, improve job skills, or position the employee for advancement opportunities at the University. University funds should not be used to support course work that is not job-related.

The Employee Development Fund provides administration and staff with funding assistance to attend off-campus conferences, workshops, seminars or courses that enhance individual skills.


Tuition Benefits at Washington and Lee
Washington and Lee University supports the academic achievement and professional development of its employees. As evidence of that commitment, employees may audit courses or take tuition-free courses.

Auditing Courses
With the approval of the faculty member and the employee’s supervisor, an employee may audit courses at the University. There is no charge for this privilege, but employees are expected to make up lost work time.
Tuition-Free Courses
Employees who have a high school diploma or the equivalent in regular full-time or regular part-time, benefit eligible positions, and their spouses/partners, and W&L retirees, are eligible to take up to two Washington and Lee undergraduate or law courses per term for credit without any tuition charge.

Additional information including eligibility and policy details is located at http://www.wlu.edu/human-resources/programs-and-events/employee-learning-and-professional-development/tuition-free-courses-at-washington-and-lee
**WORK-LIFE PROGRAMS**

In the fall of 2008, President Ruscio introduced the work-life initiative to begin to address the many challenges faculty and staff face as they try to balance their personal lives with work. These challenges vary depending on each individual’s personal circumstances. The term “work-life” refers to resources and services that help members of the campus community manage and balance their personal lives and obligations with their professional lives and duties.

**Childcare Resources**

http://www.wlu.edu/human-resources/benefits/worklife-initiatives/dependent-care/child-care

There are a number of year round childcare options available in the community and summer programs on campus and in the local community. The University provides each employee with a membership to Care.com (http://www.wlu.edu/human-resources/benefits/worklife-initiatives/dependent-care/carecom). Washington and Lee students are encouraged to register as providers as a way for employees to find student babysitters. Tuition scholarships to Woods Creek Montessori are available for preschool age children of employees.

Two local daycare centers, Woods Creek Montessori and Yellow Brick Road provide extended hours during faculty meetings by registration at http://www.wlu.edu/human-resources/benefits/worklife-initiatives/dependent-care/child-care/faculty-meeting-child-care.

Please contact the work-life coordinator for additional information about these programs.

Washington and Lee University supports nursing mothers by providing reasonable break time for an employee to express breast milk for her nursing child for one year after the child’s birth. Assistance is provided in locating a place (other than a bathroom) that is shielded from view and free from intrusion from coworkers and the public to be used to express breast milk. Refrigeration may be provided by Human Resources for the storage of expressed breast milk during the work day.

Nursing mothers are encouraged to discuss their individual needs with their supervisors. Employees may also contact Human Resources for assistance in locating an appropriate space for expressing milk or with questions regarding this policy.

**Dual Career Resources**

http://go.wlu.edu/dualcareer

The decision to accept a new position and relocate is a personal one. Washington and Lee University understands that your decision to relocate, as well as your happiness here, is greatly influenced by opportunities for your spouse or partner.

Washington and Lee provides job search information to the partners of new employees. While we cannot guarantee placement, we will work with you to explore local options. Applicants may contact the work-life coordinator for dual-career assistance. Applicants are also encouraged to initiate conversations with department chairs or supervisors during the interview process. Services are
extended for one calendar year to the spouse/partners of employees. Services for spouse/partners beyond the one year outside of this are available by request if dual career caseload allows.

Washington and Lee is a founding member of the Mid-Atlantic HERC, which includes job postings from a variety of colleges, universities and research institutions, as well as a dual-career search function for all member organizations. HERC searches will include postings from member institutions including James Madison University, University of Richmond, the University of Virginia and Virginia Military Institute.

Eldercare Resources
http://www.wlu.edu/human-resources/benefits/worklife-initiatives/dependent-care/elder-care

Care.com offers resources to support employees with aging parents, including senior care planning services and senior care advising.

Newcomers Club

The Newcomers Club holds several activities each year to welcome the newest members of our community and provide opportunities for new faculty and staff to become acquainted. Activities are open to those hired in the last three years. New employees may request to join the W&L Newcomers Group on Facebook. Newcomers receive emails from the Work-Life Coordinator with information on Newcomers events and local activities and entertainment.

Live Well Program
http://livewell.wlu.edu/

Washington and Lee is committed to a work environment that promotes healthy lifestyles and enhances a culture of wellness on campus. Through health promotion, educational programming, and a full array of athletic and recreational facilities, employees have unique opportunities readily available. Offerings include Weight Watchers @ Work, Group Exercise Classes, use of the fitness center, campus walking map, wellness challenges, etc. Incentives are available for employees and their spouse/partners who participate in various aspects of the wellness program.

Flexible Work Schedules

With supervisory approval, some flexibility in the starting time of work and lunch breaks is permitted, provided that the business needs of the office and University are met. Supervisors may also provide flexibility in the work week upon consultation with the Executive Director of Human Resources as long as offices remain open during the standard workday (8:30 a.m. – 4:30 p.m., Monday through Friday) and as long as the business needs of the office and University are met. For example, some departments may wish to permit employees to work their 35 or 40 hours in four days instead of five during the summer. Some departments may be able to offer a reduced work schedule during the summer, in which case, salary and benefits would also be prorated during the reduced schedule.
EMPLOYEE RECOGNITION

The University recognizes and honors employees’ work and dedication throughout the year. The following is a list of some of the events.

Employee Recognition Banquet

Washington and Lee University recognizes and honors staff who have reached certain service milestones. Awards are presented to employees in recognition for years of service beginning at 10 years and at every five-year milestone beyond. In the spring, a special luncheon is held in their honor. Staff who are retiring during that fiscal year are also honored.

Employee Appreciation Picnic

Finale is held each May after commencement to show appreciation to all employees at the end of the academic year. It is a time of fellowship and fun!

George & Bob Bucks

Each employee receives a book of ten $3 George and Bob bucks they can give to coworkers across the University for excellent customer service, collaboration, or going the extra mile. The books of bucks are distributed each fall. Recipients of George and Bob bucks can use them at the University Store or at any of the campus dining locations.

Administrative Professionals Day

Each April we recognize Administrative Professionals with a reception for the work they do throughout the year.
CAMPUS RESOURCES

Click here for a campus map: http://www.wlu.edu/about-wandl/visiting-wandl/getting-here/online-campus-map

As members of the University community, employees and their families have the opportunity to participate in a wide range of academic, athletic, cultural and social activities.

A number of University calendars are located on the main website under the Calendar of Events section. In addition, there are listings of schedules, major University events, sports schedules, concerts, exhibits, etc.

Art Galleries
http://www.wlu.edu/staniar-gallery

Staniar Gallery

Located on the second floor of Wilson Hall, the gallery stages a variety of public exhibitions and hosts a lecture series for visiting artists. The gallery’s schedule and slate of events changes annually, as it brings to campus an array of important and challenging images and image-makers who interact with students, faculty and the greater Lexington community during their stay at Washington and Lee.

Stan Kamen Gallery
http://www.wlu.edu/lenfest-center/about-the-lenfest-center/stan-kamen-gallery

The Stan Kamen Collection was bequeathed to Washington and Lee in 1986 by Stan Kamen ’49L. The collection is permanently installed in the lobby of the Lenfest Center for the Performing Arts and is regularly rotated for conservation purposes. The collection offers a view of the American West, particularly the Old West, which has been created by some of America’s foremost 20th-century artists.

Athletic Facilities
http://www.generalssports.com/landing/index

There are a number of athletic facilities available for use by employees and their dependents. Employees should contact Athletics to obtain privilege cards for family members.

Warner Center

The Warner Center is a five-story facility that features a basketball arena; the six-lane Cy Twombly Pool; a wrestling room; team locker rooms; an excellent athletic-training facility; handball, racquetball and squash courts; a baseball batting cage; an equipment room; and an 11,000-square-foot fitness center.

Duchossois Tennis Center
The W&L tennis teams train and compete at this state-of-the-art, four-court, indoor tennis facility. Outdoor Tennis Courts

The W&L tennis teams play their outdoor matches on the William Washburn Courts and the Upper Varsity Courts.

Business Services
http://www.wlu.edu/business-office

Business Services is located in the Business Office at 2 S Main. Services include faculty housing, purchasing, vehicle use, surplus furniture and equipment management, and University travel.

Business Office
http://www.wlu.edu/business-office

The staff in the Business Office gathers and reports financial information responsible for the continual operation of the University. Examples include accounts receivable (tuition, fees, study abroad, special programs), cash/check receipts (all types); accounts payable (invoices, speakers, reimbursements); credit cards (issuance, payment); payroll (checks, direct deposits); endowment (investment reporting, maintenance); grants (federal, state, independent reporting); non-endowment investments, fixed assets (tracking equipment, furniture, property); life income and annuities, contracts, banking relationships, student loans (recording of University loan program); and tax issues (federal withholding, state withholding, non-resident, sales tax, alcohol research).

Communications and Public Affairs
http://www.wlu.edu/communications-and-public-affairs

The Office of Communications and Public Affairs is charged with communicating information about Washington and Lee to both internal and external audiences via the media, official University publications, and the Web.

The News Office serves as the main point of contact between the College and the news media, assisting journalists with inquiries about the University and working to publicize University events, programs and people in various media outlets and through our website. The Executive Director of Communications and Public Affairs serves as the University spokesperson.

The Publications Office is responsible for major University publications including W&L, the University’s alumni magazine, W&L Law, the law alumni magazine, the Annual Report and the W&L catalog. It also designs Shenandoah: The Washington and Lee Literary Review. Staff is also available to assist on-campus constituents with other writing, design and photography projects, including brochures, posters and other publications.

The Web Team is responsible for the University’s website, including the development of new electronic tools such as blogs and wikis. The team maintains W&L’s official YouTube site and is also responsible for distribution of the monthly electronic newsletter, “Generally Speaking.”
Copying Center
http://printingservices.wlu.edu/services.htm

The Copying Center offers a wide variety of services to the Washington and Lee community, including:

- Copying
- Large-format printing
- Folding
- Spiral binding
- Velo binding
- Hole punching
- Collating
- Cutting
- Transparencies
- Stapling
- Perforating
- Numbering

Dining Services
http://www.wlu.edu/dining-services

Dining Services offers a variety of campus food-service selections and locations. A variety of meal- plan options are available to accommodate the various dining needs of our students, faculty and staff. Employees who open a University account can use their University card to receive a 10% discount.

The Marketplace

The Marketplace is an all-you-care-to-eat dining facility located in the John Elrod Commons. Featured foods include an array of freshly prepared American and international cuisines. From made-from-scratch soups, salads and desserts to vegetarian specialties, the Marketplace hosts a series of special-event meals throughout the school year. The Marketplace accepts all meal plans and cash.

Café ’77

Located in the John Elrod Commons, Café ’77 offers a variety of freshly prepared sandwiches, salads, hot foods and convenience items.

ECafe

Located in the Hillel House which opened in 2010, the E-Café is a kosher dairy café featuring New York bagels and spreads, smoothie bar, salads, sandwiches and snacks.

Information Technology Services
http://its.wlu.edu/

Information Technology Services (ITS) provides a wide variety of computer services to the Washington and Lee community. Their mission is to provide innovative leadership and excellent support to empower the University community in the successful use of information technology.
Lee Chapel and Museum
http://leechapel.wlu.edu

Since the days of Robert E. Lee, Lee Chapel has been at the heart of life on the campus. Imbued with tradition, it continues to be a gathering place for the University’s most important events. Lee is buried beneath the chapel, and a state-of-the-art museum is housed in the lower level. It includes Lee’s office, a portrait gallery displaying the Washington-Custis-Lee Collection, an exhibition tracing the history and heritage of Washington and Lee, and a museum shop.

Lenfest Center for the Performing Arts
http://lenfest.wlu.edu/

The Lenfest Center for the Arts, home of the departments of theater, music and art, is a multi-use facility designed and equipped to accommodate a broad spectrum of the performing arts, including theater, musical theater, opera and operetta, choral and band music, dance, and performance art in one energizing complex.

Mail Services
http://campusmail.wlu.edu/

Campus Mail Services is located in the Early-Fielding Building. It is open for walk-in traffic from 10:30 a.m.–noon, 1–2 p.m., and 3:15–4:15 p.m. Monday–Friday. These times may vary depending upon mail volume and staffing.

Public Safety

The Office of Public Safety serves to promote a safe and secure environment for students, faculty, staff and visitors to the University community. In addition, Public Safety is responsible for parking on campus. All employees must register motor vehicles (including motorcycles and motorbikes) in their possession with the director of Public Safety. Register your vehicle and receive a parking tag online at https://wlu.thepermitstore.com/index.php.

Reeves Center
http://go.wlu.edu/reeves

The Reeves Center displays Washington and Lee’s ceramics collection, which spans more than 4,000 years of human history. The collection is especially rich in Chinese export porcelain and European ceramics made between 1600 and 1900, and the Chinese export collection is ranked as the fourth best in the nation.

The Reeves Center is located in an 1842 house and in the adjoining Watson Pavilion. In addition to the ceramics collection, the Reeves Center houses the paintings of Louise Herreshoff Reeves (1876–1967). The Watson Pavilion houses changing exhibits and the Japanese Tea Room.
Telecommunications
https://www.wlu.edu/its/services/phones-fax-and-tv

Washington and Lee’s Telecommunications Office, serves the telephone, voice-messaging and cable television needs of the University.

The Telecommunications Office is open Monday–Friday from 8:30 a.m.–4:30 p.m. (closed 12-1 p.m.). The phone number is x. 4000 from any W&L phone or (540) 458-4000 from outside the University.

A directory of telephone extension numbers is available at https://directory.wlu.edu/. Employees who use Washington and Lee phones for personal, long distance calls are expected to reimburse.

University Libraries
http://library.wlu.edu

In addition to more than 650,000 volumes housed on site, the Library provides a website with convenient access to resources on the Web. The Special Collections Department includes rare books and manuscripts and the University archives, with a collection emphasis on the history of the University and Rockbridge County, Robert E. Lee and George Washington, and the Shenandoah Valley.

Through the Internet, employees both on and off campus have 24-hour access to the Library’s online catalog and website. Participation in a strong resource-sharing system allows library staff to obtain needed materials from other libraries all over the nation. The University Library’s two buildings, the James Graham Leyburn Library and the Robert Lee Telford Science Library, are open 24 hours daily when classes are in session, provide wireless Internet access throughout, and serve as the University’s primary venue for study, research and work with multimedia resources.

The Wilbur C. Hall Law Library is located in the Law School and is administered separately. See http://law.wlu.edu/library/.

University Store
http://bookstore.wlu.edu/

The University Store is located in the Elrod Commons. The University Store has textbooks, other books, stationery, greeting cards, office supplies, computers and W&L memorabilia. With their University ID card, employees receive a 10% discount on select items.
EMPLOYEE RELATIONS AND COMMUNICATIONS

Maintaining effective communications with employees is a high priority of the University and the Office of Human Resources. Internal communication is important to maintain positive employee morale and to provide feedback to the highest levels of management, and for the University leadership to provide direction and guidance to all staff as they work toward the goals and mission of the University. This handbook is one means of helping to inform employees of University policies and procedures. Department heads are encouraged to conduct regular staff meetings to further facilitate communications. The Executive Director of Human Resources periodically meets with employee groups on a wide variety of subjects to keep employees informed of changes in policies and benefits.

The President of the University holds periodic meetings for faculty and staff to provide updates on topics of interest, including important initiatives and priorities. The Office of Human Resources also sponsors informational seminars for employees. All employees have access to e-mail and are encouraged to check messages regularly, as e-mail is the quickest way to disseminate information.

Employees may also wish to follow the University on Facebook or Twitter. For more information, visit http://www.wlu.edu/communications-and-public-affairs/web-communications/social-media.

Newsletter—Campus Connection

Human Resources publishes a weekly e-newsletter, Campus Connection, designed to update faculty and staff about strategic priorities and initiatives and to keep the community informed about issues of interest to faculty and staff.

Broadcast E-Mails

Important information is disseminated through a campus-wide e-mail distribution, called broadcast e-mail. These e-mails can come from senior University administrators or from the Office of Communications and Public Affairs and contain urgent or other important, official information about Washington and Lee.

Campus Notices
http://go.wlu.edu/cch/

Campus Notices are distributed daily and are a means of communicating with groups of e-mail recipients at Washington and Lee. It allows senders to target those students, faculty or staff for whom a message is relevant, without bothering others. To minimize e-mail traffic, it consolidates messages for delivery in one e-mail, sent in the early morning each day.
Emergency Management Plan

The Emergency Management Plan supports W&L’s ongoing risk and threat assessment operations, emergency preparedness provisions, and business continuity and recovery plans to provide prompt and effective response for the protection of W&L students, faculty, staff, and campus visitors in an emergency situation. The Plan establishes procedures and an organized structure to guide the University in responding to significant foreseeable emergencies on the W&L campus or property owned or operated by W&L. While no plan can absolutely prevent any damage during an emergency, this Plan has been developed to coordinate the resources, facilities, and personnel of W&L, and other external agencies as appropriate, for an effective response to any foreseeable emergency. All personnel assigned specific emergency responsibilities under this Plan (including departmental plans) should have a working knowledge of assigned roles, responsibilities, and applicable procedures. Human Resources encourages all W&L faculty and staff to familiarize themselves with this Plan, particularly the guidance in Section I (“What You Should Do in an Emergency and How to Prepare”) and the guidance for particular types of emergencies (Appendix A), and to be vigilant and responsive to actual or threatened emergency situations.

The plan can be reviewed at [http://www.wlu.edu/emergency-management/emergency-management-plan](http://www.wlu.edu/emergency-management/emergency-management-plan). Further emergency management information and resources is available on the University’s emergency management site at [http://www.wlu.edu/emergency-management](http://www.wlu.edu/emergency-management).

Generals Alert System

This important service is available free of charge to all students, faculty and staff. The Generals Alert System allows the University to get important alerts to all campus constituents regarding campus emergencies. Please register a text-capable cell phone number so you will get these messages. You may also register an additional text-capable cell phone number and e-mail addresses so that family members may receive text alerts. You may also sign up to receive notifications sent to smaller groups determined by campus population or residence. For more information, visit [http://go.wlu.edu/general-alerts](http://go.wlu.edu/general-alerts).

LiveSafe App

W&L also offers the LiveSafe app, which provides students, employees and campus visitors fast and easy, mobile friendly access to emergency alerts, campus support resources and emergency procedures, even when you are unable to connect to the Internet. Visit [http://go.wlu.edu/livesafe](http://go.wlu.edu/livesafe) to learn more, or download the free app. This is the best way to have important W&L emergency procedures at your fingertips at all times, and/or to report health/safety concerns you become aware of on campus.

HR Partners

HR Partners, a group of about 50 non-faculty employees, was formed to create an on-going and productive dialogue around HR issues and to bring together a diverse group of non-faculty employees (administrative, operations and office staff) to provide feedback on HR programs and help drive HR and campus strategic initiatives.
HR Partners are nominated by their department head, dean or vice president to represent their department/division. Meetings are held about four times a year and serve as forums for discussion on a variety of human resource issues. HR Partners assist HR by helping to share information from the meetings with their coworkers, encourage participation in HR programs and solicit feedback to share with HR.

Employee Committees

The administration has created a number of committees to advise and assist it in discharging certain of its responsibilities.

Employee Benefits Committee
http://www.wlu.edu/provost/resources-for-faculty/committees/administrative-committees/employee-benefits

The committee periodically reviews programs relating to faculty and staff benefits and acts as an advisory committee to the President. The committee composition:

Four faculty members, including one from the Law School and one from the Williams School, one retired faculty member, and three staff members, all appointed by the President for four-year terms. Three ex-officio members: Provost, Vice President for Finance and Administration, and Executive Director of Human Resources.

University Committee on Inclusiveness and Campus Climate (UCICC)
http://www.wlu.edu/provost/resources-for-faculty/committees/administrative-committees/university-committee-on-inclusiveness-and-campus-climate

UCICC provides guidance to the President and other members of the University on building a supportive and inclusive community and creating a climate that is open and welcoming to persons of diverse backgrounds. The committee represents the views of students, staff, administration and faculty.

University Safety Committee
http://www.wlu.edu/provost/resources-for-faculty/committees/administrative-committees/university-safety

The University Safety Committee promotes a safe and secure living and working environment for the students, faculty, staff and visitors of Washington and Lee University. The committee is chaired by the University’s Director of Environmental Health and Safety, and acts in an advisory capacity to the University President. It reviews, analyzes and plans for the implementation of safety and health policies and procedures to be recommended for adoption. Membership includes certain ex officio appointments, along with representatives of the faculty and staff. Other committee responsibilities include:

- Discussing and analyzing hazards identified by the Director of Environmental Health and Safety or submitted by members of the campus community, suggesting appropriate action to
eliminate or minimize the hazards.

- Reviewing inspections of work areas and buildings, prioritizing safety discrepancies discovered, and recommending corrective measures.
- Reviewing all accident reports and selected accident investigations, analyzing the reports for trends, and formulating recommendations to eliminate or control specific problems.
- Encouraging feedback from all employees regarding safety, including soliciting possible solutions to identified hazards, ideas for better safety awareness and safer practices, and identification of possible safety hazards.
- Communicating safety policies, training programs, and other safety-related matters to employees.

Wellness Committee

The Wellness Committee coordinates wellness activities on campus and guides the Live Well program. It is comprised of members of the campus community whose positions have responsibility for activities related to wellness. Additionally, the Wellness Committee has a sub-committee of Live Well Ambassadors that promotes healthy living on campus and advises the Wellness Committee about current and future programs. Live Well Ambassadors volunteer, are approved by the Wellness Committee and serve a one-year term.

Grievance Procedure for Non-Faculty Employees

The Office of Human Resources is a resource for both employees and supervisors/department heads on all matters arising in the work place. Human Resources staff are available for private and confidential consultations at any time. An employee should feel free to discuss any problem informally with his/her supervisor or department head or the staff in the Office of Human Resources at any time without the discussion being considered part of a formal grievance procedure.

Supervisors and department heads should try to resolve differences between their employees and should listen and respond in a productive manner to any concerns employees may have with regard to working conditions and issues.

People often have questions such as, “Do I have a valid issue or complaint?” “How do I go about resolving the matter myself?” “What should I say and how should I say it?” “What do I do if my initial attempt fails?” Don’t be reluctant to contact the Office of Human Resources with questions and concerns. Issues rarely resolve themselves, and early attempts at resolution are often productive. Conversations with the Office of Human Resources in no way limit an employee’s access to the formal grievance procedure outlined below.

The University provides employees with an avenue by which they can express their concern, dissatisfaction or disagreement with a work-related issue. For purposes of this procedure, “grievance” means a complaint or dispute by a non-faculty employee of unfair treatment relating to his/her employment, including but not limited to disciplinary actions (up to and including termination).
However, “grievance” shall not include a complaint or dispute relating to the setting and modifying of wages or salaries; position classifications; general employment benefits; the establishment or contents of policies, procedures, protocols, rules, or regulations of the University or University departments; reductions in force; hiring decisions; transfers within the University; work assignments; performance evaluation ratings; or the methods, means, and personnel by which the University’s operations are to be carried on. While these management rights are reserved to the University, failure on the part of the Office of Human Resources, and/or individual University departments, to follow applicable University or department policies, procedures, protocols, rules, or regulations as written or established is grievable. Complaints of protected category discrimination, harassment, sexual misconduct or retaliation should be brought informally or formally under separate procedures as set forth in the University’s Sexual Discrimination and Misconduct Policy or the Policy on Prohibited Discrimination, Harassment and Retaliation Other than Sex, and are not grievable under this procedure.

The first two steps in this grievance procedure are informal efforts to resolve problems where they arise and with the parties directly involved. The third and fourth steps provide for further review by the Executive Director of Human Resources, then the Vice President for Finance and Administration. Finally, the fifth step provides a means of request for appeal to the President. All steps of the grievance procedure will be handled confidentially with information being shared only on a legitimate need to know basis.

An employee using this grievance procedure should initiate his/her grievance within fifteen (15) working days of the decision, event or action giving rise to the grievance, or within fifteen (15) working days of the date the employee was informed of that decision, event or action, whichever is later. An employee should follow the steps in the order described below. However, the Office of Human Resources may be contacted directly if, for the particular grievance, it seems inappropriate to discuss the problem with the supervisor or department head. Also, the Office of Human Resources may be contacted at any time for additional information, guidance or assistance in interpreting any part of this grievance procedure. This entire five-step process can generally be completed within four to five weeks.

Retaliation by supervisors or others about whom an employee may bring a grievance is prohibited and will be investigated and disciplined appropriately.

Step 1—Discussion with Immediate Supervisor or Department Head

If problems arise in a work situation, the people closest to the situation should have the first opportunity to try to work through issues or disagreements. Therefore, as a first step with any grievance, the employee should seek resolution of the problem through discussions with his or her immediate supervisor.

Step 2—Discussion with Department Head or Dean

If the employee is not satisfied with the resolution received from the immediate supervisor, the employee should discuss the issue with the relevant department head or dean.

Step 3—Formal Written Grievance, Executive Director of Human Resources
If these discussions do not lead to a satisfactory resolution within ten working days of bringing the matter to the Department Head or Dean, the employee should submit a formal written statement of grievance, with all supporting documentation, to the Executive Director of Human Resources. The Executive Director will review the grievance in an objective, confidential manner, may investigate the situation, as appropriate, and attempt to resolve the situation in light of all the relevant facts and their relation to University policy. The Executive Director’s written decision shall be communicated to all involved parties, normally within five working days of receipt of the written grievance.

Step 4—Review by Vice President for Finance and Administration
An employee may initiate review of the Step 3 decision by filing a written request with the Vice President for Finance and Administration within five working days of receipt of the Step 3 answer. This request should state the basis for the review and should include all supporting documentation. The Vice President for Finance and Administration will conduct the review of the grievance based on the record of the investigation and supporting documentation. The written decision of the Vice President will normally be made within five working days of receipt of the Step 3 answer. In the case where an employee works within the Administration Division, another Vice President or the Provost will be asked to conduct the review.

Step 5 – Appeal to the University President

An employee request an appeal of the Step 4 decision by filing a written request with the President within five working days of receipt of the Step 4 answer. The following are the only grounds for requesting an appeal to the President:

- A procedural error or irregularity, which materially affected the decision.
- New substantive information not previously available at the time of the earlier decision that could have materially affected the decision.

The President will decide to act on the appeal in one of three ways. S/he may:
- Decide to deny the appeal; or
- Decide to grant the appeal, consider it himself/herself and issue a decision; or
- Decide to grant the appeal, appoint a panel of three people to consider the appeal and make a non-binding recommendation to the President, after which the President will issue a decision.

Appeals will be limited to review of the record of the formal grievance and all supporting documents, except as required to explain new substantive information that should be considered. The President’s decision will normally be made within ten working days of receipt of the request for appeal and is final and not subject to further review.

Time Limits

The time limits included in this procedure have been established to facilitate a speedy resolution while providing sufficient time to prepare and present information. However, because scheduling constraints and/or holidays may impact the time limits, the University, in its discretion, may extend particular time limits upon request in advance of the deadline. If the University has not approved an extension of a particular time limit ahead of the deadline and an employee does not observe the time
limit for that step, the grievance will be considered to have been dropped, which resolution will be final.

Grievability

If the grievability of an employee’s complaint or dispute is challenged by the Immediate Supervisor, Department Head or Dean at Step 1 or Step 2, the Executive Director of Human Resources will make a decision on whether or not the matter is grievable. That decision will be issued in writing, normally within five working days from the time the challenge to grievability is brought to the Executive Director of Human Resources. The employee may seek a review of that grievability determination by filing a written request with the Vice President for Finance and Administration within five working days of receipt of the grievability determination. The request should state why the employee believes the matter is grievable and include all supporting documentation. The Vice President will conduct a review and issue a written decision on grievability, normally within five working days of receiving the request for review. A determination that the matter is not grievable is final. If the Vice President determines that the matter is grievable, the grievance will resume at the step where the grievability challenge was raised. If the employee works within the Administration Division, another Vice President or the Provost will be asked to conduct the grievability review.
UNIVERSITY POLICIES FOR FACULTY AND STAFF

The Code of Policies, located on the website of the Office of General Counsel at http://go.wlu.edu/policies, serves as a central repository for policies and a resource for employees wishing to review university policies. Departments are reminded to let the General Counsel’s Office know of policies that should be placed on this site.

Accommodation Policies and Procedures for Employees with Disabilities

Washington and Lee University is committed to providing reasonable accommodations to qualified employees with physical or mental disabilities, in accordance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act. The University intends that these procedures will facilitate an interactive process of dialogue and timely exchange of information between the employee and the Executive Director of Human Resources (or designee). This policy applies to all employees, faculty and staff.

Policy
It is the responsibility of an employee with a physical or mental disability who may require any type of accommodation to make the accommodation request. Employees requesting accommodation must provide appropriate documentation of: (1) a disability, which is a physical or mental impairment that substantially limits one or more major life activities; and (2) a need for accommodation, by virtue of the specific functional limitations of the disability, to perform the essential functions of their position.

The employee should contact the Executive Director of Human Resources, Washington and Lee University, 204 W. Washington Street, Lexington, Virginia 24450, (540) 458-8920. The employee will need to complete a “Request for Accommodation of Disability” form and an interview with the Executive Director of Human Resources (or designee), after which the Executive Director of Human Resources (or designee) will inform the employee about any further specific documentation required for the particular disability and accommodation requested.

Upon receipt of all required information and documentation from the employee and his/her diagnosing/evaluating professional, the Executive Director of Human Resources (or designee) will make the eligibility and accommodation determinations. The Executive Director of Human Resources (or designee) may consult with other educational, medical, or psychological professionals, including but not limited to the employee’s supervisor/department head, as he/she deems necessary for appropriate evaluation of disability/accommodation, on a case-by-case basis. As soon as possible, preferably within two business weeks of receiving all required documentation on the request, the Executive Director of Human Resources (or designee) will issue a written response; either outlining offered accommodations or explaining why the employee was found ineligible.

An employee who disagrees with the decision of the Executive Director of Human Resources (or designee), or who seeks clarification of the decision, may, within three (3) business days of the decision, request an informal meeting with the Executive Director of Human Resources (or designee) for clarification or to request reconsideration of any aspect of the decision. Following the meeting, the Executive Director of Human Resources (or designee) will notify the employee in writing of any change in his/her decision, preferably within five (5) business days of the informal meeting. Thereafter, if the employee still disagrees with the decision, he/she may appeal the decision, in
writing, to the Provost or designee (faculty) or Treasurer and Vice President for Finance and Administration (staff) within five (5) business days of the written notification from the Executive Director of Human Resources (or designee), stating in detail the basis for the appeal and furnishing all documentation in support of the appeal. The Provost/designee or Treasurer and Vice President for Finance and Administration will then review the appeal, the decision of the Executive Director of Human Resources (or designee), and all supporting documentation, may meet with the employee and the Executive Director of Human Resources (or designee), and may obtain any additional information he/she deems relevant. The Provost/designee or Treasurer and Vice President for Finance and Administration will render a written decision to the employee as soon as possible, preferably within two (2) business weeks of receiving the appeal and that decision is final.

Alcohol and Drug Use in the Workplace
http://go.wlu.edu/OGC/DrugFree

As a recipient of federal aid and federal grants, the University must certify under the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act of 1989 that it will take certain steps to provide a drug-free workplace. The possession, use, consumption, sale, dispensing, distribution or manufacture of alcohol or controlled substances is prohibited on University property, while conducting University business or as a part of University activities, except on occasions when the consumption of alcoholic beverages in a social setting is authorized and sponsored by the University. Employees who violate this policy will be subject to appropriate disciplinary action, consistent with local, state and federal law, which may include counseling, mandatory participation in an appropriate rehabilitation program, unpaid suspension from employment, loss of the privilege of operating a W&L vehicle, and/or termination of employment and referral for prosecution.

Employees are prohibited from working, and from operating any W&L vehicle or equipment, while under the influence of alcohol or non-prescribed controlled substances. Employees using prescribed or over-the-counter medication are prohibited from operating W&L vehicles or equipment at any time when their ability to do so might be impaired by the medication. In addition, no passenger in a W&L vehicle may consume alcoholic beverages or use non-prescribed controlled substances while in the vehicle.

In furtherance of its commitment to a safe workplace and a safe learning environment, with a workforce free of alcohol or drugs that may impair judgment and job performance and result in injury to self or others, the University reserves the right to require testing of employees for alcohol (including medications containing alcohol) or illegal or controlled substances, on the basis of reasonable suspicion.

Any employees who are directly engaged in the performance of work pursuant to the provisions of a federal grant or contract are required under the Drug-Free Workplace Act to notify their supervisors within five days of a conviction for a drug-statute violation occurring in the workplace. Additionally, employees must report any drug-related or alcohol-related misdemeanor or felony conviction to the Office of Human Resources.

In accordance with the Drug-Free Schools and Communities Act of 1989, the University will distribute annually to employees information on applicable legal sanctions and health risks associated with the unlawful possession or distribution of alcohol or illegal drugs, and a description of drug and alcohol treatment programs available to members of the University community. The Annual Notice to Employees is available at http://www.wlu.edu/human.
associate Credit are deemed driving, on license criminal checks students operate Transportation Washington employer substance referral or abuse required. The University’s group health plan offers comprehensive coverage for substance abuse treatment, and patients may make direct contact with the insurer with no physician or employer referral required.

Washington and Lee University is committed to compliance with the provisions of the Omnibus Transportation Employee Testing Act of 1991 (“the Act”) and to attracting and maintaining a workforce free of alcohol and drugs, which can impair judgment and job performance and may result in accident or injury to self, other employees, students, or visitors. Employees who are required to maintain a valid commercial driver’s license (“CDL”) because they either regularly or occasionally operate a commercial motor vehicle with a gross vehicle weight rating or gross combination weight rating of 26,001 or more lbs., or with the capacity to carry 16 or more passengers (including the driver), or of any size that is used to transport hazardous materials which require the vehicle to be placarded, are subject pre-employment, reasonable suspicion, random, post-accident, return to duty and follow-up testing, as mandated by the Act and described at [http://www.dot.gov/ost/dapc](http://www.dot.gov/ost/dapc).

Background Checks

Washington and Lee University seeks to provide a safe and productive environment for faculty, staff, students and visitors. To accomplish this goal, the University reserves the right to perform background checks for all positions. The background checks may include but not be limited to such reviews as criminal history, sex offender, credit checks, degree and employment verification, and motor-vehicle-license checks.

Motor-vehicle-license checks will be conducted on candidates applying for positions that entail the use of University vehicles or require a valid driver’s license. Additional motor-vehicle-license checks may be performed throughout employment. For positions that require operation of a motor vehicle, checks on convictions shall include misdemeanor traffic violations. If a driving record indicates negligent driving, driving while impaired, loss of license and/or a pattern of repeated violations, this may be deemed an indication of poor judgment or lack of behavioral control. No offer will be made to a candidate with repeated offenses. Employees whose positions require driving on University business are required to maintain an unrestricted, valid driver’s license and insurance coverage as long as they are in the position necessitating this requirement. Employees must promptly report any changes in restrictions on their license or in insurance coverage to their supervisor and to the Office of Human Resources.

Credit checks will be conducted on new hires into positions responsible for the control of University funds. Some examples of positions that would normally be subject to credit checks include the associate treasurer/controller, the payroll manager, the co-directors and managers of the university store, head cashiers, the director of financial aid, etc. The Executive Director of Human Resources and...
the Vice President for Finance and Administration will determine when credit checks are deemed appropriate to protect the interests of the University.

Prior to taking any adverse employment action based on information contained in a credit history record check report obtained from a consumer reporting agency, Human Resources will provide the employee or candidate a copy of the report and a notice summarizing the individual’s rights under the Fair Credit Reporting Act. The employee or candidate will also be given information on the credit reporting agency providing the report and a reasonable opportunity to submit information to Human Resources disputing the accuracy or completeness of the report before a final decision is made and communicated.

All background checks performed by outside agencies will conform to the Fair Credit Reporting Act. The University will conduct and utilize these background checks as they relate to the fitness for duty for a particular position, in accordance with law. A relevant job-related conviction is grounds for termination of employment or non-selection of an applicant. Falsification of application materials, including failure to disclose misdemeanor or felony convictions as required during the hiring process or during employment, is grounds for termination of employment or non-selection of a candidate. Background checks are administered by the Office of Human Resources.

**Reporting Convictions**

University employees must notify the Office of Human Resources within five days of a conviction for any misdemeanor or felony offense, including but not limited to any drug, alcohol or sex-related offense. Failure to report such conviction is grounds for disciplinary action. Supervisors should notify Human Resources immediately upon being informed of any such conviction.

**Child Abuse/Neglect - Mandatory Reporting**

[http://go.wlu.edu/OGC/ChildAbuse](http://go.wlu.edu/OGC/ChildAbuse)

Under Virginia law, all Washington and Lee employees (including student employees) eighteen years of age or older must report child abuse and/or neglect that they suspect or become aware of in connection with any University activities and operations, whether the abuse or neglect is believed to have occurred on or off campus. Child abuse and neglect includes physical abuse, physical neglect, sexual abuse, and emotional/mental abuse. Specifically, when an employee has “reason to suspect that a child is an abused or neglected child,” the employee must make a report as soon as possible, but no later than 24 hours after “reasonable suspicion” arises, to the Office of Public Safety, which will then make a report to the Department of Social Services toll-free hotline or the local Social Services office.

If an employee is unable to reach the Office of Public Safety, s/he may alternatively report the suspected abuse to one of the following:

(i) Rockbridge-Buena Vista-Lexington Area Social Services (540) 463-7143
(ii) Virginia Department of Social Services’ toll-free child abuse/neglect hotline: 1-800-552-7096.
If an employee reports to the State or Local Department of Social Services, he/she must also provide the same information to Public Safety as soon as possible. The complete reporting protocol is online at http://go.wlu.edu/OGC/ChildAbuse.

Computing and Network Use
http://go.wlu.edu/OGC/AcceptableUse

Washington and Lee University provides computing and network resources to its students primarily for educational purposes, and to its faculty and staff primarily for work purposes. The University may provide access to other users at its discretion. Use of the University’s computing and network resources is a privilege. All users are expected to exercise personal and professional responsibility and integrity when using these resources. This policy applies to all users of University-owned or University-managed computer-related equipment, computer systems and interconnecting networks, as well as all information contained therein.

The University enforces necessary restrictions, which may be revised from time to time, to protect its computing and network resources, including the revocation of use privileges for unauthorized or inappropriate use. The chief technology officer or designee is authorized to temporarily suspend use privileges in any case he or she deems appropriate until final resolution of the matter. While the University desires to maintain user privacy and to avoid the unnecessary interruption of user activities, and while the University does not monitor the content of user activities, the University reserves the right to investigate concerns of unauthorized or improper use of University resources, as appropriate.

The campus network, including its servers and associated software, is the property of Washington and Lee University. Neither the network pathways nor W&L-owned computer systems are to be used:

- For purposes incompatible with established University policies, procedures, protocols or applicable laws,
- For unauthorized commercial enterprise,
- For harassing, fraudulent or threatening purposes, or
- For pirating software, music or images.

The following activities are nonexclusive examples of those that are not permitted and that may lead to suspension or revocation of use privileges and other penalties or discipline:

- Unauthorized access, attempts to gain unauthorized access, unauthorized disclosure of confidential information, or violation of the University’s Confidentiality Policy involving the University’s computing and network resources;
- Misrepresenting or attempting to misrepresent one’s identity;
- Altering or tampering with the configuration of computers in student labs and other common areas, or installing unauthorized games or other programs on their hard disks or on the shared-files area of the file servers;
- Any network activity that impedes the flow of network traffic, significantly diminishes the availability of resources to other users, or imposes avoidable burdens on other users (for example, sending mass e-mails instead of using the appropriate services available for communicating with the entire community or large sub-groups); or
• The unauthorized physical or virtual extension or re-configuration of any portion of the campus network by such means as routers (wired or wireless), wireless access points, network wiring, or other methods.

Confidentiality of Information and Privacy Protection
http://go.wlu.edu/OGC/Confidentiality

Increasingly, confidential information about employees, students and others resides in W&L’s information and business systems to assist with overall operations. Laws and regulations dealing with information and data privacy and security obligate employers and institutions of higher education to take affirmative steps to safeguard confidential information and deal with the risks of information security and privacy breaches proactively.

The purpose of this policy is to inform employees, student workers, and volunteers of their duty to protect and safeguard all confidential information acquired during the course of employment or service to Washington and Lee University. This policy applies to all faculty and staff employees, student workers, and volunteers of Washington and Lee University.

Confidential Information includes, but is not limited to: any personally-identifiable student and parent records, financial records (including social security and credit card numbers), and health records; contracts; research data; alumni and donor records; personnel records other than an individual’s own personnel records; University financial data; computer passwords, University proprietary information/data; and any other information for which access, use, or disclosure is not authorized by: 1) federal, state, or local law; or 2) University policy or operations.

The following principles govern confidentiality at Washington and Lee University:

• Documents and files (both electronic and hardcopy) containing confidential information are to be accessed, used, and disclosed only with explicit authorization and only on a need-to-know basis for either an employee’s job functions or volunteer’s service.
• All employees, student workers, and volunteers have a duty to use available physical, technological, and administrative safeguards, in accordance with University policies and procedures, to protect the security of all confidential information in whatever form or medium.
• Violation of this policy may result in disciplinary action being taken against the responsible employee, student worker, or volunteer. Disciplinary action may include, but is not limited to, suspension, termination of employment, and/or possible criminal or civil prosecution under Federal or State statutes.

Upon conclusion of an employee’s employment or of a student worker or volunteer’s service, or upon request of a supervisor, employees, student workers, and volunteers will return originals and copies of all documents and files (whether electronic or hardcopy) containing confidential information to the University and relinquish all further access to and use of such information.

Nothing in this policy prohibits employees from discussing the terms and conditions of their employment as authorized by law.
Faculty and staff who need to access, use or disclose personally identifiable student information in the course of their work duties should review and follow the W&L Student Education Records Policy http://go.wlu.edu/ferpa and contact the University registrar if they have any questions. If employees have any questions or concerns about information-security practices in their offices or elsewhere on campus, they should contact their supervisor, an HR representative or the chair of the University’s Information Security Program Committee, the University Registrar.

Conflicts of Interest
http://www.wlu.edu/general-counsel/code-of-policies/ethics-and-conflicts-of-interest/conflict-of-interest-(generic-applicable-to-all-employees)

All employees should attempt to avoid personal transactions or situations in which their personal interests will conflict with, or appear to conflict with, those of the University.

Simply stated, a conflict of interest occurs where the prospect of direct or indirect personal gain for an employee or a member of his/her family could influence the employee’s judgment or action in the conduct of University business. Employees must inform their supervisors and the relevant dean or vice president of any potential conflict of interest. In certain cases as noted below, an employee must receive written approval from the Vice President for Finance and Administration / Treasurer or General Counsel to enter into certain contracts or business arrangements that could present a conflict of interest.

The types of conflicts of interests that should be reported or disclosed include, but are not limited to, the following:

- Use of University employees, facilities, equipment or services for personal gain or profit without full disclosure, reimbursement of cost, payment of a rental fee, etc.;

- Acceptance of consulting fees, honoraria or part-time employment in conflict with professional responsibilities to the University, particularly where proprietary practices or information may be involved;

- Contracting with University employees to perform work for the University that is the same or similar to that performed by the employees during normal working hours. Work should be completed within normal working hours or on an overtime basis. In cases where workload, staffing levels or available expertise requires hiring a W&L employee, then the hiring department should develop a standard wage for this work, ensure the assignments are equally available to those interested and capable of performing the work, and develop a simple letter agreement with the employee. These arrangements will be reviewed by the executive director of Human Resources.

- Contracting or doing business with a University employee or his/her spouse or close relative without prior written approval from the Vice President for Finance and Administration / Treasurer or General Counsel. If such a contractual or business relationship is necessary, the contracting department must explain the need to contract for these services and should submit at least two additional written bids for similar work. Any business relationship with a close
relative that pre-dates this revised handbook must be disclosed and submitted for review and approval.

The following activities are prohibited:

- Using privileged information, revealing confidential data, or divulging proprietary information to outsiders for purposes of personal gain or for other than University purposes; and

- Using the name of the University for monetary profit or acting as a private person in a way that could create the impression that an employee is speaking for the University unless the employee’s position requires him/her to speak for the University.

The following activities are normally prohibited, with exceptions only upon prior approval of the Vice President for Finance and Administration / Treasurer or the General Counsel:

- Accepting, directly or indirectly, payments, loans, services, entertainment and travel, or gifts of any more than a nominal value from any individual or from any business concern doing or seeking to do business with the University.

If payments, loans, services, entertainment, travel, or gifts of any more than nominal value are received (directly or indirectly) by a University employee, he or she must disclose that fact to the Vice President for Finance and Administration / Treasurer or the General Counsel. In such instances, the goods or services received may need to be returned/rescinded.

Consensual Relations
http://go.wlu.edu/OGC/ConsensualRelationships

Washington and Lee University encourages the development of collegial and professional relationships among all members of the University community and is committed to a learning and work environment of civility and respect. Romantic and/or sexual attention, interaction, or relationships between certain categories of individuals at the University undermine the fundamental educational purpose of the institution and disrupt the workplace and learning environment. Employees found to have violated this policy may be disciplined up to and including termination from employment.

The faculty-student relationship is one of trust in the institution and the faculty member, who has the professional responsibility for being a mentor, educator, and evaluator. Faculty-student and employee-student romantic and/or sexual attention, interaction, or relationships, even mutually-consenting ones, interfere with a student’s unfettered pursuit of learning and the integrity of the academic and workplace environment.

The intent of this policy is to promote the treatment of each member of the University community with dignity and respect. W&L has no intent to intrude in the personal lives of its employees except to the extent that they may negatively affect other community members and the mission of the institution.

This policy applies to all faculty, administrators, and staff employees of Washington and Lee University. Nothing in this policy replaces the University policies on prohibited discrimination,
harassment, and retaliation, the University Nepotism policy, or other University policies that may be triggered by conduct or relationships covered by this policy.

Definitions:
**Consensual Relationship** - a romantic and/or sexual relationship to which both parties have given their consent.

**Employee** - as used in this policy, the term employee includes all who are employed by the University, including but not limited to all categories of: faculty, administrators, and staff, and those persons who are under contract or assignment by the University.

**Student** - as used in this policy, and except where otherwise noted, refers to currently-enrolled undergraduate and law students at the University.

Consensual relationships (defined above as a romantic and/or sexual relationship to which both parties have given their consent) between University employees and undergraduate students are prohibited.

Consensual relationships between law students and all employees within the law school are prohibited.

Consensual relationships between law students and non-law school university employees who have the potential to directly impact the student’s academic or professional status or development currently or in the future are prohibited.

Consensual relationships between law students and university employees who believe they are exempted by the preceding sentence are strongly discouraged. Such employees who nevertheless choose to engage in a consensual relationship with a law student may not be defended or indemnified by the University if difficulties in the relationship arise (including, but not limited to, student claims of sexual harassment against the University or employee).

If an ongoing consensual relationship began while both parties were undergraduate or law students and one of the parties thereafter becomes an employee of the University, such a consensual relationship should be disclosed by the employee at the time of hire, but is not prohibited unless the employee has the potential to directly impact the student’s academic or professional status or development currently or in the future. Such an employee may not be defended or indemnified by the University if difficulties in the relationship arise (including, but not limited to, student claims of sexual misconduct against the University or employee).

Questions about this policy and its application should be directed to the Provost for faculty, or to the Executive Director of Human Resources for other employees or those under contract or assignment by W&L.

**Copyright Policy**
A copyright grants to its owner the right to control an intellectual or artistic creation, to prohibit others from using the work in specific ways without permission, and to profit from the sale and performance of the work. Copyright protection extends not only to copies of the written word and recordings of sound, but also to visual images such as photographs, motion pictures or videotapes. It also extends to live performances that are taped as they are broadcast.

Federal law makes it illegal to duplicate copyrighted materials without authorization of the holder of the copyright, except for certain exempt purposes, including instruction, research and criticism, and performance/display by educational, charitable, religious or government groups. Severe penalties may be imposed for unauthorized copying or using of audiovisual or printed materials and computer software. It is the responsibility of W&L employees to abide by the University’s copyright policy and obey the requirements of the law. Any staff member who is uncertain as to whether reproducing or using copyrighted material complies with the University’s procedures or is permissible under the law should contact his/her supervisor or the University librarian.

The use of peer-to-peer computer file sharing programs (e.g., KaZaA, Morpheus, Limewire, iMesh, Gnutella and Grokster) that are primarily employed to share copyrighted works is prohibited on the campus network. It is also a violation of this policy to employ technology designed to circumvent the blocking of this activity.

**Document Retention and Disposition Policy**

http://go.wlu.edu/OGC/RecordPolicy

All departments, offices, committees, boards, and employees of the University are expected to retain and dispose of documents and records received, created, or maintained by the University in connection with University business in accordance with this university policy and the departmental and faculty record retention schedules developed by the Office of General Counsel, available online at http://go.wlu.edu/OGC/RecordRetention. The policy applies to all such records and documents, regardless of physical form (hard copy or electronic form, including email) and regardless of whether they are located on campus or elsewhere. The policy is designed to enhance compliance with federal and state laws and regulations, to eliminate accidental or innocent destruction of University records, and to facilitate the University’s operations by promoting efficiency and freeing-up valuable storage space. The University contracts with a shredding service to facilitate appropriate disposition and destruction of confidential information.

**Emergency Closing**

There is a need to continue essential services and provide for the University’s residential students even in case of extreme adverse weather. Therefore, every effort will be made to maintain the University’s normal operations. When there is a closing or delay, the University will use the following communication outlets:

- Emergency Hot-line: 458-5277 or x5277 (on-campus)
- University website: http://www.wlu.edu/emergency-management
- Broadcast e-mail and/or voicemail
- Radio: WREL FM/WWZW AM (96.7/1450), WMRA FM (89.9), WLUR FM (91.5) WKDW AM (900)
- Television: WDBJ (CBS Roanoke), WSLS (NBC Roanoke), WSET (ABC Lynchburg)

Please note that the University may operate on schedule even when area schools and businesses are closed or delayed. Therefore, always check the hotline or website for the latest update or to verify any TV/radio cancellation announcements, because the public media announcements are sometimes erroneous. In remaining open, the University does not advise anyone to travel who feels that he/she cannot do so safely. Employees should exercise their best personal judgment with regard to their own local road conditions and other safety concerns.

University Status

Closed with Essential Employees Reporting. This status may apply when severe weather conditions or other emergencies interfere with normal operations. Classes will be canceled. Essential employees will be expected to report, unless told not to do so by a supervisor. Under certain circumstances, a limited number of non-essential employees may also be asked to report based on the type of emergency and the specific needs of the campus. A supervisor must have the approval of the appropriate vice president or dean before asking non-essential employees to report.

Delayed Opening: This status may apply when severe weather conditions may interfere with campus safety or employee travel but conditions are expected to improve. Classes usually will be held on a published modified schedule. Essential employees will be expected to report as regularly scheduled; non-essential will be expected to report when the University opens. If conditions do not improve, a decision may later be made to close the university.

Early Release: This status may apply when severe weather conditions interfere with employee travel or with normal operations after the workday has begun. Classes may or may not be cancelled, and some offices may need to continue to operate. As a result, some staff may be asked to remain or, in the case of second or third shift employees, to report to work by the supervisor. An official early release announcement and time will be communicated to all employees via the university communications channels described in this policy. Essential employees will be expected to remain until relieved or notified by their supervisors to leave. Employees must make individual decisions about whether to travel between the university and home based on local conditions.

Pay Policies during a Closing, Delay or Early Release

In the event of inclement weather and the delay or closing of the University or early release of employees, the following provisions apply with regard to reporting to work and compensation.

Non-Essential Employees

Delayed Opening - Employees who report to work later than the delayed opening should charge the time between the opening until their arrival to CTO. Regularly scheduled hours until the delayed opening should be charged to university holiday/closing. Employees who do not report to work
should use CTO for the entire day. Alternatively, and with supervisor approval, time can be made up during the same pay period.

Early Release - Employees who leave work earlier than the early release, should charge the time between their departure and the early release to CTO. Regularly scheduled hours after the early release should be charged to university holiday/closing. Employees who do not report to work should use CTO for the entire day. Employees who leave work early without an official closing or early release will need to charge that time to CTO. Alternatively, and with supervisor approval, time can be made up during the same pay period.

Non-essential employees who are not asked to report as outlined above will receive no additional compensation if they choose to work when the University has been delayed, closed or if there is an early release.

Essential Employees

Because of the essential nature of their work, Student Health Center nurses, and specified employees in Facilities Management, Public Safety and Dining Services, are expected to report to work as close to schedule as possible or to continue to work their regular schedule, even when the university is closed, unless they are specifically instructed otherwise. Non-benefit eligible employees in these departments, if scheduled to work or called in to work are also considered essential and are eligible for the pay provisions outlined below.

Non-Exempt Essential Employees

The following pay provisions apply to non-exempt essential employees:

- If the University closes, essential employees who work between 12 AM until 12 PM on the day of closing will be eligible for compensation for hours worked at a rate of double-time.
- If there is a delayed opening, essential employees who work from 12 AM until the delayed opening of the University will be eligible for compensation for hours worked at a rate of double-time.
- If there is an early closing or release, essential employees who work from the time of early closing or release until 12 AM will be eligible for compensation for hours worked at a rate of double-time.

Employment of Relatives (Nepotism)

The University seeks to employ and promote the most highly qualified and competent candidates. The University will not prohibit employment of spouses, close relatives or domestic partners in the same department or unit, provided that neither employee participates in making recommendations or decisions specifically affecting the appointment, retention, promotion, demotion, salary or work assignments of the other, and that one family member does not directly supervise another.
It is not appropriate for departments to directly hire children or other relatives of their employees. Employees’ relatives should apply for employment through the Office of Human Resources. Relatives of employees will not normally be placed in the same department in which the employee works.

Environmental/Sustainability Commitment

https://www.wlu.edu/university-facilities/energy-initiatives-and-engineering

Washington and Lee University is committed to excellence in environmental, health and safety stewardship on our campus and in the larger community of which we are a part. The University will exercise responsible stewardship over the resources entrusted to it.

Washington and Lee University is committed to being at the forefront of academic institutions:

- In minimizing, as feasible, the adverse environmental, health and safety impacts of our facilities, activities and operations to protect human health and the environment;
- In achieving and maintaining compliance with federal, state and local environmental, health and safety laws and good practices in all of our departments, laboratories, facilities and operations;
- In achieving a high standard of institutional accountability for environmental, health and safety stewardship;
- In providing educational opportunities to our students and other members of our community, to reinforce the values exemplified in this policy and influence their activities during and after their tenure at Washington and Lee University;
- In fostering openness and dialogue between the University and the local community, anticipating and responding to its concerns about potential hazards and impacts of operations, services or wastes;
- In identifying and taking advantage of pollution-prevention opportunities, to reduce waste and the consumption of resources (materials, fuel and energy), and to facilitate recovery and recycling, as opposed to disposal, where economically and practically feasible;
- In measuring and continuously improving our environmental, health and safety performance.

Health and Safety

Washington and Lee University is committed to the health and safety of its students, employees and visitors. It is essential that the entire campus community accept responsibility for developing and practicing safety awareness. Every employee is responsible for complying with University and governmental safety and health standards in the work area, using protective equipment and promptly reporting hazardous conditions and job-related injuries.

To promote applicable health and safety standards, Washington and Lee has the Safety Committee to assist in the review of University policies, procedures and physical plant issues related to the safety of University employees, students and the public. The committee is principally charged with promoting
safety on the campus and fostering an environment in which the risk of accidental injury to individuals is minimized.

Incident Reporting

Employees should immediately report incidents and accidents on campus, as well as concerns about unsafe health, safety or environmental conditions, to their supervisor, to the Director of Environmental Health and Safety at x. 8175, or to the Director of Public Safety at x. 8999. Employees have the right to report work-related injuries or illnesses without retaliation. The University will not tolerate any such retaliation.

Immigration Reform and Control Act

The University, in accordance with the Immigration Reform and Control Act of 1986, is committed to employing only those applicants authorized to work in the United States. As a condition of employment, all new and rehired employees must fully complete, sign and date the first section of the U.S. Citizenship and Immigration Services Form I-9 when the employee begins work and must complete Section 2 within three business days of hire. A newly rehired employee must complete the form within three days of starting work if the employee’s previous I-9 is more than three years old, or if his/her previous I-9 is no longer valid. An employee who does not properly complete the I-9 form within the legally required time frame will not be permitted to continue to work until the form is completed. If your immigration status changes, and therefore impacts your employability, you must notify Human Resources.

Outside Employment

The University does not prohibit outside employment. However, assuming an employee is employed full time, the employee’s job at the University is expected to be the primary one. Employees are expected to meet the University’s legitimate attendance and performance expectations.

Parking


Upon application, W&L employees will receive a parking tag free of charge by registering their vehicle online at, https://wlu.thepermitstore.com/index.php. Once you register a parking tag will be mailed to the employee. Parking in the designated lots on campus is free of charge.

Personnel and Insurance Records

Official employee personnel files are maintained in the Office of Human Resources. Additional information on faculty may be located in the relevant dean’s office. Personnel files may contain, but are not limited to, the following types of information:
Employment letters or contracts
Payroll data
Employment application or résumé
Performance planning and review documents
Letters of commendation or discipline
Employee benefit and medical records are maintained separately from personnel files in accordance with applicable laws

Each employee may review the contents of his or her personnel file in the Office of Human Resources by appointment during normal working hours.

There are a number of records that employees should remember to keep current. Please notify the Office of Human Resources if any of the following situations occurs:

- Address or telephone number change
- Legal name change
- Change of marital status
- Change of tax exemptions
- Change of insurance beneficiary
- Change in dependents on health insurance coverage (including additions and deletions because of age, graduation from college, marital status or employment).

Smoking Policy

Smoking, including e-cigarettes, is not permitted inside classroom buildings, administrative buildings, residence halls (including Greek housing), dining areas, University Store, athletic facilities, or University owned or rented vehicles. Smokers are asked to refrain from smoking in entranceways to buildings, or adjacent to open windows or air intakes, or in other outdoor areas where environmental smoke is not rapidly dispersed. All members of the University community are expected to treat each other with courtesy and respect in honoring this policy.

Social Media Guidelines

Social media have become powerful communications tools with significant advantages in telling the University’s story to both internal and external audiences. With such tools as Facebook, Twitter, Google+, YouTube, Vimeo, LinkedIn, and blogs along with such image-sharing sites as Flickr and Picasa, members of the University community can provide instantaneous content on the Internet to individuals around the world.

With the power of social media come responsibilities. The guidelines (please click on the link above to view the guidelines in their entirety) provide best practices under which members of the W&L community should operate when using these tools. The basic principle is that members of the community are expected to adhere to the same levels of civility in their online conversations as in their face-to-face conversations. The same laws, University policies, guidelines, and personal and
professional expectations for interacting with all University constituents apply online as in the real world. For example, posting hate speech or confidential information about university students constitutes a violation of existing university policies and would be handled as such.

Nothing in these guidelines prohibits employees from discussing the terms and conditions of their employment as authorized by law.

**Prohibited Discrimination, Harassment, and Retaliation Policy Other than Sex**  

 Policy Statement

Under the Washington and Lee University’s nondiscrimination statement, students, faculty, and staff have the right to be free from prohibited discrimination, harassment, and retaliation within the University community. Specifically, the University prohibits and this policy addresses discrimination, including harassment, on the basis of race, color, religion, national or ethnic origin, age, disability, veteran’s status, and genetic information in its educational programs and activities and with regard to employment. Additionally, the University prohibits retaliation against any individual who brings a good faith complaint under this policy or is involved in the complaint process. Such conduct violates not only University policy and expectations of personal integrity and respect for others, but may also violate state and federal law.

Students, faculty, and staff found to have violated this policy will be disciplined appropriately, up to and including termination from employment or dismissal from the University.

The University also prohibits discrimination, harassment and retaliation on the basis of sex and gender, including gender identity, gender expression, and sexual orientation. The policy and procedures for complaints involving sexual harassment, sexual discrimination, sexual assault, stalking, dating and domestic violence, and retaliation are described in the separate Sexual Discrimination and Misconduct Policy ([go.wlu.edu/OGC/SexualMisconductPolicy](http://go.wlu.edu/OGC/SexualMisconductPolicy)).

A. Applicability

This policy applies to all members of the Washington and Lee community, including students, faculty, and staff, as well as consultants, volunteers, vendors, and others engaged in business with the University. Visitors to and guests of Washington and Lee University are both protected by this policy and subject to its prohibitions. Visitors and guests may report violations of this policy committed against them by members of the W&L community. Visitors and guests may also be permanently forbidden from entering any part of the campus or attending any W&L sponsored events.

This policy may be applied to conduct that takes place from the time a person enrolls at the University or accepts employment or volunteer duties (including academic term breaks and periods between terms and semesters) and continues until the student withdraws or graduates, the employee ceases employment, or the volunteer ceases to provide services for the University.
This policy pertains to acts of prohibited conduct committed by or against students, employees, and third parties when:

• The conduct occurs on the campus or other property owned or controlled by the University;
• The conduct occurs in the course of University-related travel or off-campus programs, such as (but not limited to) domestic or international academic programs, field trips, spring term coursework, study-abroad programs, internship programs, work-related conferences, etc.; or
• The conduct has a continuing adverse effect for a complainant [footnote/] while on campus or other property owned or controlled by the University or in any University employment or education program or activity.

This policy also applies to behavior conducted online, including via e-mail. Postings on blogs, web page entries, social media sites, and other similar online postings can subject an individual or group to allegations of violations of this policy. The University does not regularly search for this information, but action may be taken by the University if and when such information is brought to the attention of the University.

Where the date of the reported prohibited conduct precedes the effective date of this policy, the definitions of prohibited conduct in existence at the time of the alleged incident(s) will be used. However, the procedures set forth in this policy will be used to investigate and resolve all reports made on or after the effective date of this policy, regardless of when the incident(s) occurred.

II. Prohibited Conduct

W&L prohibits and will not tolerate discrimination or harassment based on a protected category or retaliation in any form. Such violations are subject to any combination of sanctions, including suspension, dismissal, or termination of employment.

A. Prohibited Discrimination

Unequal treatment based on a listed protected category that is sufficiently serious to unreasonably interfere with or limit the individual’s opportunity to participate in or benefit from a University program or activity or that otherwise adversely affects a term or condition of an individual’s education or living environment.

B. Prohibited Harassment

In addition to other forms of discriminatory conduct based on a listed protected category that would constitute a violation of this policy, unwelcome verbal or physical conduct by or toward a member of the University community on the basis of one or more of the listed protected categories may constitute prohibited harassment, depending on the circumstances of each case. Prohibited harassment can take many forms, such as words, visual images, gestures, or other verbal or physical conduct, whether in person, by telephone, or other electronic means.

To constitute harassment in violation of this policy there must be a finding that the conduct was: (1) based on one or more of the protected categories mentioned above; (2) unwelcome and offensive; and
(3) either severe (in the case of isolated incidents) or repeated and pervasive such that it had the purpose or effect of substantially interfering with an individual’s work or academic performance, or of creating an intimidating, hostile or abusive work or educational environment at the University. Harassment may also occur if submission to conduct described in (1) and (2) above is an implicit or explicit term or condition of employment, education, or participation in a campus activity or if submission to or rejection of such conduct is used as the basis for a decision regarding any University operation or program.

W&L strongly urges all members of the campus community to play a part in discouraging, responding to, and preventing the types of misconduct prohibited by this policy. W&L encourages the community to speak up when an incident occurs and to report misconduct. Any individual who feels he or she has been subjected to prohibited conduct under this policy is encouraged to seek assistance and resolution. W&L’s complaint procedures provide a variety of ways by which an individual may proceed, including informal or formal resolution internally through the University, or external criminal or civil processes where the conduct may amount to unlawful discrimination, harassment or retaliation.

C. Retaliation

The University will make every reasonable effort to protect from retaliation individuals who believe themselves to be the object of discrimination, harassment, and/or who are involved in a complaint process. Retaliation, whether by an individual, a group of individuals, or an organization, against anyone who makes an inquiry about discrimination or harassment, or who is involved in a complaint process, is prohibited and constitutes a violation of this policy.

Retaliation includes intimidating, threatening, coercing, or in any way discriminating against any person or group for exercising rights under this policy.

Actions are considered retaliatory if they (1) are in response to a good faith disclosure of real or perceived University-related misconduct or participation in an investigation of University-related misconduct, and (2) would deter a reasonable person in the same circumstances from opposing practices prohibited by this policy or participating in the complaint processes under this policy.

Retaliation may be present even where there is a finding of "Not Responsible" on the allegations of misconduct prohibited by this policy. Community members engaging in retaliation will be subject to disciplinary action, whether such retaliatory acts are implicit or explicit, or committed directly or indirectly. The University will make every reasonable effort to stop retaliation immediately, to provide remedies to victims of retaliation, and to sanction the perpetrators of retaliation as appropriate. For employees, discipline for retaliation will be handled by the Executive Director of Human Resources, the Provost’s office, or a department head. For students, the Vice President for Student Affairs and Dean of Students has the discretion to address retaliation by taking administrative actions, disciplinary or otherwise, or referring the matter for a formal conduct charge. Notwithstanding the foregoing, and regardless of the manner in which any alleged retaliation is addressed, before any discipline is imposed, the person accused of retaliation will receive notice and an opportunity to be heard, as appropriate under the circumstances.

III. Privacy
The University will treat inquiries and complaints about prohibited discrimination, harassment, or retaliation private to the extent possible, in accordance with the complaint procedures referenced herein. In some circumstances, the University may be required to act on information it has received even if the person providing the information chooses not to pursue a complaint.

IV. False Reporting

A complainant who makes a report that is later found to have been intentionally false or made maliciously without regard for truth, or anyone proven to have intentionally given false information during the course of an investigation or disciplinary proceeding may be subject to disciplinary action under the University’s Honor System or disciplinary action under the appropriate employee disciplinary policy and may also violate state criminal statutes and civil defamation laws. This provision does not apply to reports made in good faith, even if the facts alleged in the report are not substantiated by an investigation and/or hearing decision. An allegation of false reporting cannot be investigated or heard until the underlying allegations have been resolved by the relevant conduct body.

V. Relation to Federal Law

Washington and Lee University’s policy against prohibited discrimination, harassment, and retaliation is consistent with Titles VI and VII of the Civil Rights Act of 1964, as amended, the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, the Age Discrimination in Employment Act of 1967, and the Genetic Information Non-Discrimination Act of 2008. In addition to contacting the complaint resources specified in this policy, any person with concerns regarding the University’s response to his or her complaint may contact the Regional Civil Rights Director, U.S. Department of Education, Office for Civil Rights, District of Columbia Office, 1100 Pennsylvania Ave., NW, Room 316, P.O. Box 14620, Washington, DC 20044-4620, (202) 786-0500 [students]; or the Washington Field Office of the U.S. Equal Employment Opportunity Commission, 1400 L. Street, NW, Suite 200, Washington, D.C. 20005, (202) 275-7377 [employees].

VI. Procedures for Complaints Against Students

The following procedures will be used if the respondent is a student. If the respondent is both a student and an employee:

- The student resolution procedures will apply if the respondent is a full-time student but not a full-time employee;
- The employee resolution procedures will apply if the respondent is a full-time employee but not a full-time student; or
- If there is a question as to the predominant role of the respondent, the Title IX Coordinator, with consultation with others as necessary, will determine which of the procedures applies based on the facts and circumstances (such as which role predominates in the context of the conduct).

Note: The procedures outlined here for complaints of discrimination, harassment, or retaliation against students pertain to obtaining information or filing a complaint with the University. They are not
intended in any way to preclude any criminal or civil remedies that may also be available to a person who has been the object of unlawful discrimination, harassment, or retaliation under state or federal law.

A. Making a Report

Individuals seeking information about the University Policy on Prohibited Discrimination, Harassment and Retaliation Other Than Sex or who wish to bring a complaint under the policy may contact the Title IX Coordinator, any of the Student Affairs Staff or Other Student Advisers identified in the Contact Guide for the Policy (go.wlu.edu/OGC/ResourcesContactInfo), or another Student Affairs resource (e.g., Student Health and Counseling Services, Public Safety, or Residence Life Staff). An individual may also report a complaint through the Silent Witness-Anonymous Online Crime Report website (http://go.wlu.edu/ReportCrime).

The Title IX Coordinator or other Student Affairs Staff member can work with students on matters concerning allegations of prohibited discrimination, harassment, or retaliation by or against students. They can inform individuals of the various criminal, civil, and University conduct options for formal complaints, including the availability of Hearing Advisors.

The Title IX Coordinator and other member of the Student Affairs Staff can also inform individuals of various strategies for informal resolution and are trained to conduct, assist, and oversee such efforts. The Title IX Coordinator and other members of the Student Affairs Staff are also available to meet with students accused of prohibited discrimination/harassment or retaliation to inform them of the various strategies for informal resolution, explain the University disciplinary procedures and the availability of Hearing Advisors for such proceedings, and provide the names of the Head and Assistant Head Hearing Advisor, who assign Hearing Advisors to each case.

Because it is often difficult to determine the facts of an incident long after it has occurred, complaints should be brought as soon as possible after the incident giving rise to the complaint. However, there is no time limit on reporting violations of this policy. The Title IX Coordinator or other Student Affairs Staff member can provide a complainant, other members of the University community, or others outside the University community with information concerning Washington and Lee's procedures for addressing complaints of prohibited discrimination, harassment, or retaliation covered by this policy.

B. Interim Measures

Upon receipt of a report of discrimination, harassment, or retaliation covered by this policy, the Title IX Coordinator may issue a no-contact directive between or among the parties or witnesses to create a level of reassurance throughout the process and may take other interim measures, or refer the complainant or respondent to the appropriate campus administrator(s) to take prompt interim measures that may be appropriate, including but not limited to a change in housing or class assignments. Interim measures may be imposed regardless of whether formal disciplinary action is sought by the complainant or the University.

A complainant or respondent may request separation or other protection, or the University may choose to impose interim measures at its discretion to ensure the safety of all parties, the broader University community, and/or the integrity of the investigative and/or resolution process. The
imposition of an interim measure assumes no determination of responsibility and is not a form of discipline.

All individuals are encouraged to report concerns about the failure of another individual to abide by any restrictions imposed by an interim measure. The University will take immediate action to enforce a previously implemented measure. The University can impose disciplinary sanctions for failing to abide by a University-imposed measure. For employees or volunteers, discipline will be handled by the Executive Director of Human Resources, the Provost’s office, or a department head. For students, the Vice President for Student Affairs and Dean of Students has the discretion to address a violation of an interim measure by taking administrative actions, disciplinary or otherwise, or referring the matter for a formal conduct charge. Notwithstanding the foregoing, and regardless of the manner in which any alleged violation of an interim measure is addressed, before any discipline is imposed, the person accused of retaliation will receive notice and an opportunity to be heard, as appropriate under the circumstances.

C. Informal Resolution

Informal resolution strategies may include, but are not limited to: hearing a complaint without taking further action; speaking to a respondent on behalf of a complainant; guiding a mediated discussion; targeted or broad-based educational programming or training; and handling direct resolution between a complainant and respondent.

D. Conduct Proceeding to Harassment and Sexual Misconduct Board

If a complaint cannot be resolved otherwise, a complainant may initiate a conduct proceeding to be addressed by the Harassment and Sexual Misconduct Board (HSMB). Alternatively, a conduct proceeding may be initiated without pursuing other resolution options. Any member of the University community, any complainant outside the University community (such as a student from another institution), or the University itself (through the Vice President for Student Affairs and Dean of Students, or designee), may also initiate a conduct proceeding to the HSMB. The HSMB is authorized to hear and adjudicate University judicial complaints of the following matters:

- Allegations of student conduct in violation of this policy;
- Allegations of student conduct in violation of the University’s Sexual Discrimination and Misconduct Policy;

The Vice President for Student Affairs and Dean of Students and/or the Title IX Coordinator will decide whether the matter falls within the HSMB’s jurisdiction.

E. Investigation

To conduct an investigation, the University will designate an investigation team. The University will typically use a team of two investigators. Any investigator must be impartial and free of any conflict of interest. One of the investigators may be the Title IX Coordinator.

The investigation team will conduct the investigation in a manner appropriate in light of the circumstances of the case. It will coordinate the gathering of information from the complainant, the
respondent, and any other individuals who may have information relevant to the determination. It will also gather any available physical evidence, including documents, communications between the parties, and other electronic records as appropriate. The complainant and respondent will have an equal opportunity to be heard, to submit information, and to identify witnesses who may have relevant information. Witnesses must have observed the acts in question or have information relevant to the incident; they cannot be participating solely to speak about an individual’s character.

The investigation is designed to provide a fair and reliable gathering of the facts. It will be thorough, impartial, and fair, and all individuals will be treated with sensitivity and respect. The investigation is a neutral fact-gathering process. The respondent is presumed to be not responsible; this presumption may be overcome only where a Harassment and Sexual Misconduct Board hearing panel concludes that there is sufficient evidence, by a preponderance of the evidence, to support a finding that the respondent violated the policy.

The University will seek to complete the investigation within thirty (30) calendar days from the start of the investigation, but this time frame may be extended depending on the complexity of the circumstances of each case.

The Title IX Coordinator will retain copies of all reports generated as a result of investigations. The University will keep these records private to the extent permitted by law.

Although all witnesses, the complainant, and the respondent are expected to participate in the investigative process, neither party is required to participate in the investigation or any form of resolution under these procedures. If a party chooses not to participate in an investigation, the investigation and potential disciplinary proceedings may still proceed.

In order to protect the integrity of the investigation, none of the parties involved in the investigation should discuss what they shared with investigators to any witness or potential witness while proceedings are pending.

1. Review of Investigation Report

At the conclusion of the investigation, the investigation team will prepare a written report that summarizes the information gathered and synthesizes the areas of agreement and disagreement between the parties and any supporting information. The investigation team will review all facts gathered to determine whether the information is relevant and material to the determination of responsibility given the nature of the allegation. In general, the investigation team may redact information that is immaterial. The team may also delete statements of personal opinion, rather than direct observations or reasonable inferences from the facts, and statements as to general reputation for any character trait, including honesty.

Before the team finalizes the report, it will give the complainant and respondent the opportunity to review the investigation report. The complainant and respondent may submit any additional comments, request changes, or request further investigation from the investigation team.

After giving the parties the opportunity to comment on the report orally or in writing, the team will make changes to the investigation report based on those comments at the discretion of the
investigation team. The team will then submit the report to the designated Chair of the Harassment and Sexual Misconduct Board for the specific matter.

F. Harassment and Sexual Misconduct Board (HSMB)

1. Composition of the HSMB

The Harassment and Sexual Misconduct Board (HSMB) is the body that determines responsibility and, if warranted, administers sanctions and/or discipline against a respondent. The HSMB is made up of three (3) individuals who may serve in the role of Chair of a HSMB hearing panel and seven (7) administrators who may serve as members of a HSMB hearing panel. Each of these administrators is appointed by the President and is trained in both broad conduct procedures and in understanding specific prohibited discrimination, harassment, and retaliation.

2. Role of the Chair of the HSMB

From the pool of three (3) administrators appointed to serve as Chairs of the HSMB, one of them will be designated by the Vice President for Student Affairs and Dean of Students to serve as the Chair for a particular HSMB panel. Any Chair designated to serve as Chair in a case must be impartial and free of any conflict of interest. The Chair issues the formal charge, selects and convenes a hearing panel of the HSMB, and oversees the Pre-Hearing Conference and the hearing.

3. Composition and Role of the HSMB Hearing Panel

If a charge is issued against a respondent, the designated Chair of the HSMB for that particular matter shall select and convene a three-member HSMB hearing panel from the pool of seven (7) specially trained administrators appointed by the President. Each member of the HSMB panel must be impartial and free of any conflict of interest. HSMB members who have reason to believe they cannot make an objective determination must recuse themselves from the process. The HSMB hearing panel will hear the case and make a finding, by a majority vote, as to whether the respondent is responsible for conduct in violation of this policy.

G. Determination to Proceed to a HSMB Hearing

Based on the investigation report, the Chair of the HSMB will determine whether to formally charge the respondent and will notify the parties. A charge will be issued if it is plausible and more than a sheer possibility that the complainant’s factual allegations could constitute a violation of this policy. Absent extenuating circumstances, the decision whether to formally charge the respondent will be made within two (2) calendar days after the Chair receives the investigation report.

The formal charge(s) will state the subject matter of the complaint, the name of the complainant, and the approximate date and/or timeframe for the alleged conduct.

Additionally, a charge of for Conduct Unbecoming of a Washington and Lee Student may accompany any charge.

The Chair of the HSMB may deliver notice of the charge by one or more of the following methods:
• In person by the Chair of the HSMB or designated University administrator;
• Mailed to the local or permanent address of the individual as indicated in official University records; or
• Emailed to the individual’s University-issued email account.

Once a formal charge has been issued, the respondent will answer the charge as "Responsible," "No Contest," or "Not Responsible." If the respondent answers "Responsible" or "No Contest," the charge goes to a HSMB hearing panel to determine an appropriate sanction. The respondent must answer the charge before or during the Pre-Hearing Conference, which is held, absent extraordinary circumstances, within seven (7) calendar days after the issuance of the formal charge document.

Upon the issuance of a formal change, the investigation report and related appendices will be made available to the parties for their review.

H. Pre-Hearing Conference

The Chair of the HSMB will hold separate Pre-Hearing Conferences with the parties and their Hearing Advisors to address evidentiary or other matters before the investigation report is presented to the HSMB hearing panel.

At the Pre-Hearing Conference, the parties may submit a written request outlining any additional investigation steps they believe are necessary, including but not limited to:

• Requests for follow-up interview(s) with existing witnesses to clarify or provide additional information, including offering questions to the investigators to pose to witnesses, the complainant or the respondent;
• Requesting a follow-up interview with the investigators to clarify or provide any additional information that such party believes is relevant to the investigation or to seek clarification from the investigators on aspects of the investigation report.
• Identifying any new witnesses who should be interviewed (including a description of what topics/issues the witness should be asked to address); and/or
• Explaining any additional evidentiary materials that should be collected and reviewed to the extent that such items are reasonably available.

At the Pre-Hearing Conference, the parties may also request in writing that portions of any witness notes be redacted or changes be made to the investigation report. The Chair, in consultation with the investigators, will make the final determination on what changes will be made to the investigation report.

Additionally, parties will be informed of the composition of the proposed HSMB hearing panel and be allowed to object to the appointment of any of the HSMB panel members by providing, articulable grounds of suspected bias, conflict of interest, or an inability to be fair and impartial. The objection should be directed to the Chair of the HSMB at the Pre-Hearing Conference. The Chair will make the final determination on a member’s ability to serve on a HSMB hearing panel.
If either party wishes to call witnesses at the hearing, the following must be submitted to the Chair of the HSMB in writing at the Pre-Hearing Conference:

- The names of any witness the party intends to call; and
- A summary of why the witness' physical presence at the hearing is relevant to making a decision about responsibility at the hearing.

The Chair of the HSMB will determine whether there is sufficient justification for asking a witness to attend in person or whether the information can be adequately summarized by the witness statement.

Absent extenuating circumstances, the Pre-Hearing Conferences will be held within seven (7) calendar days of issuance of the charge document.

I. Hearing Procedures

A hearing will be held in a timely manner; assuming no extraordinary circumstances, within fourteen (14) calendar days of issuance of the formal charge.

All hearings are closed to the public and may not be audio or video-recorded. The complainant and the respondent have the right to be present during the hearing. Neither party is required to participate in the hearing in order for the hearing to proceed. If either party is not in attendance, the hearing may still proceed, findings may still be made, and sanctions may still be imposed.

The HSMB hearing panel will review the investigation report prior to the hearing. During the hearing, the HSMB hearing panel may question the complainant, the respondent, any witnesses called, and/or the investigators, and examine related information and evidence. The HSMB hearing panel shall restrict their questions to matters that the Chair deems relevant to the specific case.

The parties cannot verbally pose questions to each other or to witnesses. However, the parties may submit written questions to the Chair of the HSMB to ask on their behalf to the relevant party or witness. The Chair of the HSMB will screen the questions and will not ask questions that violate University policy and prior evidentiary decisions made by the Chair, or questions that are irrelevant or repetitive. Additionally, the Chair has discretion to change the wording of the question, provided that the substance of the question remains the same.

Both a complainant and respondent have the right to provide relevant information during the hearing. However, parties cannot call witnesses or present information at the hearing that could reasonably have been provided during an investigation or during the Pre-Hearing Conference. If information produced during the hearing discloses additional tangible evidence or witnesses with relevant information that could not have reasonably been provided during an investigation or Pre-Hearing Conference, the Chair, in his or her sole discretion, may obtain that evidence or call those witnesses to testify.

The hearing is private to protect the privacy interests of all involved. Any HSMB hearing panel member, the Chair, Investigators, and Hearing Advisors are expected to maintain the privacy of the proceedings except where disclosure may be authorized or mandated by law or authorized in connection with duties on behalf of the University.
After considering all of the relevant information, the HSMB hearing panel members will deliberate and make a finding by a preponderance of the evidence as to whether the respondent is responsible for conduct in violation of this policy. At least two (2) members must vote “responsible” for a finding of responsibility.

At any time during the hearing process, the respondent may choose to agree to a finding of responsibility relating to some or all of the charged conduct.

If the HSMB does not find that the respondent violated the University’s Policy on Prohibited Discrimination, Harassment, and Retaliation Other Than Sex, but finds that the Respondent’s conduct was unacceptable and contrary to that expected of a Washington and Lee student, it may make a finding of “Conduct Unbecoming of a Washington and Lee Student,” if separately charged. Additionally, if the HSMB finds there is reasonable evidence that another University policy may have been violated, it may refer that information to the Office of the Dean of Students.

J. Imposition of Sanction

If the respondent is found "Responsible" or agrees to a finding of responsibility, the HSMB hearing panel will impose a sanction. At least two panel members must vote in favor of the imposition of each sanction or combination of sanctions.

The HSMB hearing panel shall determine the appropriate sanction (or combination of sanctions) in accordance with the Sanction Guideline Matrix. The HSMB may select among the sanctions within the range set forth in the Sanction Guideline matrix, as factors in each case may warrant. It may also combine various sanction options to produce a package of appropriate sanctions. The HSMB shall also consider the sanction recommendation of the complainant and respondent.

1. Sanction Guideline Matrix

<table>
<thead>
<tr>
<th>Prohibited Behavior</th>
<th>Range of Sanctions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Discrimination; Harassment; Retaliation; Conduct Unbecoming</td>
<td>Dismissal; Suspension; Probation; Community Service; Educational/Counseling Consultation; Loss of Privileges (denial of the use of certain University facilities or the right to participate in certain activities or to exercise certain privileges for a designated period of time); On Campus Residential Relocation; Changing Academic Schedule; Any Other Sanction Deemed Appropriate Under the Circumstances</td>
</tr>
</tbody>
</table>

In considering the appropriate sanction, the HSMB hearing panel will consider the following factors:

- The respondent’s prior discipline history;
- How the University has sanctioned similar incidents in the past;
- The nature and violence of the conduct at issue;
• The impact of the conduct on the complainant;
• The impact of the conduct on the community, its members, or its property;
• Whether the respondent has accepted responsibility;
• Whether the respondent is reasonably likely to engage in the conduct in the future;
• The need to prevent similar conduct by this respondent; and
• Any other mitigating or aggravating circumstances, including the University’s values.

K. Notice of Outcome

Within two (2) calendar days of the decision, the Chair of the HSMB shall provide to the parties a copy of the written report of the HSMB hearing panel decision.

If applicable, the Chair will inform the respondent of any sanctions, the date by which the requirements must be satisfied, and the consequences of failure to satisfy the requirements. The Chair also will inform the complainant of any sanctions that directly relate to the complainant (e.g. a “no contact” requirement). The Chair will also provide each party with an outcome letter containing their appeal options.

The University may also notify appropriate University employees, as necessary to implement the outcome and/or sanctions.

A public notice will be posted that includes the nature of the conduct and each charge for which the party was found “Responsible” or “Not Responsible.” If there is a finding of responsibility, the public notice will include the sanction imposed for the charge. The Office of the Vice President for Student Affairs will maintain copies of all public notices for 10 years. The public notice will not include the names of the parties or other personally identifiable information.

L. Appeal

Either party may appeal the finding of a policy violation/non-violation and/or a sanction within seventy-two (72) hours of receipt of the written HSMB hearing report. Appeals must be in writing, specifying in detail the basis for the appeal. An Appeal Panel will be appointed by the Chair of the Appeal Panel to review the matter. The Chair of the Appeal Panel will be a Chair of the HSMB who was not involved in the original hearing. The Appeal Panel will be comprised of three (3) members of a pool of six (6) administrators specially trained to adjudicate appeals of who do not have a conflict of interest in the case.

Appeals, if granted, do not constitute a re-hearing of the case and the Appeal Panel will defer to decisions of the HSMB hearing panel unless one or more of the reasons for granting the appeal are satisfied. The Appeal Panel will review the entire written record of the HSMB hearing, the written appeal and other documents it deems relevant. Upon completion of this review, the Appeal Panel may grant or reject a request for appeal based on one or more of the following grounds if it reasonably determines the ground(s) would more likely than not impact the underlying decision:

• No reasonable basis/reasonable basis for sanction;
• New relevant information/no new relevant information (this does not apply in cases of deliberate omission of information by the appellant);
• Procedural defect or error/no procedural defect or error; or
• Extraordinary circumstances/no extraordinary circumstances.

If the Appeal Panel decides to grant an appeal, it may decide the case based solely upon the record of the HSMB, the written appeal, and other documents it deems relevant, or the Appeal Panel may determine to hold a hearing and seek additional information from: (1) any person who provided first-hand information to the HSMB hearing panel; (2) any person who may have new, relevant information; and/or (3) the original Chair of the HSMB, before reaching its final decision.

The Appeal Panel has the option to affirm the decision of the HSMB hearing panel or remand the case to the original HSMB hearing panel in cases in which there is new information presented, where there has been a procedural defect or error, or where there were extraordinary circumstances, provided that the Appeal Panel has reasonably determined that the grounds(s) would more likely than not have impacted the underlying HSMB hearing panel decision. Moreover, the Appeal Panel may remand the case to the original HSMB hearing panel in cases where the Appeal Panel determines that the sanction lacked a reasonable basis.

The Chair of the Appeal Panel will determine the proper composition of the panel for any appeal and oversee the process. The Chair has discretion to accommodate any conflicts that may arise with members constituting the panel.

For an appeal to be granted, at least two (2) members of the Appeal Panel must vote to grant appeal.

M. Additional Considerations for Complaints against Students

1. Time Frames for Resolution

All time frames expressed in this policy are meant to be guidelines rather than rigid requirements. Circumstances may arise that require the extension of time frames. Such circumstances may include, but are not limited to, the complexity of the allegations, the number of witnesses involved, the availability of the parties or witnesses, the effect of a concurrent criminal investigation, any intervening school break or vacation, or other unforeseen circumstances.

In general, a complainant and respondent can expect that the process will proceed according to these time frames.

• Once the investigation begins, it will be completed within thirty (30) calendar days
• The Chair of the HSMB will decide whether to charge the respondent within two (2) calendar days after receiving the investigation report.
• The Pre-Hearing Conference will be held within seven (7) calendar days after formal charge.
• The HSMB hearing will be held within fourteen (14) calendar days after the formal charge.
• Notice of outcome will be provided within two (2) calendar days of the HSMB hearing panel decision.
• If there is a request for appeal, the decision whether to grant or reject the request for appeal will be resolved within five (5) calendar days after the receipt of the request for an appeal.
• If a request for appeal is granted, the appeal will be resolved within ten (10) calendar days from the time the appeal was granted.
If the investigation and resolution exceed this time frame, the University will notify all parties in writing of the reason for the delay and the expected adjustment in time frames. The University will use its best efforts to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness. All parties involved are entitled to periodic status updates on the progress of the complaint.

2. Group Infractions

When members of a student group, an organization, a team, or individuals acting collusively act in concert in violation of this policy, they may be charged as a group or as individuals, and an investigation may proceed against the group as joint respondents or against one or more involved individuals as appropriate given the available information and the circumstances.

A student group, an organization, or a team’s officers and membership may be held collectively and individually responsible when violations of this policy by the organization or its members take place at organization-sponsored events, have received the consent or encouragement of the organization or of the organization’s leaders or officers, or were known or reasonably should have been known to the membership or its officers.

In any such action, individual determinations as to responsibility will be made and sanctions may be assigned collectively and individually in proportion to the involvement of each individual.

3. Hearing Advisors

If an investigation of prohibited conduct is initiated, the complainant and respondent will be provided with one (1) or two (2) Hearing Advisors. Hearing Advisors are law and undergraduate students who have been trained to provide support and advice to complainants and respondents.

The role of Hearing Advisors is to advise the complainant or respondent of applicable procedures, including the appeal process, if applicable. Hearing Advisors are also available to offer support and to provide information on additional resources. While Hearing Advisors may accompany the complainant and respondent at meetings, they may not present evidence, question witnesses, or otherwise participate. Parties may request a brief recess to consult with their Hearing Advisor(s), which will be granted at the discretion of the investigators or the Chair of HSMB or Appeal Panel, as applicable.

Any Hearing Advisor who does not follow the University’s policies, procedures, or practices relating to the Hearing Advisor’s role in the resolution process will be warned once. If the Hearing Advisor continues to disregard the University’s policies, procedures, and/or practices or disrupts or otherwise fails to respect the limits of the role, such Hearing Advisor will be asked to leave the meeting, hearing, or other proceeding at the discretion of the investigators or the Chair of the HSMB or Appeal Panel, as applicable. When a Hearing Advisor is removed from a meeting, hearing, or other proceeding, it will continue without the Advisor’s presence.

Parties may choose to share the investigation report and other information with their Hearing Advisors. All Hearing Advisors are expected to maintain the privacy of any records shared with them.
These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by the University or by the applicable law. The University may seek to restrict the role of any Hearing Advisor who does not respect the sensitive nature of the process or who fails to abide by the University’s privacy expectations.

The University expects all Hearing Advisors to adjust their schedule to allow them to attend University meetings when scheduled. The University does not typically change scheduled meetings to accommodate a Hearing Advisor’s inability to attend. The University will, however, make provisions to allow a Hearing Advisor who cannot attend in person to attend a meeting by telephone, video and/or virtual meeting technologies as may be convenient and available.

4. Pendency of Criminal Charges

If criminal charges or a civil suit has been filed against a student with respect to conduct which is also the subject of a complaint before the HSMB, the Title IX Coordinator or HSMB Chair will consult with the Office of Dean of Students to determine if HSMB action should be postponed until resolution of the criminal case or civil suit. Pending criminal charges or civil suits shall not prevent the HSMB from proceeding.

5. Required Administrative Withdrawal for Non-Academic Reasons

Notwithstanding the pendency of a matter before the SFHB or a sanction imposed by the SFHB, in accordance with the University policy regarding Required Administrative Withdrawal for Non-Academic Reasons, the University may require a student to take an administrative withdrawal in circumstances outlined therein, including if there is a sufficient showing that the student is engaging, or is likely to engage in, behavior that presents a real danger of substantial harm to others, or substantially disrupts the learning environment and activities of the campus community.

6. Consolidation of Investigation

The Title IX Coordinator may consolidate multiple reports against a single respondent or group of respondents into one investigation if the evidence related to each incident would be relevant and probative in reaching a determination on the other incident(s).

7. Records

The Title IX Coordinator will retain records of all reports, allegations, and complaints. Complaints resolved informally are not part of a student’s conduct file or academic record.

Affirmative findings of responsibility in matters resolved through a HSMB hearing are part of a student’s conduct record. Such records will be used in reviewing any further conduct or in developing sanctions and will remain a part of a student’s conduct record. In general, the University will maintain records for the duration of the respondent’s relationship with the University, and may retain them for no less than seven (7) years following the respondent’s departure from the University.

If the HSMB hearing panel does not find the respondent responsible, the student’s conduct file or academic record will reflect the finding.
VII. Procedures for Complaints Against Faculty, Staff, and Other Non-Students

Any individual ("complainant") who believes that he or she has been the object of prohibited discrimination, harassment, or retaliation by a member of the faculty, staff, or other non-student ("respondent"), may raise the concern and bring a complaint through these procedures.

The following procedures will be used if the respondent is an employee or other non-student. If the respondent is both a student and an employee:

- The student resolution procedures will apply if the respondent is a full-time student but not a full-time employee;
- The employee resolution procedures will apply if the respondent is a full-time employee but not a full-time student; or
- If there is a question as to the predominant role of the respondent, the Title IX Coordinator, with consultation with others as necessary, will determine which of the procedures applies based on the facts and circumstances (such as which role predominates in the context of the conduct).

Note: The procedures outlined here for complaints of discrimination, harassment, or retaliation against faculty, staff, and other non-students pertain to obtaining information or filing a complaint with the University. They are not intended in any way to preclude any criminal or civil remedies that may also be available to a person who has been the object of unlawful discrimination, harassment, or retaliation under state or federal law.

A. Definitions of Terms and Acronyms

1. CO-CHAIRS: The Treasurer/Vice-President for Finance and Administration and the Provost serve as Co-Chairs of the Investigation and Review Officers ("IROs"). As described fully below, the Co-Chairs, who are specially trained to carry out these procedures, receive formal complaints, appoint the Investigator, Review Panel, and Appeal Panel (as needed), notify the parties at various stages in a complaint proceeding, and determine the sanction when a policy violation is found. The Co-Chairs serve as advisors to the IROs on procedural matters.

2. DPA: Discrimination Policy Advisers. The DPAs are a group of specially trained 15-20 faculty and staff, representing a cross-section of the campus community. DPAs are peer-nominated, selected by the Co-Chairs, and then invited to serve by the President for three-year staggered terms. DPAs may be invited to serve additional terms without a lapse, but are subject to removal by the President at the request of either Co-Chair. DPAs provide procedural information and options to complainants and respondents regarding complaints by or against faculty, staff or other non-student members of the W&L community under the University Policy on Prohibited Discrimination, Harassment and Retaliation Other Than Sex. DPAs can also work informally to resolve matters themselves or bring in others to assist with informal resolution.

3. DPA COORDINATOR: The Co-Chairs will appoint one of the DPAs to serve in this role at the beginning of each academic year (a DPA may serve multiple consecutive years in this capacity if agreed). After these procedures have been in place for two years, the DPA Coordinator will be
appointed from the group of DPAs who have served at least two years. The DPA Coordinator is responsible for coordinating training and meetings of the full DPA group, and serves as an adviser to the DPAs on procedural matters related to complaints against faculty, staff, and other non-students. The DPA Coordinator is also responsible for collecting and submitting summary reports to the Co-Chairs on all matters referred to a DPA. The DPA Coordinator may not serve as a DPA for any party to a formal complaint in order that he or she may remain available to advise the DPAs involved in that process on procedural matters.

4. INVESTIGATION AND REVIEW OFFICERS: The group of specially trained administrators that make up the pool from which the Co-Chairs draw the Investigator(s), an Investigation and Review Panel (IRP), and (if needed) an Appeal Panel when a formal complaint is filed under these procedures. The IROs consist of the following administrators:

- Vice President for Student Affairs and Dean of Students
- Associate Provost
- Dean of the College
- Dean of the Williams School
- Dean of the School of Law
- Associate Deans of the College
- Associate Dean of the Williams School
- Assistant Dean of the Williams School
- Associate Dean for Administration and Student Affairs (Law School)
- Professor of Law and Associate Dean (Law School)
- Clinical Professor of Law and Director of Academic Success (Law School)
- Assistant Dean, Office of Career Strategy (Law School)
- Executive Director of Human Resources (Assistant Title IX Coordinator for Employment)
- Chief Technology Officer
- Director of Athletics

B. Initial Contact

1. Faculty/Staff Complainant

To raise a concern, a faculty or staff complainant may contact any of the following: 1) a Discrimination Policy Adviser ("DPA"); 2) his or her supervisor; 3) any Dean or Associate/Assistant Dean; 4) a Human Resources staff member; or 5) the Assistant Title IX Coordinator for Employment or the Title IX Coordinator.

2. Student Complainant

A student complainant may contact any of the following: 1) a Discrimination Policy Adviser ("DPA"); 2) a Student Affairs staff member designated in the Resources Contact Guide for this Policy; 3) another Student Affairs resource (e.g. Student Health and Counseling Services, Public Safety, or Residence Life Staff); 4) any Dean or Associate/Assistant Dean; or 5) the Assistant Title IX Coordinator for Employment or the Title IX Coordinator. If the student complainant chooses to contact a Student Affairs staff member, or a Dean or Associate/Assistant Dean, that resource will work with the student to access a DPA.
3. Others

Anyone may contact a Discrimination Policy Adviser ("DPA") to raise a concern on their own behalf or on behalf of someone else.

C. Informal Resolution

1. DPAs

DPAs may informally resolve concerns themselves or may bring in others (with consent of the parties) as appropriate to assist with resolution. A DPA may alternatively refer the matter to a supervisor, Dean, Human Resources representative or the Assistant Title IX Coordinator for Employment for informal resolution if the complainant does not wish to pursue a formal complaint. Once a matter has been informally resolved, referred, or the complainant decides to pursue a formal complaint, the DPA submits a written summary report to the DPA Coordinator, who then forwards to the Assistant Title IX Coordinator for review.

2. Human Resources Office

A Human Resources staff member may informally resolve concerns or may bring in others (with consent of the parties) as appropriate to assist with resolution. A Human Resources staff member may alternatively refer a complainant to a DPA, a supervisor or Dean, or the Assistant Title IX Coordinator for Employment for informal resolution if the complainant does not wish to pursue a formal complaint. Once a matter has been informally resolved, referred, or the complainant decides to pursue a formal complaint, the Human Resources staff member then contacts the DPA Coordinator to prepare a summary report, which is reviewed by the Assistant Title IX Coordinator for Employment. If no DPA has been involved in the informal resolution, the Assistant Title IX Coordinator will oversee the preparation of a summary report.

3. Role of Supervisors/Deans

A staff supervisor or Dean (in his or her role as faculty supervisor) may attempt to informally resolve concerns or may bring in others (with consent of the parties) as appropriate to assist with resolution. A supervisor or Dean may alternatively refer a complainant to a DPA, a Human Resources representative, or the Assistant Title IX Coordinator for Employment for informal resolution if the complainant does not wish to pursue a formal complaint. Once a matter has been informally resolved, referred, or the complainant decides to pursue a formal complaint, the supervisor or Dean then contacts the DPA Coordinator to prepare a summary report. If no DPA has been involved in the informal resolution, the Assistant Title IX Coordinator will oversee the preparation of a summary report.

4. Role of Assistant Title IX Coordinator for Employment

The Executive Director of Human Resources, in his or her role as Assistant Title IX Coordinator for Employment, may assist in the informal resolution of complaints when contacted directly by a complainant, or when a matter is referred to him/her. When no DPA has been involved in attempts to informally resolve a complaint, the Assistant Title IX Coordinator for Employment will see that a
summary report of the resolution efforts is prepared. Note: if a matter has been reported to the Title IX
Coordinator, he or she will refer the matter to the Assistant Title IX Coordinator for Employment for
efforts at informal resolution, when requested and appropriate.

D. Formal Complaint

Note: all time frames referenced in these formal complaint procedures are subject to extension by the
appropriate Co-Chair for good reason.

1. Initiation of Formal Complaint

A formal complaint should be initiated through a DPA and should be brought forward promptly to
allow the most effective investigation. A complainant - or any other concerned individual wishing to
bring a formal complaint - may contact a DPA directly, or may be referred to a DPA by another
resource. The complaint should be brought by submitting a signed writing to a DPA, who should then
contact the DPA Coordinator to advise that the complaint is being initiated formally. The DPA
Coordinator should notify the Assistant Title IX Coordinator for Employment that a formal complaint
is being initiated.

2. Submission of Complaint / Notification to Respondent

The DPA submits the formal complaint, along with any questions from the complainant about the
process or concerns expressed by the complainant about the need for interim measures during the
investigation and review of the complaint (see section 10), to the appropriate IRO Co-Chair (Provost if
the respondent is a faculty member; Treasurer/Vice President for Finance and Administration if the
Respondent is a staff member) - except as noted below in subsections D(5) and (5). The DPA
Coordinator or Assistant Title IX Coordinator for Employment should submit a copy of the summary
report, if any, outlining prior handling of the complaint through informal channels, to the Co-Chair, to
be included with the record.

The appropriate Co-Chair will then promptly (within five (5) business days after being provided the
complaint, if practicable) notify the respondent that a formal complaint has been initiated and make
arrangements to meet with the respondent to provide the respondent with a verbal summary of the
complaint and outline the complaint process. The Co-Chair will advise the respondent of the
University's non-retaliation policy, and will inform the respondent of his or her right to choose a DPA
and to submit to the investigator, if desired, a written statement regarding the complaint to be made a
part of the record. If the respondent chooses to submit a written statement, he or she should do so
within five (5) business days after being given a verbal summary of the complaint.

3. Preliminary Actions by Co-Chair

The appropriate Co-Chair will promptly appoint an IRO to serve as the investigator. In some cases, the
Co-Chair may appoint a team of two investigators as he or she deems appropriate. The Co-Chair will
then make a preliminary selection of three IROs to serve as the members of the three-person
Investigation and Review Panel. If an IRO is the respondent or the complainant, the process operates
as usual, with that IRO not being involved in any capacity other than as a party.

4. Complaint by or against an IRO Co-Chair
If one of the Co-Chairs is the respondent or complainant, the President will serve in the role of that Co-Chair and the process will operate as usual. In this situation, any appeal would go to the Chair of the Audit Subcommittee of the Finance Committee of the Board of Trustees ("Audit Subcommittee").

5. Complaint against the President and/or a Trustee

If the respondent is the President or a member of the Board of Trustees, the complaint is filed directly with the Audit Subcommittee by delivery of a sealed written complaint to the Secretary of the University, Washington Hall 203, labeled "Complaint to the Audit Subcommittee under the University Policy on Prohibited Discrimination, Harassment and Retaliation Other Than Sex." The Secretary of the Board will deliver the sealed written complaint intact to the Chair of the Audit Subcommittee and the Audit Subcommittee will handle or direct all further proceedings.

6. Involvement of Assistant Title IX Coordinator for Employment in Formal Complaints

The Assistant Title IX Coordinator for Employment is available to act as a resource to the Co-Chairs, the Investigator, the DPAs, or the parties to a formal complaint, in order to address issues that arise during the complaint process. In the event that the Assistant Title IX Coordinator for Employment has had a substantive role in informal complaint resolution efforts prior to the initiation of the formal complaint, or acts as a resource beyond the resolution of purely procedural questions during the formal complaint process, he or she will not serve on any Investigation Review Panel or Appeal Panel in that case thereafter.

E. Investigation

The investigation is conducted solely by the appointed investigator(s), who will interview the parties and other witnesses as necessary. A party’s DPA may sit with her/him during an interview if requested by the party as a support resource, but may not participate in the interview. The investigator(s) will inform the parties and witnesses of the requirement of ongoing privacy regarding the matter being investigated and the University’s policy prohibiting retaliation against any person involved in a complaint process. In most cases, absent unusual circumstances, the investigation should be completed within thirty (30) business days after the investigator receives the complaint.

F. Withdrawal of Complaint; Review of Parties’ Proposed Resolution

1. Withdrawal of Complaint

At any time during a formal complaint process, the complainant may request of the Co-Chair to withdraw his or her formal complaint. Before approving a withdrawal of the complaint, the Co-Chair will meet with the complainant and his or her DPA, if desired, to discuss the request. The Co-Chair retains the discretion to reject the request for withdrawal and to proceed with the formal process, with or without the further participation of the complainant, if he or she believes it prudent and appropriate to do so in the best interest of the university community, based on all relevant information.

2. Review of Parties’ Proposed Resolution
If, after the initiation of a formal complaint but before the issuance of the investigative report, the respondent acknowledges inappropriate conduct and proposes a resolution/sanction agreeable to the complainant, an IRP will be appointed to review the conduct acknowledged and the proposed resolution/sanction. If the IRP finds the resolution/sanction reasonable, it will be recommended and sent to the appropriate Co-Chair for implementation. If the IRP finds the proposed resolution/sanction unreasonable given the nature and circumstances of the conduct acknowledged or alleged, it may reject the proposed resolution/sanction and conduct a normal IRP review after issuance of the investigative report.

G. Investigative Report; Party Responses; IRP Appointment

1. Investigative Report

Upon conclusion of the investigation, the investigator(s) will prepare and submit to the appropriate Co-Chair a written investigative report, reaching an assessment on whether it is more likely than not that the facts present conduct that would constitute a violation of the University Policy on Prohibited Discrimination, Harassment and Retaliation Other Than Sex, or other university policies. The complainant and respondent will each be provided with a version of the report (the University reserves the right to redact witness names and personally identifiable witness statements), not to be copied or distributed, but which the party may share with his or her DPA.

2. Party Responses to Investigative Report

The parties will each have five (5) business days from the day of their receipt of the investigative report to prepare and submit a written response to the appropriate Co-Chair for the record.

3. IRP Appointment

The appropriate Co-Chair will then promptly notify the parties of which IROs have been selected to make up the Investigation and Review Panel (IRP) and will designate one of them as IRP Chair. The parties must submit any concerns about the IRP composition to the Co-Chair in writing within one (1) business day of receipt of notice. The Co-Chair may follow-up with the parties and/or IRP members regarding any stated concerns, as needed. The Co-Chair will notify the parties and IRP members of any change to the composition of the IRP if the Co-Chair concludes that one or more of the designated IRP members should not serve on that panel. Note: see section D(6) above regarding participation of Executive Director of Human Resources/Assistant Title IX Coordinator for Employment when he or she has had any substantive role in efforts to informally resolve the complaint or the formal complaint process.

H. IRP Review

The IRP will review the investigative report and the related record regardless of whether the investigator(s) concluded a violation occurred. In most cases, absent unusual circumstances, the IRP review should be completed within ten (10) business days of the date the IRP members receive the record from the Co-Chair.
If the IRP has any questions, it may meet with the investigator(s) in person and/or may request that the parties separately meet with the IRP (in which case, the parties’ DPAs may be present but not participate). If the IRP finds that any other follow-up is needed with witnesses, the investigator(s) will conduct the follow-up and submit an addendum to the written investigative report, which will be sent to the IRP. In such instances, the parties will be given an opportunity to view a redacted version of the addendum, consistent with the parties’ opportunity to review the original investigative report (see subsection G (1)).

Once the IRP has determined that it has sufficient information to make a decision, it will discuss the matter outside the presence of the investigator(s) and the parties. The IRP will then reach a decision on whether it is more likely than not that university policy was violated, and (if so) will make a written recommendation of sanctions to the appropriate Co-Chair (see format of IRP report in Section I below). The IRP may make recommendations to the Co-Chair for appropriate follow-up actions (including training, counseling, or other educational opportunities) in the absence of a finding of a policy violation.

I. Co-Chair Notifies Parties of Final Decision and Sanction

The IRP’s decision about whether university policy was violated is binding on the Co-Chair, but subject to appeal by either party. However, the Co-Chair has the discretion to determine the final sanction if the IRP has found a policy violation or to impose follow up actions in the absence of a policy violation. If the individual found to have violated university policy is a faculty member and the Co-Chair concurs with an IRP sanction recommendation of termination, the case will proceed in accordance with the "for cause" dismissal proceedings set forth in the Faculty Handbook where applicable. In such a case, the Co-Chair (Provost) is ineligible to serve as the President’s designee under the "for cause" dismissal process.

The Co-Chair will meet promptly and separately with each party (and his or her DPA, if applicable and desired by the party) to notify the parties of the outcome, review the ongoing privacy obligations, the prohibition against retaliation, and the appeals process. If practicable, these meetings should be scheduled within five (5) business days of the Co-Chair’s receipt of the IRP report. In the meetings, the Co-Chair will provide the two page IRP report in the following manner: the first page (which contains the findings on the allegations of a policy violation) will be provided to each party; the second page (which contains the IRP-recommended sanction(s) or follow up actions and the Co-Chair’s decision on sanction(s) or follow up actions) will be provided solely to the respondent, unless the sanctions or follow up actions are such that they directly involve the complainant (e.g. a "no contact" requirement). If University DPAs have worked with either party in a proceeding, that DPA will promptly schedule a follow up meeting with his or her party to discuss the process and answer any questions the party may have.

If, through informal resolution or Co-Chair decision upon a finding of no violation, a respondent has been advised to receive training, counseling, or some other professional development, or to take some other follow up action(s), the Co-Chair will oversee fulfillment of this obligation, though he or she may delegate coordination of the details to respondent’s supervisor. If a respondent has been sanctioned for a violation, the appropriate Co-Chair will oversee fulfillment of the sanction.

J. Appeals Process
Either the complainant or respondent may appeal a finding of a policy violation/non-violation and/or a sanction/follow up action of which he or she has been informed. Appeals must be in writing, specifying in detail the basis for the appeal, and must be filed with the Co-Chair who issued the original decision within five (5) business days of receipt of that decision. An Appeal Panel (comprised of three IROs who were not involved in the original investigation or panel) will be appointed by the other Co-Chair (who was not involved in the original review or sanctioning process). The appeal review will then be conducted as soon as possible. In most cases, absent unusual circumstances, the Appeal Panel review should be completed within ten (10) business days of the date the panel members receive the record from the Co-Chair.

The Appeal Panel will not substitute its judgment for the IRP or Co-Chair if it finds there was a reasonable basis for appealed aspects of the decision. In making such a determination, the Appeal Panel may speak with the investigator(s), the appropriate Co-Chair, or the parties as the Appeal Panel deems necessary (in which case, the parties’ DPAs may be present but not participate).

If the Appeal Panel fully affirms a "no-violation" finding made by the IRP with or without recommended follow up actions, or affirms a finding of a violation and/or the sanction, the Appeal Panel will issue a brief written decision to that effect using part one of the Appeal Panel Report and submit it to the Co-Chair who issued the original decision, who will then meet promptly with each party (and his or her DPA, if applicable and desired by the party) to advise of the Appeal Panel’s decision, which is final. If practicable, these meetings should be scheduled within five (5) business days of the Co-Chair’s receipt of the Appeal Panel Report.

If the Appeal Panel affirms a "no-violation" finding made by the IRP, but does not affirm recommended follow up actions (or absence of such actions), the Appeal Panel will explain the facts and analysis supporting its findings and recommendations in part two of the Appeal Panel Report. The Co-Chair issuing the original decision will then review the recommendations regarding any follow up actions and issue the final decision on such measures. The Co-Chair will then meet promptly with each party separately (and his or her DPA, if applicable and desired by the party) to advise of the Appeal Panel’s decision. If practicable, these meetings should be scheduled within five (5) business days of the Co-Chair’s receipt of the Appeal Panel Report. The Co-Chair will advise only the respondent on the decision regarding follow up actions and share part two of the Appeal Panel Report only with the respondent, except for any part of such actions that directly involve(s) the complainant. The Co-Chair’s decision on such follow up actions is final.

If the Appeal Panel overturns a "no-violation" finding, the matter is sent back to the appropriate Co-Chair for the original review proceeding, who will then make a decision on the sanction and meet promptly with the parties (and their DPAs, if applicable, and desired by the party) to share the two-part Appeal Panel Report. If practicable, these meetings should be scheduled within five (5) business days of the Co-Chair’s receipt of the Appeal Panel Report. The first part (which contains the basis for the overturning of the "no-violation" finding) will be provided to both parties; the second part (which contains the Co-Chair’s decision on sanction) will be provided only to the respondent, unless some part of the sanction directly involves the complainant. The Co-Chair’s decision on sanction is appealable by respondent within five (5) business days of receipt of the sanction decision. Such an appeal must be in writing, filed with the Co-Chair who issued the decision, and must specify in detail the basis for the appeal.
If the Appeal Panel concurs with a violation finding but finds a sanction is without reasonable basis, the Appeal Panel should first consult the appropriate Co-Chair to review the sanction. If no consensus decision can be reached, both the Appeal Panel and the appropriate Co-Chair will submit their separate recommendations in writing to the President, who will make the final determination by accepting one of the two recommendations and signing off on that recommended sanction. Thereafter, the Co-Chair will meet promptly with the respondent (and his or her DPA, if applicable and desired by the party) to advise him/her of the President’s decision on sanction and will also advise the complainant when the sanction involves the complainant. If practicable, these meetings should be scheduled within five (5) business days from the Co-Chair’s receipt of the President’s decision. The President’s decision on sanction is final.

If the Appeal Panel overturns a violation finding, the matter is sent back to the appropriate Co-Chair for the original review proceeding, who will then remove the sanction(s) issued, decide any appropriate follow up action(s), and meet promptly with the parties (and their DPAs, if applicable, and desired by the party) to share the two-part Appeal Panel decision. If practicable, these meetings should be scheduled within five (5) business days from the Co-Chair’s receipt of the Appeal Panel Report. The first part (which contains the basis for the overturning of the violation finding) will be provided to both parties; the second part (which contains the Co-Chair’s removal of sanction and decision on any follow up actions) will be provided only to the respondent, unless some part of the sanction directly involves the complainant.

K. Interim Measures

The appropriate Co-Chair, and/or the Assistant Title IX Coordinator, may take or arrange for such interim measures as he or she deems advisable in a given case, taking into account the complainant’s wishes, and with the intent to minimize impact on the complainant’s and respondent’s educational or workplace activities. These interim measures may include, but not be limited to, a no-contact directive between the parties at any point in a complaint process, providing a complainant with an escort on campus, changes to academic, living, transportation, and working situations, if such adjustments are reasonably available. Further, if, at any point in a complaint process, the Co-Chair believes that the respondent represents a danger to individuals or a disruption to campus operations, the respondent may be placed on administrative leave with pay pending the outcome of the complaint and appeals process. If a complainant chooses not to bring a formal complaint forward, the Assistant Title IX Coordinator, Title IX Coordinator, or other designated university resource under this policy, can still assist with interim measures and adjustments, as appropriate.

L. Privacy and Recordkeeping

The facts about individual cases and their dispositions are to remain private to the extent possible. In order to protect the privacy of all involved and to promote the effectiveness and credibility of these procedures, no one involved in a complaint process should discuss any information regarding the case except with those who have a legitimate need to know. Any member of the campus community who violates the privacy provisions of these procedures, and/or the privacy directives of the administrators handling complaints, will be subject to discipline.
The Co-Chairs, DPA Coordinator, and the Assistant Title IX Coordinator for Employment will maintain the official written records of formal and informal complaints and resolutions under these procedures until the completion of a given matter, at which time they will forward the official records to the Title IX Coordinator for recordkeeping in accordance with applicable University record retention schedules. All other working materials and notes created or referred to during the course of a complaint by the individuals handling or participating in the complaint process should be shredded at the end of the complaint process. The DPA Coordinator or the Assistant Title IX Coordinator for Employment (in the case of an informal complaint) or the appropriate Co-Chair (in the case of a formal complaint) will advise all those involved when the records may be shredded.

Sexual Discrimination and Misconduct Policy

I. Purpose and Statement of Intent

All forms of sexual discrimination, including sexual harassment, sexual assault, sexual exploitation, domestic and dating violence, stalking, and retaliation of any form are an affront to human dignity and fundamentally at odds with the values of Washington and Lee University. The University community has a responsibility to maintain an environment free from all forms of sexual discrimination and misconduct. It is committed to taking all appropriate steps to eliminate prohibited conduct, prevent its recurrence, and address its effects.

The University is committed to fostering a climate free from sexual discrimination and misconduct through clear and effective policies, a coordinated education and prevention program, and prompt and equitable procedures for resolution of complaints that are accessible to all. The University encourages all members of its community to participate in creating a safe, welcoming, and respectful environment on campus. Ultimately, all members of the community are expected to assume responsibility for their conduct, to report behaviors that may violate this policy, and to take reasonable and prudent actions to prevent acts of sexual misconduct.

This policy prohibits a broad continuum of behaviors, all of which constitute a form of sexual or gender-based harassment or discrimination, sexual assault, or dating or domestic violence. Prohibited conduct that may violate this policy includes sexual discrimination, sexual harassment, sexual assault, sexual exploitation, domestic and dating violence, stalking, and retaliation. This document may use the term “sexual misconduct” to refer to any or all of those prohibited behaviors.

The University will respond according to the severity or pervasiveness of the offense and the threat it poses to an individual and the community. Individuals who are found responsible for violating this policy may face disciplinary sanctions up to and including dismissal and/or termination of employment.

The University will not tolerate retaliation against any individual who makes a report, participates in a resolution process, or assists as a bystander to prevent sexual misconduct. Retaliation destroys the sense of community and trust that is central to a respectful environment. Community members
engaging in retaliation will be subject to disciplinary action, whether such acts are implicit or explicit, or committed directly or indirectly. This policy provides community members with the structure, tools, and guidance to assist those who have experienced or been affected by sexual misconduct, whether as a complainant, a respondent, or a third party.1

II. Scope of Policy

This policy addresses all forms of sexual discrimination, including sexual harassment, sexual exploitation, sexual assault, dating or domestic violence, stalking, and retaliation. It prohibits these behaviors against W&L community members of any gender, gender identity, gender expression, or sexual orientation. This policy also prohibits failure to provide equal opportunity in admissions, employment, or athletics; reports of these types of discrimination should also be brought to the attention of a Title IX Coordinator and will be addressed as appropriate.

This policy applies to all members of the Washington and Lee community, including students, faculty, and staff, as well as consultants, volunteers, vendors, and others engaged in business with the University. Visitors to and guests of Washington and Lee University are both protected by this policy and subject to its prohibitions. Visitors and guests may report violations of this policy committed against them by members of the W&L community. Visitors and guests may also be permanently forbidden from entering any part of the campus or attending any W&L sponsored events.

This policy may be applied to conduct that takes place from the time a person enrolls at the University or accepts employment or volunteer duties (including academic term breaks and periods between terms and semesters) and continues until the student withdraws or graduates, the employee ceases employment, or the volunteer ceases to provide services for the University.

This policy pertains to acts of sexual misconduct committed by or against students, employees, and third parties when:

1. The conduct occurs on the campus or other property owned or controlled by the University;
2. The conduct occurs in the course of University-related travel or off-campus programs, such as (but not limited to) domestic or international academic programs, field trips, spring term coursework, study-abroad programs, internship programs, work-related conferences, etc.; or
3. The conduct has a continuing adverse effect for a complainant while on campus or other property owned or controlled by the University or in any University employment or education program or activity.

The University will process all Title IX complaints regardless of where the conduct occurred to determine whether the conduct occurred in the context of its educational program or has continuing adverse effects on campus or in an off-campus program or activity.

This policy also applies to behavior conducted online, including via e-mail. Postings on blogs, web page entries, social media sites, and other similar online postings can subject an individual or group to allegations of violations of this policy. The University does not regularly search for this information, but action may be taken by the University if and when such information is brought to the attention of the University.
Where the date of the reported sexual misconduct precedes the effective date of this policy, the definitions of sexual misconduct in existence at the time of the alleged incident(s) will be used. However, the procedures set forth in this policy will be used to investigate and resolve all reports made on or after the effective date of this policy, regardless of when the incident(s) occurred.

III. Notice of Non-Discrimination and Statement of Compliance with Relevant Laws

A. Notice of Non-Discrimination

In compliance with Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and all other applicable non-discrimination laws, Washington and Lee University does not discriminate on the basis of race, color, religion, national or ethnic origin, sex, gender identity, gender expression, sexual orientation, age, disability, veteran’s status, or genetic information in its educational programs and activities, admissions, and with regard to employment. Inquiries may be directed to Lauren E. Kozak, Title IX Coordinator, Elrod University Commons 212, (540) 458-4055, kozakl@wlu.edu, who is designated by the University to coordinate compliance efforts and carry out its responsibilities under Title IX, as well as those under Section 504 and other applicable non-discrimination laws.

The University, as an educational community, will promptly and equitably respond to reports of sexual discrimination, sexual harassment, sexual exploitation, sexual assault, domestic and dating violence, stalking, and retaliation in order to eliminate the misconduct, prevent its recurrence, and address its effects on any individual or the community.

All University proceedings are to be conducted in compliance with the requirements of Title IX, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act); the Family Educational Rights and Privacy Act (FERPA); and all other applicable federal and state laws, regulations, and guidance.

In addition to contacting the complaint resources specified in this policy, any person with concerns concerning the University’s response to his/her complaint may contact the following:


B. The Role of the Title IX Coordinator
Lauren E. Kozak serves as the University’s Title IX Coordinator. She is to be informed of all reports of sexual misconduct and will oversee the University’s review, investigation, and resolution of those reports to ensure the University’s compliance with Title IX and other applicable laws, and the effective implementation of this policy.

The Title IX Coordinator is:

- Responsible for the oversight of the resolution of all reports of sexual misconduct involving students, staff, and faculty as well as volunteers and third parties;
- Knowledgeable and trained in University policies and procedures and relevant state and federal laws;
- Available to advise any individual, including a complainant, a respondent, or a third party, about the courses of action available at the University, both informally and formally, as well as in the community;
- Available to provide assistance to any University employee regarding how to respond appropriately to a report of sexual misconduct;
- Responsible for monitoring compliance with all procedural requirements, record keeping and time frames outlined in this policy;
- Responsible for overseeing training, prevention and education efforts, and reviews of climate and culture and patterns of sexual misconduct; and
- Responsible for conducting or overseeing investigations of complaints against students.

The Title IX Coordinator is supported by Mary E. Main, the Executive Director of Human Resources, who serves as the Assistant Title IX Coordinator for Employment, and Elizabeth Knapp, the Associate Provost, who serves as the Assistant Title IX Coordinator for Gender Equity in Athletics. Other individuals or offices that may be involved in addressing complaints may include the Director of Public Safety; the Vice President for Student Affairs and Dean of Students or a professional staff member of Student Affairs; Human Resources; the Provost’s Office; and the Vice President for Finance and Administration and Treasurer. The individuals who will address complaints will be limited to a small circle of individuals who need to know in order to implement this policy.

IV. Privacy and Confidentiality

The University is committed to protecting the privacy of all individuals involved in a report of sexual misconduct. In any report, the University will make every effort to protect the privacy of all individuals involved in a manner consistent with the need for a careful assessment of the allegation and any necessary steps to eliminate the misconduct, prevent its recurrence, and address its effects.

Privacy and confidentiality have distinct meanings under this policy.

Privacy means that information related to a report of sexual misconduct will be shared only with a limited circle of individuals-those University employees who have a legitimate need to know in order to assist in the active review, investigation, or resolution of the report pursuant to the Family Education Rights and Privacy Act (FERPA) and applicable federal and state laws. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process.
Confidentiality means that information shared by an individual with designated campus or community professionals cannot be revealed to any other person without express permission of the individual. Those professionals include medical providers, mental health care providers, ordained clergy, and off-campus rape crisis counselors, all of whom have privileged confidentiality recognized by law. These individuals are prohibited from breaking confidentiality unless there is an imminent threat of harm to self or others, the conduct involves suspected abuse of a minor under the age of 18, or as otherwise authorized by state and federal law.

Community members wishing to seek confidential assistance may speak with counselors in the Counseling Center, health service providers in the Student Health Center, local health providers, off-campus rape crisis resources, counseling resources available to employees through the Employee Assistance Program, or members of the clergy, all of whom will maintain confidentiality. More information about confidential resources can be found in Section VIII (B).

Reporting on Campus: It is important to understand that any University employee who is not designated as a confidential resource cannot maintain the confidentiality of a report or information concerning an alleged violation of this policy and all employees are expected to share any report of sexual misconduct with a Title IX Coordinator. More information about how to report to campus authorities can be found in Section IX (B).

Release of Information: No information shall be released from proceedings under this policy except as required or permitted by law and by University policy.

Pursuant to and as required by the Clery Act, if a report of misconduct indicates a serious and immediate threat to the campus community, the University will issue a timely notification to the community to protect its health or safety.

Pursuant to and as required by the Clery Act, anonymous statistical information must be shared with Public Safety. Annual Clery reporting to the U.S. Department of Education is required of educational institutions for certain offenses that have been reported at campus locations or certain off-campus locations controlled by the institution. The information contained in the Clery report tracks the number of Clery-reportable offenses occurring at such locations and does not include the names or any other identifying information about the persons involved in the incident. The University may also share non-personally identifying information about reports received in aggregate form, including data about outcomes and sanctions.

Additionally, pursuant to and as required by Virginia law, the University must disclose information regarding a report of sexual misconduct to law enforcement if (1) it is a report of sexual violence, which means physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent; (2) the sexual violence is alleged to have been committed against a student attending the University, or may have occurred on certain locations as defined under Virginia law; (3) disclosure of the information is deemed necessary to protect the health or safety of the student or other individuals by the three-person University Review Committee (the Review Committee is composed of the Title IX Coordinator, a representative from Student Affairs, and a representative from Public Safety). If the alleged act of sexual violence is a felony crime of sexual violence under Virginia law, disclosure will also be made to the Commonwealth’s Attorney without the release of any personally identifiable information (unless such information was deemed necessary by the Review Committee to
be disclosed to law enforcement in accordance with the applicable law). See Va. Code § 23.9-215. In the event of a disclosure, complainants retain the right to decline to participate in any investigation or to request that a criminal investigation not proceed.

Only as permitted by the Family Educational Rights and Privacy Act (FERPA) and/or other applicable law and University Policy will Washington and Lee notify the parents or guardians of students regarding any conduct situation, including disciplinary probation, loss of housing, suspension, and dismissal.

V. Prohibited Conduct

W&L prohibits and will not tolerate sexual misconduct in any form. Such violations are subject to any combination of sanctions, including suspension, dismissal, or termination of employment. Sexual misconduct affects individuals of all genders, gender identities, gender expressions, and sexual orientation, and does not discriminate by racial, social, or economic background.

The following behaviors fall under the broad definition of sexual misconduct and are prohibited.

- Sexual Discrimination
- Sexual Harassment
- Non-Consensual Sexual Penetration
- Non-Consensual Sexual Contact
- Sexual Exploitation
- Domestic and Dating Violence
- Stalking
- Retaliation

A. Sexual Discrimination

Unequal treatment based on an individual’s sex, sexual orientation, gender identity or gender expression that is sufficiently serious to unreasonably interfere with or limit the individual’s opportunity to participate in or benefit from a University program or activity or that otherwise adversely affects a term or condition of an individual’s education or living environment.

B. Sexual Harassment

Any unwelcome conduct of a sexual nature (sexual advances, request for sexual favors, or other unwanted verbal or physical conduct of a sexual nature) or unwelcome conduct based on sex, sexual orientation, gender identity, or gender expression, when one or more of the following conditions are present:

- Submission to the unwelcome conduct is an expressed or implied condition of an individual’s employment, evaluation of academic work, or any aspect of a University program or activity;
- Refusal to submit to unwelcome conduct resulted in a tangible academic or employment detriment; or
- The unwelcome conduct unreasonably interferes with an individual’s work or academic performance, or creates an intimidating or hostile academic or work environment under both an objective (a reasonable person’s view) and subjective (the complainant’s view) standard.
Sexually harassing behaviors differ in type and severity and can range from verbal harassment to unwelcome physical contact. A wide range of behaviors may fall within the general definition of sexual harassment depending on the circumstances.

A single, isolated incident of sexual harassment alone may create a hostile environment if the incident is sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to create a hostile environment, particularly if the harassment is physical. The determination of whether an environment is hostile must be based on all the circumstances. These circumstances could include, but are not limited to:

- The frequency of the conduct;
- The nature and severity of the conduct;
- Whether the conduct was physically threatening;
- Whether the conduct was directed at more than one person;
- Whether the conduct arose in the context of other discriminatory conduct;
- Whether a statement is a mere utterance of an epithet that engenders offense in an employee or a student or offends by mere discourtesy or rudeness; and/or
- Whether the conduct deserves the protections of academic freedom.

Sexual harassment:

- May be blatant and intentional and involve an overt action, a threat, or a reprisal, or may be subtle and indirect, with a coercive aspect that is unstated;
- Does NOT have to include intent to harm, be directed at a specific target, or involve repeated incidents;
- May be committed by anyone, regardless of gender, age, position, or authority. While there is often a power differential between two persons, perhaps due to differences in age, social, educational, or employment relationships, harassment can occur in any context;
- May be committed by a stranger, an acquaintance, or someone with whom the complainant has an intimate or sexual relationship;
- May be committed by or against an individual or may be a result of the actions of an organization or group;
- May occur in the classroom, in the workplace, in residential settings, over electronic or social media (including the Internet, telephone, and text), or in any other setting.

Examples of conduct that may constitute sexual harassment as defined above may include, but are not limited to, a severe, persistent, or pervasive pattern of unwelcome conduct that includes one or more of the following:

- Physical conduct: ◦Unwelcome touching, sexual/physical assault, impeding, restraining, or blocking movements.
  ◦Unwanted sexual advances.

- Verbal conduct:
  ◦Making or using derogatory comments, epithets, slurs, or humor
Verbal abuse of a sexual nature; graphic verbal commentaries about an individual’s body; sexually degrading words used to describe an individual; suggestive or obscene letters, notes, or invitations.

Offensive comments of a sexual nature, including sexually explicit statements, questions, jokes, or anecdotes.

• Visual conduct:
  • Leering; making sexual gestures; displaying suggestive objects or pictures, cartoons, or posters in a public space or forum.
  • Visual displays of suggestive, erotic, or degrading, sexually oriented images that are not pedagogically appropriate.

• Written conduct: letters, notes or electronic communications, including social media, containing comments, words, or images described above.

• Quid pro quo conduct: offering employment or academic benefits in exchange for sexual favors.
  • Making submission to sexual advances an actual or implied condition of employment, work status, promotion, grades or letters of recommendation, including subtle pressure for sexual activity, an element of which may be repeated requests for private meetings with no academic or work purpose.
  • Making or threatening reprisals after a negative response to sexual advances.

C. Non-Consensual Sexual Penetration

Sexual penetration with another individual without consent.

Sexual penetration includes vaginal or anal penetration, however slight, with a body part (e.g., penis, tongue, finger, hand) or object, or oral penetration involving mouth-to-genital contact.

D. Non-Consensual Sexual Contact

Sexual contact with another individual without consent.

Sexual contact includes any intentional, and non-accidental touching of the intimate parts of another, causing another to touch one’s intimate parts, or disrobing or exposure of another without permission. Intimate parts may include the breasts, genitals, buttocks, groin, mouth, or any other part of the body that is touched in a sexual manner.

E. Sexual Exploitation

Taking advantage of the sexuality of another person without consent or in a manner that extends the bounds of consensual activity for any non-legitimate purpose. Examples of sexual exploitation include, but are not limited to, the following:
  • Observing another individual’s nudity or sexual activity or allowing another to observe nudity or sexual activity without the consent of all parties involved in a place where the individual being observed would have a reasonable expectation of privacy;
• Recording, streaming, or photographing private sexual activity and/or a person's nudity, or distribution of such without the consent of all parties involved;
• Prostituting another individual; and/or
• Inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

F. Domestic and Dating Violence

Domestic violence means violence committed by:
• A current or former spouse or intimate partner of the complainant;
• A person with whom the complainant shares a child in common;
• A person who is cohabitating with or has cohabitated with the complainant as a spouse or intimate partner;
• Any other person against a complainant who is protected from that person's acts under the domestic or family violence laws of Virginia (18.2-572, 18.2-61 et seq.), which includes parents, stepparents, children, stepchildren, brothers, sisters, half-brothers, half-sisters, grandparents, grandchildren, and in-laws.

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 complainant; and
• Where the existence of such a relationship shall be determined based on (1) the length of the relationship; (2) the type of relationship; and (3) the frequency of interaction between the persons involved in the relationship.

Domestic and/or dating violence includes sexual or physical abuse or the threat of that abuse.

Domestic and/or dating violence may involve one act or an ongoing pattern of behavior.

The University will not tolerate domestic or dating violence. The University recognizes that sexual harassment, sexual assault, stalking, and retaliation all may be forms of domestic or dating violence when committed by a person who is or has been involved in a sexual, dating, or other social relationship of a romantic or intimate nature with the complainant.

G. Stalking

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

• Fear for the person’s safety or the safety of others; or
• Suffer substantial emotional distress.

"Course of conduct" means two or more acts.

Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
Examples of stalking may include, but are not limited to:

- Unwelcome/unsolicited communication including in-person communication, telephone calls, voice messages, text messages, e-mail messages, social networking site postings, instant messages, postings, written letters, gifts or other communications;
- Following, pursuing, waiting or showing up uninvited at a workplace, place of residence, classroom, or other locations frequented by a complainant;
- Surveillance and other types of observation, whether by physical proximity or electronic means;
- Trespassing;
- Vandalism;
- Non-consensual touching;
- Direct physical and/or verbal threats against a complainant or someone close to the complainant;
- Gathering of information about a complainant from family, friends, or co-workers and/or classmates;
- Manipulative and controlling behaviors such as threats to harm oneself;
- Defamation or slander against the victim; or
- Using a third party or parties to accomplish any of the above.

H. Retaliation

Retaliation includes intimidating, threatening, coercing, or in any way discriminating against any person or group for exercising rights under this policy. Actions are considered retaliatory if they (1) are in response to a good faith disclosure of real or perceived University-related misconduct, participation in an investigation of University-related misconduct, or engaging in bystander intervention of sexual misconduct, and (2) would deter a reasonable person in the same circumstances from opposing practices prohibited by this policy or participating in the complaint processes under this policy.

Retaliation may be present even where there is a finding of "Not Responsible" on the allegations of misconduct prohibited by this policy. Community members engaging in retaliation will be subject to disciplinary action, whether such retaliatory acts are implicit or explicit, or committed directly or indirectly. The University will make every reasonable effort to stop retaliation immediately, to provide remedies to victims of retaliation, and to sanction the perpetrators of retaliation as appropriate. For employees, discipline for retaliation will be handled by the Executive Director of Human Resources, the Provost's office, or a department head. For students, the Vice President for Student Affairs and Dean of Students has the discretion to address retaliation by taking administrative actions, disciplinary or otherwise, or referring the matter for a formal conduct charge. Notwithstanding the foregoing, and regardless of the manner in which any alleged retaliation is addressed, before any discipline is imposed, the person accused of retaliation will receive notice and an opportunity to be heard, as appropriate under the circumstances.

VI. Understanding Consent: Force, Coercion, Incapacitation, and Alcohol
A. Consent

Individuals who choose to engage in sexual activity of any type must first obtain the consent of the other party. Consent is demonstrated through mutually understandable words and/or actions that clearly indicate a willingness to engage freely in sexual activity.

Additional Guidance about Consent:

• Consent to one form of sexual activity does not, by itself, constitute consent to engage in all forms of sexual activity.
• Consent consists of an outward demonstration indicating that an individual has freely chosen to engage in sexual activity. Consent may not be inferred from silence, passivity, lack of resistance, or lack of an active response alone. A person who does not physically resist or verbally refuse sexual activity is not necessarily giving consent.
• A verbal "no" is a clear demonstration of the lack of consent.
• Individuals with a previous or current intimate relationship do not automatically give either initial or continued consent to sexual activity. Even in the context of a relationship, there must be mutually understandable communication that clearly indicates a willingness to engage in sexual activity.
• Either party may withdraw consent at any time. Withdrawal of consent should be outwardly demonstrated by words or actions that clearly indicate a desire to end sexual activity. Once withdrawal of consent has been expressed, sexual activity must cease.
• Consent is not effective if it results from the use or threat of physical force, intimidation, or coercion, or any other factor that would eliminate an individual’s ability to exercise free will to choose whether or not to have sexual contact. See Paragraphs (B) and (C) of this Section for further discussion.
• An individual who is physically incapacitated from alcohol or other drug consumption (voluntarily or involuntarily) or is asleep, unconscious, unaware, or otherwise physically helpless is considered unable to give consent. See Paragraph (D) of this Section for further discussion.

B. Force

Force is the use or threat of physical violence or intimidation to overcome an individual’s freedom of will to choose whether or not to participate in sexual activity. There is no requirement that a party resists a sexual advance or request, but resistance will be viewed as a clear demonstration of non-consent.

C. Coercion

Coercion is the use of unreasonable and persistent pressure to compel another individual to initiate or continue sexual activity against an individual’s will. Coercion can include a wide range of behaviors, including intimidation, manipulation, threats, and blackmail. Coercion may be emotional, intellectual, psychological, or moral. A person’s words or conduct are sufficient to constitute coercion if they wrongfully impair another individual’s freedom of will and ability to choose whether or not to engage in sexual activity. In evaluating coercion, the University will consider: (1) frequency of the application of pressure; (2) intensity of the pressure, (3) isolation of the person being pressured; and (4) duration of
the pressure. Coercing an individual into engaging in sexual activity violates this policy in the same way as physically forcing someone into engaging in sexual activity.

D. Incapacitation

An individual who is incapacitated cannot consent to sexual activity. Incapacitation is defined as the inability, temporarily or permanently, to give consent because an individual is mentally and/or physically helpless, asleep, unconscious, or unaware that sexual activity is occurring.

In other words, a person may be considered unable to give valid consent due to incapacitation if the person is not able to understand the who, what, where, when, why, and/or how of a sexual interaction.

In evaluating whether consent was present in cases of alleged incapacitation, the University asks three questions: (1) Was complainant incapacitated?, (2) If so, did the respondent know that the complainant was incapacitated?, and (3) If not, would a sober, reasonable person in the same situation have known that the complainant was incapacitated based on objectively and reasonably apparent indications of impairment.

An individual who engages in sexual activity with someone the individual knows or reasonably should know is incapable of giving consent is in violation of this policy.

1. Alcohol or Other Drugs

Where alcohol or other drugs are involved, incapacitation is a state beyond drunkenness or intoxication. The impact of alcohol and other drugs varies from person to person; however, common warning signs that a person may be incapacitated or approaching incapacitation as a result of alcohol or drug use or consumption may include slurred speech, vomiting, unsteady gait, odor of alcohol, incontinence, combativeness, or emotional volatility.

Alcohol and drugs impair a person's decision-making capacity, awareness of consequences, and ability to make informed judgments. It is especially important, therefore, that anyone engaging in sexual activity be aware of the other person's level of intoxication. If there is any doubt as to the level or extent of the other individual's intoxication or impairment, the prudent course of action is to forgo or cease any sexual contact or activity.

Being intoxicated or impaired by drugs or alcohol is never an excuse for sexual misconduct, and does not diminish one's responsibility to obtain consent.

VII. Prohibited Relationships by Persons in Authority

The faculty-student relationship is one of trust in the institution and the faculty member, who has the professional responsibility for being a mentor, educator, and evaluator. Faculty-student and employee-student romantic and/or sexual attention, interaction, or relationships, even mutually consenting ones, interfere with a student's unfettered pursuit of learning and the integrity of the academic and workplace environment.
Consensual relationships (defined in the Consensual Relationship Policy as a romantic and/or sexual relationship to which both parties have given their consent) between University employees and undergraduate students are prohibited.

Consensual relationships between law students and all employees within the Law School are prohibited.

Consensual relationships between law students and non-Law School employees of the University who have the potential to directly impact the student’s academic or professional status or development now or in the future are prohibited.

Consensual relationships between law students and University employees who believe they are exempted by the preceding sentence are strongly discouraged. Such employees who nevertheless choose to engage in a consensual relationship with a law student may not be defended or indemnified by the University if difficulties in the relationship arise (including, but not limited to, student claims of sexual harassment against the University or employee).

If an ongoing consensual relationship began while both parties were undergraduate or law students and one of the parties thereafter becomes an employee of the University, such a consensual relationship should be disclosed by the employee at the time of hire, but is not prohibited unless the employee has the potential to directly impact the student’s academic or professional status or development currently or in the future. Such an employee may not be defended or indemnified by the University if difficulties in the relationship arise (including, but not limited to, student claims of sexual misconduct against the University or employee).

Consensual relationships are addressed separately under the University’s Consensual Relationship Policy. Failure to fully comply with the University’s Consensual Relationship Policy could subject the person in authority to disciplinary action, up to and including dismissal from employment by the University. Questions about the Consensual Relationship Policy, its application, and/or its enforcement should be directed to the Provost for faculty, or to the Executive Director of Human Resources for other employees or those under contract or assignment by W&L.

VIII. Resources for Complainants and Respondents

A first step for any complainant or third-party witness may be choosing how to proceed following an incident of sexual misconduct. The University provides two distinct institutional resources:

Confidential Resources do not involve notifying the University of the incident unless the complainant requests such action.

Reporting Resources notify the University of the incident and begin the Title IX assessment and ultimate resolution of the report through remedies-based resolution or investigation and potential disciplinary proceedings.

It is also important to note that emergency medical, W&L Public Safety, and/or local law enforcement assistance are available both on and off-campus. All individuals are encouraged to contact law
enforcement and seek medical treatment immediately following an incident when such assistance is desired or necessary under the circumstances. The University is committed to treating all members of the community with dignity, care, and respect. Any individual affected by sexual misconduct, whether as a complainant, a respondent, or a third party, will have equal access to support consistent with their needs and available University resources.

The University recognizes that deciding whether to make a report and choosing how to proceed can be difficult decisions. The University encourages any individual who has questions or concerns to seek the support of campus and community resources. These professionals can provide information about available resources and procedural options and other assistance to either party in the event that a report and/or disciplinary proceedings are pursued. Individuals are encouraged to use all available resources, regardless of when or where the incident occurred.

A. Emergency and Community Resources

The first priority for any individual should be personal safety and well-being. The University encourages all individuals who have experienced sexual misconduct to seek assistance by contacting W&L Public Safety, calling 911, contacting local law enforcement, and/or visiting a medical facility immediately after an incident when such assistance is desired or necessary under the circumstances.

All individuals are encouraged to make a prompt report to law enforcement and/or to seek immediate medical treatment in response to an incident when such assistance is desired or necessary under the circumstances in order to address immediate safety concerns and to allow for the preservation of evidence and an immediate investigative response. The University will assist in these reporting options by arranging for or providing transportation to the hospital, coordinating with local law enforcement (including assisting with filing a police report and obtaining a protective order), and informing a complainant about the University’s resources and complaint processes.

24-Hour Support Services:

- 911
- Lexington Police Department: (540) 462-3705
- Rockbridge County Sheriff’s Office: (540) 463-7328
- W&L Public Safety (540) 458-8999
- W&L Student Health (540) 458-8401
- Carillion Stonewall Jackson Hospital: (540) 458-8754
- Dean of Students Office (540) 458-8754
- Dean on Call 24/7 by calling Campus Public Safety: (540) 458-8999
- Project Horizon: (540) 463-2594
  (Dating and Domestic Violence and Sexual Assault)
- Augusta Health (Fishersville): (800) 932-0262
  (This is the closest hospital that can conduct a forensic exam by a Sexual Assault Nurse Examiner. The purpose of a forensic exam is to document and collect evidence of sexual contact and/or physical trauma. When there is suspicion or concern that an assault may have been facilitated by the use of drugs, the forensic exam may also include the collection of urine and blood samples for toxicology testing. Individuals are not required to report an incident to law enforcement or the University in order to receive medical attention or a forensic exam. Both
Project Horizon and W&L Public Safety can assist with transportation. An individual can coordinate transport from Public Safety through the Student Health Center.

B. Confidential Resources and Support

For individuals who are seeking confidential consultation, several resources provide confidential support, both on campus and in the local community. The trained professionals designated below can provide counseling, information, and support under legally protected confidentiality. They may, however, submit non-identifying information about the incident for purposes of making a statistical report under the Clery Act.

Students wishing to obtain confidential support or resources on campus are encouraged to contact the University Student Health and Counseling. This center is staffed by medical, psychiatric, and psychological professionals who are bound by separate laws of confidentiality and will not share the report with other members of the University. These individuals are prohibited from breaking confidentiality unless there is an imminent threat of harm to self or others, the conduct involves suspected abuse of a minor under the age of 18, or as otherwise authorized by state and federal law.

Confidential Resources include any of the following:

- W&L Student Health Center:
  Counseling Services: (540) 458-8590
  Health Services: (540) 458-8401
- Project Horizon: (540) 463-2594
  (Dating and Domestic Violence and Sexual Assault)

Confidential Resources for Employees:

In addition to Project Horizon, employees wishing to make a confidential report are encouraged to contact the Employee Assistance Program, which is staffed by individuals who are bound by the same rules of confidentiality.

- Employee Assistance Program (EAP): (800) 992-1931

Other Confidential Resources:

Virginia State Domestic & Sexual Violence Hotline (VSDS)
(800) 838-8238 (24-hour hotline)

National Domestic Violence Hotline (NDV)
(800) 799-7233 (SAFE)
The National Domestic Violence Hotline can provide advocacy, resources, referral, and legal assistance to victims of dating or domestic violence. [www.thehotline.org](http://www.thehotline.org)
IX. Reporting

The University encourages all individuals to seek assistance from a medical provider and law enforcement immediately after an incident of sexual misconduct when such assistance is desired or necessary under the circumstances, regardless of whether or not the individual plans to pursue criminal action. This is the best option to ensure preservation of evidence and to begin a timely response by law enforcement and/or the University. Complainants are strongly encouraged to take immediate steps to preserve all evidence that might support a future report to the University, a protective order, or an investigation by law enforcement.

The University supports victims of sexual misconduct and encourages all individuals or third-party witnesses to report any incident to the University, and to law enforcement if it involves potential criminal conduct.

Making a report means telling a Reporting Resource (someone in authority, see Section IX (B)) what happened-in person, by telephone, in writing, or by e-mail. At the time a report is made, a complainant does not have to decide whether or not to request any particular course of action, nor does a complainant need to know how to label what happened. The University provides support to each individual in making these important decisions, and to the extent legally possible, will respect an individual’s autonomy in deciding how or whether to proceed. In this process, the University will balance the individual’s interest with its obligation to provide a safe and non-discriminatory environment for all members of the University community.

Any individual who reports sexual misconduct can be assured that the University will assess each report and resolve it in a fair and impartial manner, as appropriate under the circumstances. All individuals involved can expect to be treated with dignity and respect. In every report, the University will make an immediate assessment of any risk of harm to the University or to the broader campus community and will address those risks, including taking interim measures to provide for the safety of the individual and the campus community.

A. Reporting to Law Enforcement

The University encourages complainants to pursue criminal action for incidents of sexual misconduct that may also be crimes under state criminal statutes. Complainants have the right to notify or decline to notify law enforcement authorities. The University will assist a complainant, at the complainant’s request, in contacting local law enforcement; filing a report; or obtaining a protective order. The University will cooperate with law enforcement agencies if a complainant decides to pursue the criminal process. Complainants have the right to participate or decline to participate in any investigation to the extent permitted under state or federal law.

Local law enforcement information:

- Lexington Police Department: (540) 462-3705
Project Horizon can provide legal information to complainants about criminal reporting, investigations, as well as civil and criminal court proceedings. Project Horizon Advocates may accompany complainants to court dates and appointments with law enforcement officers, the Commonwealth’s Attorney, Court Services Unit, and other legal proceedings and answer questions about these processes. To speak with Project Horizon’s legal advocate, call (540) 463-8761.

The University’s policy, definitions, and burden of proof may differ from Virginia criminal law. A complainant may seek resolution through the University’s complaint process, may pursue criminal action, may choose one but not the other, or may choose both. Neither law enforcement’s determination whether or not to prosecute a respondent nor the outcome of any criminal prosecution determine whether sexual misconduct has occurred under this policy. Proceedings under this policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.

Pursuant to and as required by Virginia law, the University must disclose information regarding a report of sexual misconduct to law enforcement if (1) it is a report of sexual violence, which means physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent; (2) the sexual violence is alleged to have been committed against a student attending the University, or may have occurred on certain locations as defined by Virginia law; (3) disclosure of the information is deemed necessary to protect the health or safety of the student or other individuals by the three-person University Review Committee (the Review Committee is composed of the Title IX Coordinator, a representative from Student Affairs, and a representative from Public Safety). If the alleged act of sexual violence is a felony crime of sexual violence under Virginia law, disclosure must, under applicable law, also be made to the Commonwealth’s Attorney without the release of any personally identifiable information (unless such information was deemed necessary by the Review Committee to be disclosed to law enforcement in accordance with the applicable law). See Va. Code § 23-9.2:15. In the event of a disclosure, complainants retain the right to decline to participate in any investigation or to request that a criminal investigation not proceed.

In making the determination as to whether disclosure is necessary to protect the health or safety of the student or other individuals, the Review Committee will make this determination based upon the totality of the known circumstances and will be guided by a consideration of the following factors:

- Whether the respondent has prior arrests, is the subject of prior reports and/or complaints related to any form of sexual misconduct;
- Whether the respondent has any history of violent behavior;
- Whether the respondent has a history of failing to comply with any University No-Contact Directives, other University protective measures and/or judicial protective order;
- Whether the respondent has threatened to commit further violence;
- Whether the alleged sexual violence involved multiple respondents;
- Whether the alleged sexual violence involved physical force;
- Whether the alleged sexual violence may have been facilitated through the use of "date-rape" or similar drugs or intoxicants;
- Whether the complainant is a minor (under 18);
• Whether any other aggravating circumstances are present.

B. Campus Reporting Resources

All W&L community members should report all incidents of sexual misconduct or retaliation directly to the Title IX Coordinator or Assistant Title IX Coordinator for Employment.

The University recognizes that a student or employee may choose to report to any employee of the University. For example, a student may choose to confide in an associate dean, a resident adviser, a faculty member, a director, or a coach. Similarly, an employee may choose to confide in a supervisor or a colleague. No W&L employee may promise confidentiality (except in Student Health and Counseling), and all W&L employees are expected to share such information with the Title IX Coordinator or Assistant Title IX Coordinator for Employment.

W&L has identified certain groups of employees as "Responsible Employees" for purposes of complaints of sexual misconduct. A Responsible Employee is required to report to a Title IX Coordinator all relevant details (obtained directly or indirectly) about an incident of sexual misconduct, including dates, times, locations, and names of parties and witnesses. Information brought to the attention of a Responsible Employee is not confidential. All Responsible Employees will be trained on how to identify sexual misconduct and on their duties.

The following Responsible Employees have the authority to redress complaints of sexual violence or sexual misconduct:

• Title IX Coordinator and Assistant Title IX Coordinator(s)
• Student Resources: Identified at go.wlu.edu/OGC/ResourcesContactInfo
• Employee Resources: Identified at go.wlu.edu/OGC/ResourcesContactInfo
• Director and Officers of Public Safety

The following additional Responsible Employees must report complaints of sexual misconduct to a Title IX Coordinator (Note: The positions listed below are identified as Responsible Employees because students may reasonably believe them to have the authority to redress or the duty to report such complaints):

• Athletic Director, Associate and Assistant Athletic Directors
• Athletic Team Coaches, Assistant Coaches, and Athletic Trainers
• Director of Sustainability Initiatives and Education
• Directors of Legal Clinics
• Faculty and staff accompanying students on off-campus programs or other University-related trips, within and outside the United States
• Undergraduate Faculty Department Chairs and Program Chairs
• Law School Director of Academic Success
• Resident Advisers and Community Assistants
• Shepherd Program—Coordinator for Student Service Leadership and Research, Associate Director of Community-Based Learning, and Co-Curricular Service Coordinator
Students and all other employees should report information about any incident of sexual misconduct to any of the Responsible Employees or to the reporting resources listed below:

All Campus Reporting Resources

Lauren E. Kozak, Title IX Coordinator
Elrod University Commons 212
Phone: 540.458.4055
Email: kozakl@wlu.edu

Mary E. Main, Assistant Title IX Coordinator for Employment
Office of Human Resources
Two South Main 109
Phone: 540.458.8920
Email: mmain@wlu.edu

Elizabeth Knapp, Assistant Title IX Coordinator for Gender Equity in Athletics
Washington Hall 217
Phone: 540.458.8705
Email: knappe@wlu.edu

For complaints about gender equity in W&L athletic programs.

Office of Student Affairs
Elrod Commons 242
Phone: 540.458.8754

Students can report incidents directly to the Vice President for Student Affairs and Dean of Students or to a member of the professional staff.

Department of Public Safety
Public Safety Dispatch on E. Denny Circle
Phone: 540.458.8999
Available 24 hours a day/7 days a week/365 days a year

Available to receive reports of incidents of sexual misconduct. Also available to arrange or provide transportation to the hospital or local law enforcement, and can reach the Student Affairs Dean on Call at any time.

C. Anonymous Reporting

Any individual may make an anonymous report concerning incidents of sexual misconduct. An individual may report the incident without disclosing his or her name, identifying the respondent, or requesting any action. Depending on the extent of information available about the incident or the individuals involved, however, the University’s ability to respond to an anonymous report may be limited. The Anonymous Sexual Misconduct Reporting Form can be found at: go.wlu.edu/sexualmisconductreport.
The Title IX Coordinator or the Assistant Title IX Coordinator will receive the anonymous report and will determine any appropriate steps, including individual or community remedies as appropriate and in compliance with all federal and state legal obligations.

D. Bystanders

The University encourages all community members to take reasonable and prudent actions to prevent an act of sexual misconduct. Taking action may include direct intervention when safe to do so, enlisting the assistance of friends, contacting law enforcement, or seeking assistance from a person in authority. Community members who choose to assist under these circumstances will be supported by the University and protected from retaliation. The University provides mandatory bystander training for all entering students. Anyone interested in additional training should contact the Director of Health Promotion, Jan Kaufman at jkaufman@wlu.edu.

E. Reporting Considerations

1. Timeliness of Report, Location of Incident

Complainants and third-party witnesses are encouraged to report incidents of sexual misconduct as soon as possible in order to maximize the University’s ability to respond promptly and effectively. However, there is no time limit on reporting violations of this policy. If the respondent is no longer a student or employee, the University may not be able to take disciplinary action against the respondent, but it will still seek to comply with its Title IX obligation by providing support for a complainant and taking steps to end the harassment, prevent its recurrence, and remedy its effects.

An incident does not have to occur on campus to be reported to the University. Off-campus conduct that occurs in connection with University programs or events may also be covered, as may off-campus conduct that may have a continuing adverse effect on the complainant while on campus or other property owned or controlled by the University or in any University employment or education program or activity. The University will process all Title IX complaints regardless of where the conduct occurred to determine whether the conduct occurred in the context of its educational program or has continuing adverse effects on campus or in an off-campus program or activity.

2. Amnesty for Personal Use of Alcohol or Other Drugs

The University seeks to remove any barriers to reporting. It is in the best interest of this community that all individuals who have been the subject of sexual misconduct report the behavior to the University, and that witnesses share what they know. To encourage reporting, complainants, third-party witnesses, or respondents will not be subject to disciplinary action by the University for their own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk.

3. Statement Against Retaliation

Retaliation is a violation of University policy and will result in disciplinary action. See Section V(G) above for more information.
4. False Reporting

The University takes the validity of information very seriously, as a charge of sexual misconduct may have severe consequences.

A complainant who makes a report that is later found to have been intentionally false or made maliciously without regard for truth, or anyone proven to have intentionally given false information during the course of an investigation or disciplinary proceeding may be subject to disciplinary action under the University's Honor System or disciplinary action under the appropriate employee disciplinary policy and may also violate state criminal statutes and civil defamation laws. This provision does not apply to reports made in good faith, even if the facts alleged in the report are not substantiated by an investigation and/or hearing decision. An allegation of false reporting cannot be investigated or heard until the underlying allegations have been resolved by the relevant conduct body.

5. Protection of Minors and Mandatory Reporting of Suspected Child Abuse

Under Virginia law, any persons employed by the University who, in their professional or official capacity, have reason to suspect that a child is an abused or neglected child, are required to report the matter immediately to child protective services. Under this policy and W&L’s Protocol for Mandatory Reporting of Suspected Child Abuse/Neglect, the University also requires that the information be immediately shared with the Office of Public Safety so that the University can ensure timely compliance with this law and enhance the protection of children.

The University will report all suspected child abuse and neglect, including sexual assault, to law enforcement and/or to the Virginia Department of Social Services. The toll-free child abuse and neglect hotline: (800) 522-7096.

The University intends to act quickly regarding all suspected child abuse. For the purposes of this reporting obligation, a child is any individual under the age of 18, and the suspected abuse may involve physical, sexual, or other forms of abuse or neglect, regardless of the identity of the suspected perpetrator. The duty to report is triggered by reasonable suspicion or belief. There is no requirement that you have actual evidence of abuse, nor is it the responsibility of any employee, student, or volunteer to investigate suspected child abuse. This is the role of the Department of Social Services and/or law enforcement authorities, who are best positioned to do so.

A report should be made as follows:

- If a child is in immediate danger, call the police (911).
- If there is no immediate danger, call W&L Office of Public Safety: (540) 458-8999.
- If an employee is unable to reach the Office of Public Safety, he or she may alternatively report the suspected abuse to one of the following: ◦The local department of Social Services in the city where the child lives or the city where the abuse/neglect is believed to have occurred;
  ○Rockbridge - Buena Vista - Lexington Area Social Services
  Susan Adcock, Director
  20 E. Preston St.
  Lexington, VA 24450
The Virginia Department of Social Services' toll-free child abuse/neglect hotline: 1-800-552-7096.

If an employee reports to the State or Local Department of Social Services, he or she must also provide the same information to Public Safety as soon as possible.

X. Title IX Review, Complainant Request Not to Proceed, and Interim Measures

Although a report may arrive through many sources, the University is committed to ensuring that all reports are referred to the Title IX Coordinator or Assistant Title IX Coordinator for Employment, who will ensure consistent application of the policy to all individuals and allow the University to respond promptly and equitably to eliminate the harassment, prevent its recurrence, and remedy its effects.

Complainants and respondents can expect the following under these procedures:

• Prompt and equitable resolution of allegations of sexual misconduct;
• Privacy in accordance with the policy and any legal requirements;
• Reasonably available interim measures as described in section B below;
• Freedom from retaliation for making a good faith report of sexual misconduct or participating in any proceeding under this policy;
• The responsibility to refrain from retaliation directed against any person for making a good faith report of sexual misconduct or participating in any proceeding under this policy;
• The responsibility to provide truthful information in connection with any report, investigation, or resolution of sexual misconduct under the policy;
• The opportunity to articulate concerns or issues about proceedings under the policy;
• Notice of any meeting or proceeding that the party may attend;
• The opportunity to have advisors, including the right to an Advisor of Choice;
• Written notice of an investigation, including notice of potential policy violations;
• The opportunity to challenge any member of the Harassment and Sexual Misconduct Board (HSMB) or an Investigation and Review Panel for bias or conflict of interest;
• The opportunity to offer information, present evidence, and identify witnesses during an Investigation;
• The right to participate or decline to participate in the complaint resolution process, with the acknowledgement that not participating, either totally or in part, may not prevent the process from proceeding with the information available;
• Equal access to information that will be used during resolution proceedings;
• Written notice of any extension of timeframes; and
• Written notice of the outcome of any disciplinary proceeding.

A. Title IX Assessment

Upon receipt of a report of sexual misconduct, the University will conduct an initial Title IX assessment. The goal of this assessment is to provide an integrated and coordinated response to reports of sexual misconduct. The assessment will consider the nature of the report, the safety of the
individual and of the campus community, the complainant’s expressed preference for resolution, and the necessity for any interim remedies or measures.

As part of the initial assessment of the facts the University will:

- Assess the nature and circumstances of the allegation;
- Address immediate physical safety and emotional well-being;
- If applicable, notify the complainant of the right to contact law enforcement and seek medical treatment;
- Notify the complainant of the importance of preservation of evidence;
- Communicate with appropriate University officials to assess whether the reported conduct triggers any Clery Act obligations, including the need for a timely warning under the Clery Act and entry of the report in daily crime log;
- Provide the complainant with information about on- and off-campus resources;
- Notify the complainant of the range of interim measures and remedies;
- Provide the complainant with an explanation of the procedural options, including remedies-based/informal resolution and disciplinary resolution/formal complaint;
- Assess for pattern evidence or other similar conduct by respondent;
- Discuss the complainant’s expressed preference for manner of resolution and any barriers to proceeding;
- Explain the University’s policy prohibiting retaliation; and
- Determine whether the allegation is one of "sexual violence" and may have been committed against a student attending the University or may have occurred on certain locations defined in Va. Code § 23-9.2:15. If so, the Title IX Coordinator will convene the three-person University Review Committee (which includes the Title IX Coordinator, a representative from public safety and a representative from student affairs) to meet to determine whether disclosure must be made to law enforcement to protect the health and safety of the student or other individuals pursuant to Va. Code § 23-9.2:15. This committee will meet within 72 hours of the initial report to the Title IX Coordinator to make this determination.

The initial assessment will proceed to where a reasonable assessment of the safety of the individual and of the campus community can be made. During the initial assessment, the University will ensure that the Complainant receives a written explanation of available resources and options. At the conclusion of the initial assessment, if the complainant has expressed a desire to proceed with an investigation or a formal complaint (in a case against a nonstudent), the University will begin the investigation or formal complaint process and potential disciplinary action. If the complainant has requested not to proceed with an investigation or formal complaint, the Title IX Coordinator or Assistant Title IX Coordinator for Employment, in coordination with others as necessary, will determine the appropriate manner of resolution for the particular report following the guidelines in Paragraph C of this section, which may include remedies-based or informal actions or the initiation of an investigation or formal complaint.

B. Interim Measures

1. Overview
Upon receipt of a report of sexual misconduct, the University will impose reasonable and appropriate interim measures designed to eliminate the reported hostile environment, prevent its recurrence, and remedy its effects. Interim measures may be imposed regardless of whether formal disciplinary action is sought by the complainant or the University, and regardless of whether or not the complainant chooses to report to local law enforcement in order to ensure the preservation of the complainant’s educational, work or volunteer experience and the overall University environment.

A complainant or respondent may request separation or other protection, or the University may choose to impose interim measures at its discretion to ensure the safety of all parties, the broader University community, and/or the integrity of the investigative and/or resolution process. The imposition of an interim measure assumes no determination of responsibility and is not a form of discipline.

When implementing interim measures, the University will seek to minimize the burden on the party seeking the measures. For example, if the parties share the same residence hall, the University will not, as a matter of course, remove the party seeking the protective measure from the class or residence hall while allowing the other party to remain, without carefully considering all options and circumstances. The University will maintain as private any interim measures provided, to the extent that maintaining such privacy would not impair the ability of the University to provide those measures.

All individuals are encouraged to report concerns about the failure of another individual to abide by the terms of any imposed interim measure. The University will take immediate action to enforce a previously implemented measure. The University can impose disciplinary sanctions for failing to abide by a University-imposed measure. For employees or volunteers, discipline will be handled by the Executive Director of Human Resources, the Provost’s office, or a department head. For students, the Vice President for Student Affairs and Dean of Students has the discretion to address retaliation by taking administrative actions, disciplinary or otherwise, or referring the matter for a formal conduct charge.

2. Range of Measures

The University, at its discretion, will implement interim measures. Interim measures are intended to be protective and/or remedial for one or both parties, and may be temporary or permanent and may be modified by the University as circumstances change. Potential measures, which may be applied to the complainant and/or the respondent to the extent reasonably available and warranted by the circumstances, include but are not limited to:

- Access to counseling services and assistance in setting up initial appointment, both on and off-campus;
- Imposition of a no-contact directive;
- Rescheduling of exams and assignments;
- Providing alternative course-completion options;
- Change in class schedule, including the ability to transfer course sections or withdraw from a course without penalty;
- Change in work schedule or job assignment;
- Change in student’s University-sponsored or University-controlled housing;
- Assistance from University support staff in completing housing relocation;
• Limit of an individual’s or organization’s access to certain University facilities or activities pending resolution of the matter;
• Voluntary leave of absence;
• Providing an escort to ensure safe movement between classes and activities;
• Arranging a meeting with law enforcement or W&L Public Safety;
• Providing medical services;
• Providing academic support services, such as tutoring;
• Working in conjunction with student affairs to impose a behavioral agreement with the respondent;
• Any other remedy that can be tailored to the involved individuals to achieve the goals of this policy.

3. University-Imposed Interim Administrative Leave of Absence

If the Title IX Coordinator, after consultation with the Vice President of Student Affairs and Dean of Students, Director of Public Safety, and/or others, as advisable, decides at any point that the health and safety of a student or of the community is at stake, an interim administrative leave of absence may be imposed on a student who is suspected of violating this policy. In addition, interim administrative leave of absence may be used to preserve University property; pursue an investigation and/or disciplinary proceeding; and prevent disruption of, or interference with, the normal operations of the University. Interim administrative leave of absence will be used for short periods of time pending resolution of a report, and assumes no determination of responsibility.

During an interim administrative leave of absence, a student may be denied access to University housing, which includes Residence Halls, Theme Houses, and Greek Housing, and/or the University’s campus or programs. As determined appropriate by the Title IX Coordinator (or designee), this restriction includes classes and/or all other University activities or privileges for which the student might otherwise be eligible.

At the discretion of the Title IX Coordinator, and with the approval of, and in collaboration with, the appropriate Dean(s), alternative coursework options may be pursued to ensure as minimal an impact as possible on the respondent.

Similarly, if at any point in a complaint process, the Co-Chair for the Investigation and Review Officers believes that an employee who is suspected of violating this policy represents a danger to individuals or disruption to campus operations, the employee may be placed on administrative leave with pay pending the outcome of the complaint and appeals. Such leave will be structured at the University’s discretion.

C. Complainant Autonomy and Request to Not Proceed

The University will seek action consistent with a complainant’s request where possible. If, during the initial assessment, a complainant wishes to proceed with an investigation or formal complaint, the University will take action consistent with the complainant’s request. Where a complainant makes a report but requests that a name or other identifiable information not be shared with the respondent, or
that no formal action be taken, the University will balance this request with its dual obligation to provide a safe and non-discriminatory environment for all W&L University community members and to remain true to principles of fundamental fairness that require notice and an opportunity to respond before action is taken against a respondent.

In the event that a complainant does not wish to proceed with an investigation or formal complaint and/or a hearing of the appropriate conduct body, the Title IX Coordinator or Assistant Title IX Coordinator for Employment will determine, based on the available information, whether the investigation or formal complaint and/or hearing should nonetheless go forward. The Title IX Coordinator or Assistant Title IX Coordinator for Employment will assess any barriers to proceeding, including retaliation, and will inform the complainant that Title IX prohibits retaliation and that the University will take strong responsive action to protect the complainant.

In determining whether the University can comply with a complainant’s request not to proceed, the Title IX Coordinator or Assistant Title IX Coordinator for Employment will consider a range of factors, including:

- The severity and impact of the conduct, including whether a weapon was used;
- Whether the complainant is a minor under the age of 18;
- Whether prior reports of sexual misconduct have been made against the respondent;
- Whether the respondent threatened further violence or other violence against the complainant or others;
- Whether the university possesses other means to obtain relevant evidence of the alleged sexual misconduct (security cameras, video recordings, photographs or other evidence); and,
- The extent of prior remedial methods taken with the respondent.

The presence of one or more factors could lead the Title IX Coordinator or Assistant Title IX Coordinator for Employment to determine that the University should investigate the incident, and if appropriate, pursue disciplinary action against the respondent despite the complainant’s request.

After evaluating the appropriate factors, if the complainant’s request not to proceed is granted, the University will take all reasonable steps to respond to the complaint consistent with the request, but its ability to do so may be limited based on the nature of the request by the complainant. Examples of potential non-disciplinary responses are provided in paragraph B above. Other potential responses include targeted or broad-based educational programming or training; in cases involving nonstudents, informal resolution as described in Section XII(B) below; and/or indirect action by the Title IX Coordinator, Assistant Title IX Coordinator for Employment, or other individuals brought in to handle indirect action with consent of the complainant.

Where the University is unable to take action consistent with the request of the complainant, the Title IX Coordinator or Assistant Title IX Coordinator for Employment will tell the complainant about the University’s chosen course of action, which may include the University choosing to pursue action against a respondent on its own behalf. The University will not require a complainant to participate in any investigation or disciplinary proceeding. The course of action may also include steps to limit the effects of the alleged misconduct and prevent its recurrence that do not involve disciplinary action against a respondent or revealing the identity of the complainant.
A complainant who initially requests that the University not proceed with an investigation or disciplinary action may later request that an investigation be conducted. Additionally, the Title IX Coordinator, after granting a request not to proceed, may proceed with an investigation or disciplinary action if any new or additional information becomes available.

XI. Investigation and Resolution for Complaints Against Students

The following procedures will be used if the respondent is a student. If the respondent is both a student and an employee:

- The student resolution procedures will apply if the respondent is a full-time student but not a full-time employee;
- The employee resolution procedures will apply if the respondent is a full-time employee but not a full-time student; or
- If there is a question as to the predominant role of the respondent, the Title IX Coordinator will determine which of the procedures applies based on the facts and circumstances (such as which role predominates in the context of the conduct).

A. Overview of Procedural Options

Following the Title IX assessment, the University may (1) seek a remedies-based resolution that does not involve disciplinary action against a respondent; or (2) initiate an investigation to determine if a charge should be issued. The goal of the investigation is to gather all relevant facts and determine if there is sufficient information to support a charge against a respondent.

Each resolution process is guided by the same principles of fairness and respect for all parties.

B. Remedies-Based Resolution

Remedies-based resolution is a non-disciplinary approach designed to eliminate a reported hostile environment without initiating potential disciplinary action against a respondent. Where the Title IX assessment concludes that remedies-based resolution is appropriate, the University will take immediate and corrective action through the imposition of individual and community remedies designed to maintain the complainant’s access to the educational, extracurricular, employment or volunteer activities at the University. Examples of protective, non-disciplinary remedies are provided in Interim Measures, Section X(B). Other potential remedies include targeted or broad-based educational programming or training, supported direct confrontation of the respondent, mediation, and/or indirect action by the Title IX Coordinator or the University. Depending on the form of remedies-based resolution used, it may be possible to maintain anonymity.

The University will offer mediation or direct confrontation for appropriate cases, but it will not compel a complainant to engage in mediation or to directly confront the respondent. Mediation and direct confrontation, even if voluntary, may not be used in cases involving sexual assault.

Participation in remedies-based resolution is voluntary, and a complainant can request to end remedies-based resolution at any time and proceed with an investigation and potential disciplinary action. Likewise, a complainant may request remedies-based resolution at any time prior to a hearing
of the Harassment and Sexual Misconduct Board, provided that the University determines that the complainant’s request is consistent with the University’s obligations under Title IX (pursuant to the factors in Section X(C)).

The Title IX Coordinator will maintain records of all reports and conduct resolved by remedies-based resolution. If mediation or direct confrontation is used, it will typically be completed within forty-five (45) business days of the initial report, absent extraordinary circumstances.

C. Investigation

To conduct an investigation, the University will designate an investigation team that has ongoing, specific training and experience investigating allegations of sexual misconduct. The University will typically use a team of two investigators. Any investigator must be impartial and free of any conflict of interest. One of the investigators may be the Title IX Coordinator.

The investigation will begin twenty-four (24) hours after the respondent is notified of the complaint and that the allegations will be investigated.

During the pendency of an investigation and disciplinary proceeding, a complainant and respondent will be provided with a Hearing Advisor and, in addition, may have an Advisor of Choice (see paragraph G(3) of this section) present at any meeting or proceeding related to the investigative or disciplinary process.

The investigation team will conduct the investigation in a manner appropriate in light of the circumstances of the case. It will coordinate the gathering of information from the complainant, the respondent, and any other individuals who may have information relevant to the determination. It will also gather any available physical evidence, including documents, communications between the parties, and other electronic records as appropriate. The complainant and respondent will have an equal opportunity to be heard, to submit information, and to identify witnesses who may have relevant information. Witnesses must have observed the acts in question or have information relevant to the incident; they cannot be participating solely to speak about an individual’s character.

The investigation is designed to provide a fair and reliable gathering of the facts. It will be thorough, impartial, and fair, and all individuals will be treated with sensitivity and respect. The investigation is a neutral fact-gathering process. The respondent is presumed to be not responsible; this presumption may be overcome only where a Harassment and Sexual Misconduct Board hearing panel concludes that there is sufficient evidence, by a preponderance of the evidence, to support a finding that the respondent violated the policy. As described in Section IV, the investigation will be conducted in a manner that respects individual privacy concerns to the extent permitted by applicable law and University policy.

The University will seek to complete the investigation within thirty (30) calendar days from the start of the investigation, but this time frame may be extended depending on the complexity of the circumstances of each case. At the request of law enforcement, the University may agree to defer its Title IX fact gathering until after the initial stages of a criminal investigation. The University will nevertheless communicate with the complainant and the respondent, regarding Title IX rights, procedural options, and the implementation of necessary interim measures to assure the safety and
well-being of all affected individuals. If applicable, the University will promptly resume its Title IX fact gathering as soon as law enforcement has released the case for review following the initial criminal investigation.

Information the University gathers during the review or investigation will be used to evaluate the responsibility of the respondent, to provide for the safety of the complainant and the University community, and to take appropriate measures to end any misconduct, prevent its recurrence, and address its effects.

The Title IX Coordinator will retain copies of all reports generated as a result of investigations. The University will keep these records private to the extent permitted by law.

Although all witnesses, the complainant, and the respondent are expected to participate in the investigative process, neither party is required to participate in the investigation or any form of resolution under these procedures. If a party chooses not to participate in an investigation, the investigation and potential disciplinary proceedings may still proceed.

In order to protect the integrity of the investigation, none of the parties involved in the investigation should discuss what they shared with investigators to any witness or potential witness while proceedings are pending.

1. Review of Investigation Report

At the conclusion of the investigation, the investigation team will prepare a written report that summarizes the information gathered and synthesizes the areas of agreement and disagreement between the parties and any supporting information. The investigation team may redact information that is immaterial. The team may also delete statements of personal opinion, rather than direct observations or reasonable inferences from the facts, and statements as to general reputation for any character trait, including honesty.

Before the team finalizes the report, it will give the complainant and respondent the opportunity to review the investigation report. The complainant and respondent may submit any additional comments, request changes, or request further investigation from the investigation team.

After giving the parties the opportunity to comment on the report orally or in writing, the team will make changes to the investigation report based on those comments at the discretion of the investigation team. The team will then submit the report to the designated Chair of the Harassment and Sexual Misconduct Board for the specific matter.

D. Harassment and Sexual Misconduct Board (HSMB)

1. Composition of the HSMB

The Harassment and Sexual Misconduct Board (HSMB) is the body that determines responsibility and, if warranted, administers sanctions and/or discipline against a respondent. The HSMB is made up of ten (10) individuals, three (3) individuals who may serve in the role of Chair of a HSMB hearing panel and seven (7) administrators who may serve as members of a HSMB hearing panel. Each of these
administrators is appointed by the President and is specially trained to adjudicate cases of sexual misconduct.

2. Role of the Chair of the HSMB

From the pool of three (3) administrators appointed to serve as Chairs of the HSMB, one of them will be designated by the Vice President for Student Affairs and Dean of Students to serve as the Chair for a particular HSMB panel. Any Chair designated to serve as Chair in a case must be impartial and free of any conflict of interest. The Chair issues the formal charge, selects and convenes a hearing panel of the HSMB, and oversees the Pre-Hearing Conference and the hearing.

3. Composition and Roles of the HSMB Hearing Panel

If a charge is issued against a respondent, the designated Chair of the HSMB for that particular matter shall select and convene a three-member HSMB hearing panel from the pool of seven (7) specially trained administrators appointed by the President. Each member of the HSMB panel must be impartial and free of any conflict of interest. HSMB members who have reason to believe they cannot make an objective determination must recuse themselves from the process. The HSMB hearing panel will hear the case and make a finding, by a majority vote, as to whether the respondent is responsible for conduct in violation of this policy.

4. Determination to Proceed to a HSMB Hearing

Based on the investigation report, the Chair of the HSMB will determine whether to formally charge the respondent and will notify the parties. A charge will be issued if it is plausible and more than a sheer possibility that the complainant's factual allegations could constitute a violation of this policy. Absent extenuating circumstances, the decision whether to formally charge the respondent will be made within two (2) calendar days after the Chair receives the investigation report.

The formal charge(s) will state the subject matter of the complaint, the name of the complainant, and the approximate date and/or timeframe for the alleged conduct.

Additionally, a charge of "Conduct Unbecoming of a Washington and Lee Student" may accompany any charge.

The Chair of the HSMB may deliver notice of the charge by one or more of the following methods:

- In person by the Chair of the HSMB or designated University administrator;
- Mailed to the local or permanent address of the individual as indicated in official University records; or
- Emailed to the individual's University-issued email account.

Once a formal charge has been issued, the respondent will answer the charge as "Responsible," "No Contest," or "Not Responsible." If the respondent answers "Responsible" or "No Contest," the charge goes to a HSMB hearing panel to determine an appropriate sanction. The respondent must answer the charge before or during the Pre-Hearing Conference, which is held, absent extraordinary circumstances, within seven (7) calendar days after the issuance of the formal charge document.
Upon the issuance of a formal change, the investigation report and related appendices will be made available to the parties for their review.

5. Pre-Hearing Conference

The Chair of the HSMB will hold separate Pre-Hearing Conferences with the parties and their Advisors to address evidentiary or other matters before the investigation report is presented to the HSMB hearing panel.

At the Pre-Hearing Conference, the parties may submit a written request outlining any additional investigation steps they believe are necessary, including but not limited to:

- Requests for follow-up interview(s) with existing witnesses to clarify or provide additional information, including offering questions to the investigators to pose to witnesses, the complainant or the respondent;
- Requesting a follow-up interview with the investigators to clarify or provide any additional information that such party believes is relevant to the investigation or to seek clarification from the investigators on aspects of the investigation report.
- Identifying any new witnesses who should be interviewed (including a description of what topics/issues the witness should be asked to address); and/or
- Explaining any additional evidentiary materials that should be collected and reviewed to the extent that such items are reasonably available.

At the Pre-Hearing Conference, the parties may also request in writing that portions of any witness notes be redacted or changes be made to the investigation report. The Chair, in consultation with the investigators, will make the final determination on what changes will be made to the investigation report.

Additionally, parties will be informed of the composition of the proposed HSMB hearing panel and be allowed to object to the appointment of any of the HSMB panel members by providing, articulable grounds of suspected bias, conflict of interest, or an inability to be fair and impartial. The objection should be directed to the Chair of the HSMB at the Pre-Hearing Conference. The Chair will make the final determination on a member's ability to serve on a HSMB hearing panel.

If either party wishes to call witnesses at the hearing, the following must be submitted to the Chair of the HSMB in writing at the Pre-Hearing Conference:

- The names of any witness the party intends to call; and
- A summary of why the witness' physical presence at the hearing is relevant to making a decision about responsibility at the hearing.

The Chair of the HSMB will determine whether there is sufficient justification for asking a witness to attend in person or whether the information can be adequately summarized by the witness statement.

Absent extenuating circumstances, the Pre-Hearing Conferences will be held within seven (7) calendar days of issuance of the charge document.
6. Hearing Procedures

A hearing will be held in a timely manner; assuming no extraordinary circumstances, within fourteen (14) calendar days of issuance of the formal charge.

All hearings are closed to the public and may not be audio or video-recorded. The complainant and the respondent have the right to be present during the hearing. Although both the complainant and respondent are entitled to be present throughout the hearing, if either party would prefer not to be physically present during the hearing, the party can participate through electronic means. A privacy screen will be erected unless both parties request otherwise. Neither party is required to participate in the hearing in order for the hearing to proceed. If either party is not in attendance, the hearing may still proceed, findings may still be made, and sanctions may still be imposed.

The HSMB hearing panel will review the investigation report prior to the hearing. During the hearing, the HSMB hearing panel may question the complainant, the respondent, any witnesses called, and/or the investigators, and examine related information and evidence. The HSMB hearing panel shall restrict their questions to matters that the Chair deems relevant to the specific case.

The parties cannot verbally pose questions to each other or to witnesses. However, the parties may submit written questions to the Chair of the HSMB to ask on their behalf to the relevant party or witness. The Chair of the HSMB will screen the questions and will not ask questions that violate University policy and prior evidentiary decisions made by the Chair, or questions that are irrelevant or repetitive. Additionally, the Chair has discretion to change the wording of the question, provided that the substance of the question remains the same.

Both a complainant and respondent have the right to provide relevant information during the hearing. However, parties cannot call witnesses or present information at the hearing that could reasonably have been provided during an investigation or during the Pre-Hearing Conference. If information produced during the hearing discloses additional tangible evidence or witnesses with relevant information that could not have reasonably been provided during an investigation or Pre-Hearing Conference, the Chair, in his or her sole discretion, may obtain that evidence or call those witnesses to testify.

The hearing is private to protect the privacy interests of all involved. Any HSMB hearing panel member, the Chair, Investigators, and Advisors are expected to maintain the privacy of the proceedings except where disclosure may be authorized or mandated by law or authorized in connection with duties on behalf of the University.

After considering all of the relevant information, the HSMB hearing panel members will deliberate and make a finding by a preponderance of the evidence as to whether the respondent is responsible for conduct in violation of this policy. At least two (2) members must vote "responsible" for a finding of responsibility.

At any time during the hearing process, the respondent may choose to agree to a finding of responsibility relating to some or all of the charged conduct.
7. Imposition of Sanction

If the respondent is found "Responsible" or agrees to a finding of responsibility, the HSMB hearing panel will impose a sanction designed to eliminate the misconduct, prevent its recurrence, and remedy its effects, while supporting the University’s educational mission and complying with the University’s Title IX obligations.

The complainant and respondent, and other affected parties, as appropriate, will each have the opportunity to present a statement about the impact of the violation and/or requested sanctions. The HSMB hearing panel will review these statements only if the HSMB hearing panel finds, or the respondent had accepted, that the respondent responsible for one or more violations.

The HSMB hearing panel shall determine the appropriate sanction (or combination of sanctions) in accordance with the Sanction Guideline Matrix. At least two panel members must vote in favor of the imposition of each sanction or combination of sanctions.

In cases involving Nonconsensual Sexual Penetration there is a mandatory sanction of dismissal if the HSMB hearing panel determines responsibility beyond a reasonable doubt. If the HSMB hearing panel determines responsibility by preponderance of the evidence standard of proof, the HSMB hearing panel may, but is not required to, dismiss after considering the factors set forth in Section XI(D)(8)(a) below.

a. Sanction Guideline Matrix

<table>
<thead>
<tr>
<th>Prohibited Behavior</th>
<th>Range of Sanctions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-Consensual Sexual Penetration (if found responsible beyond a reasonable doubt)</td>
<td>Dismissal (Mandatory)</td>
</tr>
<tr>
<td>Nonconsensual Sexual Penetration (if found responsible by preponderance of the evidence); Non-Consensual Sexual Contact; Non-Physical Sexual Harassment; Sexual Discrimination; Sexual Exploitation; Stalking; Dating Violence; Domestic Violence; Retaliation</td>
<td>Dismissal; Suspension; Probation; Community Service; Educational/Counseling Consultation; Loss of Privileges (denial of the use of certain University facilities or the right to participate in certain activities or to exercise certain privileges for a designated period of time); On Campus Residential Relocation; Changing Academic Schedule</td>
</tr>
</tbody>
</table>

In considering the appropriate sanction, the HSMB hearing panel will consider the following factors:

- The respondent’s prior discipline history;
- How the University has sanctioned similar incidents in the past;
- The nature and violence of the conduct at issue;
• The impact of the conduct on the complainant;
• The impact of the conduct on the community, its members, or its property;
• Whether the respondent has accepted responsibility;
• Whether the respondent is reasonably likely to engage in the conduct in the future;
• The need to prevent similar conduct by this respondent; and
• Any other mitigating or aggravating circumstances, including the University’s values.

8. Notice of Outcome

Within two (2) calendar days of the decision, the Chair of the HSMB shall provide to the parties a copy of the written report of the HSMB hearing panel decision.

If applicable, the Chair will inform the respondent of any sanctions, the date by which the requirements must be satisfied, and the consequences of failure to satisfy the requirements. The Chair also will inform the complainant of any sanctions that directly relate to the complainant or are required by federal law to be disclosed to the complainant in the case of certain sexual offenses, including sexual assault, domestic/dating violence, and stalking.

The Chair will also provide each party with an outcome letter containing their appeal options.

The University may also notify appropriate University employees, as necessary to implement the outcome and/or sanctions.

A public notice will be posted that includes the nature of the conduct and each charge for which the party was found "Responsible" or "Not Responsible." If there is a finding of responsibility, the public notice will include the sanction imposed for the charge. The Public Notice will not include names or any other personally identifiable information. The Office of the Vice President for Student Affairs will maintain copies of all public notices for 10 years.

9. Additional Remedies

Upon a finding of responsibility, additional remedies, in addition to the HSMB’s issued sanction, may be available to a complainant. Examples of potential remedies are provided in Section X(B). Other potential remedies include targeted or broad-based educational programming and/or training. The Title IX Coordinator, in consultation with others as necessary, will determine any appropriate additional remedies.

E. Mandatory Transcript Notations

Pursuant to and as required by Virginia law, for each student who has been suspended for, permanently dismissed for, or withdraws from the University while under investigation for an offense involving sexual violence (defined as physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent), the University will make or cause to be made a prominent notation on the academic transcript of each student. In cases of suspension and dismissal this transcript notation will read: "[Suspended or Dismissed] for a violation of W&L’s set of standards." In cases of withdrawal, the notation will read: "Withdrawn while under investigation for a violation of
W&L’s set of standards. This withdrawal as noted does not constitute a finding or admission of responsibility on the part of the student.”

The University shall remove from a student's academic transcript any notation placed on such transcript due to a student's suspension if the student (1) completed the term of the suspension and any conditions thereof and (2) has been determined by the institution to be eligible to return to the University.

F. Appeal

Either party may appeal the finding of a policy violation/non-violation and/or a sanction within seventy-two (72) hours of receipt of the written HSMB hearing report. Appeals must be in writing, specifying in detail the basis for the appeal. An Appeal Panel will be appointed by the Chair of the Appeal Panel to review the matter. The Chair of the Appeal Panel will be a Chair of the HSMB who was not involved in the original hearing. The Appeal Panel will be comprised of three (3) members of a pool of seven (7) administrators specially trained to adjudicate appeals of cases of sexual misconduct who do not have a conflict of interest in the case.

Appeals, if granted, do not constitute a re-hearing of the case and the Appeal Panel will defer to decisions of the HSMB hearing panel unless one or more of the reasons for granting the appeal are satisfied. The Appeal Panel will review the entire written record of the HSMB hearing, the written appeal and other documents it deems relevant. Upon completion of this review, the Appeal Panel may grant or reject a request for appeal based on one or more of the following grounds if it reasonably determines the ground(s) would more likely than not impact the underlying decision:

• No reasonable basis/reasonable basis for sanction;
• New relevant information/no new relevant information (this does not apply in cases of deliberate omission of information by the appellant);
• Procedural defect or error/no procedural defect or error; or
• Extraordinary circumstances/no extraordinary circumstances.

If the Appeal Panel decides to grant an appeal, it may decide the case based solely upon the record of the HSMB, the written appeal, and other documents it deems relevant, or the Appeal Panel may determine to hold a hearing and seek additional information from: (1) any person who provided first-hand information to the HSMB hearing panel; (2) any person who may have new, relevant information; and/or (3) the original Chair of the HSMB, before reaching its final decision.

The Appeal Panel has the option to affirm the decision of the HSMB hearing panel or remand the case to the original HSMB hearing panel in cases in which there is new information presented, where there has been a procedural defect or error, or where there were extraordinary circumstances, provided that the Appeal Panel has reasonably determined that the grounds(s) would more likely than not have impacted the underlying HSMB hearing panel decision. Moreover, the Appeal Panel may remand the case to the original HSMB hearing panel in cases where the Appeal Panel determines that the sanction lacked a reasonable basis.
The Chair of the Appeal Panel will determine the proper composition of the panel for any appeal and oversee the process. The Chair has discretion to accommodate any conflicts that may arise with members constituting the panel.

For an appeal to be granted, at least two (2) members of the Appeal Panel must vote to grant appeal.

G. Additional Considerations for Complaints against Students

1. Time Frames for Resolution

Washington and Lee will make every effort to successfully resolve all reports within sixty (60) calendar days from the date that the investigation begins. The sixty (60) day timeframe refers to the investigation process, hearing, and imposing sanctions and/or remedies. It does not include appeals. All time frames expressed in this policy are meant to be guidelines rather than rigid requirements. Circumstances may arise that require the extension of time frames, including extension beyond sixty (60) days. Such circumstances may include, but are not limited to, the complexity of the allegations, the number of witnesses involved, the availability of the parties or witnesses, the effect of a concurrent criminal investigation, any intervening school break or vacation, or other unforeseen circumstances.

In general, a complainant and respondent can expect that the process will proceed according to these time frames.

- Once the investigation begins, it will be completed within thirty (30) calendar days.
- The Chair of the HSMB will decide whether to charge the respondent within two (2) calendar days after receiving the investigation report.
- The Pre-Hearing Conference will be held within seven (7) calendar days after formal charge.
- The HSMB hearing will be held within fourteen (14) calendar days after the formal charge.
- Notice of outcome will be provided within two (2) calendar days of the HSMB hearing panel decision.
- If there is a request for appeal, the decision whether to grant or reject the request for appeal will be resolved within five (5) calendar days after the receipt of the request for an appeal.
- If a request for appeal is granted, the appeal will be resolved within ten (10) calendar days from the time the appeal was granted.

If the investigation and resolution exceed this time frame, the University will notify all parties in writing of the reason for the delay and the expected adjustment in time frames. The University will use its best efforts to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness. All parties involved are entitled to periodic status updates on the progress of the complaint.

2. Group Infractions

When members of a student group, an organization, a team, or individuals acting collusively act in concert in violation of this policy, they may be charged as a group or as individuals, and an investigation may proceed against the group as joint respondents or against one or more involved individuals as appropriate given the available information and the circumstances.
A student group, an organization, or a team’s officers and membership may be held collectively and individually responsible when violations of this policy by the organization or its members take place at organization-sponsored events, have received the consent or encouragement of the organization or of the organization’s leaders or officers, or were known or reasonably should have been known to the membership or its officers.

In any such action, individual determinations as to responsibility will be made and sanctions may be assigned collectively and individually in proportion to the involvement of each individual.

3. Advisors

The term "Advisors" refer to both Hearing Advisors and Advisors of Choice.

If an investigation of prohibited conduct is initiated, the complainant and respondent will be provided with one (1) or two (2) Hearing Advisors. Hearing Advisors are law and undergraduate students who have been trained to provide support and advice to complainants and respondents.

In addition to the Hearing Advisor(s), both parties also have the right to obtain assistance, at their own expense, from an Advisor of Choice. An Advisor of Choice can be a friend, mentor, family member, attorney, or any other supporter parties choose to advise them. Advisors of Choice are not trained by the University and are not University resources.

The role of Advisors is to advise the complainant or respondent of applicable procedures, including the appeal process, if applicable. Advisors are also available to offer support and to provide information on additional resources. While Advisors may accompany the complainant and respondent at meetings, they may not present evidence, question witnesses, or otherwise participate. Parties may request a brief recess to consult with their Advisors, which will be granted at the discretion of the investigators or the Chair of HSMB or Appeal Panel, as applicable.

Any Advisor who does not follow the University’s policies, procedures, or practices relating to the Advisor’s role in the resolution process will be warned once. If the Advisor continues to disregard the University’s policies, procedures, and/or practices or disrupts or otherwise fails to respect the limits of the role, such Advisor will be asked to leave the meeting, hearing, or other proceeding at the discretion of the investigators or the Chair of the HSMB or Appeal Panel, as applicable. When an Advisor is removed from a meeting, hearing, or other proceeding, it will continue without the Advisor’s presence.

Parties may choose to share the investigation report and other information with their Advisor. All Advisors are expected to maintain the privacy of any records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by the University or by the applicable law. The University may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by the University’s privacy expectations.

The University expects all Advisors to adjust their schedule to allow them to attend University meetings when scheduled. The University does not typically change scheduled meetings to accommodate an Advisor’s inability to attend. The University will, however, make provisions to allow
an Advisor who cannot attend in person to attend a meeting by telephone, video and/or virtual meeting technologies as may be convenient and available.

The University will not recognize or enforce agreements between the parties reached outside of these procedures.

4: Student Advisory Group

The Student Advisory Group is made up of six (6) student advisors (four (4) undergraduate students and two (2) law students) who are appointed by the Executive Committee to serve one year terms. In appointing the members of the Student Advisory Group, the Executive Committee will make every effort to create diverse representation.

The role of the Student Advisory Group is to aid the Title IX Coordinator and HSMB in understanding issues of student social dynamics. It will assist in training the HSMB and Appeal Panel by advising on student social dynamics and by advising the Title IX Coordinator on issues related to sexual misconduct, including policy training and campus climate. The Student Advisory Group will also participate in a working group that will annually review the Sexual Discrimination and Misconduct Policy and will have an opportunity to recommend changes.

5. Prior Sexual History

In general, the prior sexual history of either party is not relevant and will not be admitted as evidence during an investigation and/or hearing. However, where there is a current or ongoing relationship between the complainant and the respondent, and the respondent alleges consent, the prior sexual history between the parties may be relevant to assess the manner and nature of communications between the parties. As noted in other sections of this 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 complainant or respondent with other individuals is generally not relevant and will not be permitted.

6. Pattern Evidence

Where there is evidence of a pattern or conduct similar in nature by either party, either prior to or subsequent to the conduct in question, regardless of whether there has been a finding of responsibility, this information may be deemed relevant and probative to the HSMB hearing panel’s determination of responsibility. The determination of relevance will be based on an assessment of whether (1) the previous incident was substantially similar to the present allegation; and (2) indicates a pattern of behavior and substantial conformity with that pattern by a respondent. Where there is a prior finding of responsibility for a similar act of sexual misconduct, there is a presumption of relevance. The Chair of the HSMB will make the determination as to whether or not the HSMB hearing panel will consider the pattern evidence and in doing so will carefully review the relevancy and reliability of the alleged similar conduct.

7. Consolidation of Investigation
The Title IX Coordinator may consolidate multiple reports against a single respondent or group of respondents into one investigation if the evidence related to each incident would be relevant and probative in reaching a determination on the other incident(s).

8. Records

The Title IX Coordinator will retain records of all reports, allegations, and complaints. Complaints resolved by remedies-based resolution are not part of a student's conduct file or academic record.

Pursuant to Virginia law, the Title IX Coordinator and the Public Safety representative of the University's Review Committee will also retain independent records related to the Review Committee's considerations upon a report of sexual violence.

Affirmative findings of responsibility in matters resolved through a HSMB hearing are part of a student's conduct record. Such records will be used in reviewing any further conduct or in developing sanctions and will remain a part of a student's conduct record. In general, the University will maintain records for the duration of the respondent's relationship with the University, and may retain them for no less than seven (7) years following the respondent's departure from the University. In allegations involving child abuse, the University may keep the records indefinitely.

If the HSMB hearing panel does not find the respondent responsible, the student's conduct file or academic record will reflect the finding.

XII. Investigation and Resolution for Complaints against Faculty, Staff, and Other Non-Students

Because the relationship of students, staff, and faculty to the University differ in nature, the procedures that apply when seeking disciplinary action necessarily differ in some respects. Each of the procedures, however, is guided by the same principles of fundamental fairness and respect for all parties, which require notice, an equitable opportunity to be heard, and an equitable opportunity to respond to a report.

The procedures set forth below will be applied when the respondent is a member of the faculty, staff, or other non-student. If the Respondent is both a student and an employee:

• The student resolution procedures will apply if the Respondent is a full-time student but not a full-time employee
• The employee resolution procedures will apply if the Respondent is a full-time employee but not a full-time student; or
• If there is a question as to the predominant role of the Respondent, the Title IX Coordinator will determine which of the procedures applies based on the facts and circumstances (such as which role predominates in the context of the conduct).

A. Definitions of Terms and Acronyms

1. Co-Chairs
The Treasurer/Vice-President for Finance and Administration and the Provost will serve as Co-Chairs of the Investigation and Review Officers ("IROs"). As described fully below, the Co-Chairs, who are specially trained to carry out these procedures, receive formal complaints, appoint the Investigator(s), Review Panel, and Appeal Panel (as needed), communicate with the parties at various stages in a complaint proceeding, and determine the sanction when a policy violation is found. The Co-Chairs serve as advisors to the IROs on procedural matters.

2. Advisors: Discrimination Policy Advisers and Advisors of Choice

Discrimination Policy Advisors: Discrimination Policy Advisors ("DPAs") are a group of 15-20 specially trained faculty and staff representing a cross-section of the University community. DPAs are peer-nominated, selected by the Co-Chairs, and then invited to serve by the President for three-year staggered terms. DPAs may be invited to serve additional terms without a lapse, but are subject to removal by the President at the request of either Co-Chair. The role of the DPAs is to provide procedural information and options to complainants and respondents regarding complaints against faculty, staff, or other non-students. DPAs can also work informally to resolve matters themselves or bring in others to assist with informal resolution, where appropriate.

Advisor of Choice: In addition to a DPA, when a formal complaint of sexual assault, domestic or dating violence, or stalking has been filed, both the complainant and the respondent have the right to select an Advisor of Choice, who may be an attorney. Advisors of Choice are authorized to be present with either party in University-related proceedings under this policy only when a formal complaint of sexual assault, domestic/dating violence, or stalking has been filed. These Advisors of Choice are not trained by the University and are not University resources.

Complainants and respondents looking for legal counsel may wish to contact the Virginia State Bar lawyer referral service by calling the VLRS toll-free number, 1-800-552-7977. More information about the service can be found here: http://www.vsb.org/vlrs/

Role of DPAs and Advisor of Choice: The role of the Advisors is to advise the complainant or respondent of applicable procedures, and to advise the complainant or respondent on the specifics of a written appeal, if applicable. Advisors are also available to offer support and to provide information on additional resources. While Advisors may accompany the complainant and respondent at meetings, they may not present evidence, question witnesses, or otherwise participate. Either party may request a brief recess to consult with their Advisor, which will be granted at the discretion of the Investigator(s) or the appropriate Co-Chair.

Advisors who do not follow the University’s policies, procedures, and practices relating to their role in the resolution process will be warned once. If the Advisor continues to disregard the University’s policies, procedures, and practices or disrupts or otherwise fails to respect the limits of the role, such Advisor will be asked to leave the meeting, hearing, or other proceeding at the discretion of the Co-Chair or the Investigator(s). When an Advisor is removed from a meeting, hearing, or other proceeding, it will continue without the Advisor’s presence.

The University expects all Advisors to adjust their schedules to allow them to attend University meetings when scheduled. The University does not typically change scheduled meetings to
accommodate an Advisor’s inability to attend. The University will, however, make provisions to allow an Advisor who cannot attend in person to attend a meeting by telephone, video and/or virtual meeting technologies as may be convenient and available.

The University will not recognize or enforce agreements between the parties reached outside of these procedures.

3. DPA Coordinator

At the beginning of each academic year, the Co-Chairs will appoint one of the DPAs who has served as a DPA for at least two (2) years to serve as the DPA Coordinator. The DPA Coordinator may serve multiple consecutive years in this capacity if agreed to by the DPA Coordinator and the Co-Chairs. The DPA Coordinator is responsible for coordinating training and meetings of all DPAs and serves as an adviser to the DPAs on procedural matters related to complaints of sexual misconduct against faculty, staff, and other non-students. The DPA Coordinator is also responsible for collecting and submitting summary reports to the Title IX Coordinator on all matters referred to any DPA. In order for the DPA Coordinator to remain available to advise any DPA on the resolution process and procedural matters, the DPA Coordinator may not serve as a DPA for any party to a formal complaint.

4. Investigation and Review Officers

Investigation and Review Officers (IROs”) are a group of University administrators who are specially trained to investigate and review complaints of sexual misconduct against members of the faculty, staff, and other non-students. When a formal complaint of sexual misconduct is filed against a member of the faculty, staff, or other non-student under this policy, the Co-Chairs select the investigator(s), an Investigation and Review Panel ("IRP"), and (if needed) an Appeal Panel from the pool of the available IROs. The IROs consist of the following administrators:

- Vice President for Student Affairs and Dean of Students
- Associate Provost
- Dean of the College
- Dean of the Williams School
- Dean of the School of Law
- Associate Deans of the College
- Associate Dean of the Williams School
- Assistant Dean of the Williams School
- Professor of Law and Associate Dean of the Law School
- Associate Dean for Administration and Student Affairs (Law)
- Clinical Professor of Law and Director of Academic Success (Law)
- Assistant Dean of Office of Career Strategy (Law)
- Executive Director of Human Resources (Assistant Title IX Coordinator for Employment)
- Chief Technology Officer
- Director of Athletics

B. Informal Resolution
Where the Title IX assessment concludes that informal resolution is appropriate (see Section X(C), the University will take immediate and corrective action through the imposition of individual and community remedies designed to maximize the complainant’s access to the educational, extracurricular, employment or volunteer activities at the University.

DPAs, a Human Resources staff member (including the Assistant Title IX Coordinator for Employment), a staff supervisor or Dean (in his/her role as faculty supervisor), and/or the Title IX Coordinator may informally resolve concerns themselves or may bring in others (with the consent of the parties), as appropriate, to assist with resolution. Any of the individuals listed above may also refer the matter for informal resolution to another individual given authority to assist with informal resolution. Once a matter has been informally resolved, referred, or the complainant decides to pursue a formal complaint, the individual involved with the informal resolution will submit a written summary report to the Title IX Coordinator for review.

C. Formal Complaint

(Note: all time frames referenced in these formal complaint procedures are subject to extension by the appropriate Co-Chair for good reason.)

1. Initiation of Formal Complaint

A formal complaint against a member of the faculty, staff, or other non-student should be initiated through a DPA or the Title IX Coordinator. A complainant or any other concerned individual wishing to bring a formal complaint may contact a DPA or Title IX Coordinator directly, or may be referred to a DPA or the Title IX Coordinator by another resource. The complaint should be brought by bringing information or submitting a signed writing to a DPA or the Title IX Coordinator. If a complaint is initiated through a DPA, the DPA will then contact the DPA Coordinator to advise that the complaint is being initiated formally. The DPA Coordinator should notify the Title IX Coordinator that a formal complaint is being initiated.

In cases where a formal complaint has been initiated alleging sexual assault, domestic or dating violence, or stalking, the DPA or Title IX Coordinator through whom the formal complaint has been initiated should advise the complainant of the right to be supported by an Advisor of Choice in addition to a DPA, at all meetings at which a DPA otherwise would be present. If the complainant elects to use an Advisor of Choice the complainant will advise the DPA or Title IX Coordinator of the identity and contact information for such Advisor of Choice, and the DPA or Title IX Coordinator will provide that information to the DPA Coordinator, the Assistant Title IX Coordinator and/or Title IX Coordinator, and the appropriate IRO Co-Chair.

2. Submission of Complaint / Notification to Respondent

The DPA or Title IX Coordinator will submit the formal complaint to the appropriate IRO Co-Chair (Provost if the respondent is a faculty member; Treasurer/Vice President for Finance and Administration if the respondent is a staff member or other non-employee, subject to the exceptions set forth in paragraphs C(4) and C(5) below). The DPA Coordinator or Title IX Coordinator should submit a copy of the summary report, if any, outlining prior handling of the complaint through informal channels, to the appropriate Co-Chair, to be included with the record.
The appropriate Co-Chair will then promptly (within two (2) business days after being provided the complaint, if practicable) notify the respondent that a formal complaint has been initiated and make arrangements to meet with the respondent to provide the respondent with a verbal summary of the complaint and outline the complaint process. The Co-Chair will advise the respondent of the University’s non-retaliation policy, and will inform the respondent of his/her right to choose a DPA (or, in cases alleging sexual assault, domestic or dating violence, or stalking, an Advisor of Choice) and to submit to the Investigator(s), if desired, a written statement regarding the complaint to be included in the record. If the respondent chooses to submit a written statement, the respondent should do so within three (3) business days after being given a verbal summary of the complaint.

3. Preliminary Actions by Co-Chair

The appropriate Co-Chair will promptly appoint an IRO to serve as the Investigator. In some cases, the Co-Chair may appoint a team of two Investigators as the Co-Chair deems appropriate. The Co-Chair will then make a preliminary selection of three (3) IROs to serve as the members of the three-person Investigation and Review Panel. If an IRO is the respondent or the complainant, the process operates as otherwise set forth in this policy, except that the IRO who is the respondent will not being involved in any capacity other than as a party.

4. Complaint by or against an IRO Co-Chair

If one of the Co-Chairs is the respondent or complainant, the President will serve in the role of that Co-Chair and the process will operate as otherwise set forth in this policy. In this situation, any appeal would go to the Chair of the Audit Subcommittee of the Finance Committee of the Board of Trustees (“Audit Subcommittee”).

5. Complaint against the President and/or a Trustee

If the respondent is the President or a member of the Board of Trustees, a complaint must be filed directly with the Audit Subcommittee by delivery of a sealed written complaint to the Secretary of the University, Washington Hall 203, labeled “Complaint to the Audit Subcommittee under the Sexual Discrimination and Misconduct Policy.” The Secretary of the University will deliver the sealed written complaint intact to the Chair of the Audit Subcommittee and the Audit Subcommittee will handle or direct all further proceedings.

6. Involvement of Assistant Title IX Coordinator for Employment in Formal Complaints

The Assistant Title IX Coordinator for Employment will be available to serve as a resource for the Co-Chairs, the investigator(s), the DPAs, and/or the parties to a formal complaint, in order to address issues that arise during the complaint process. In the event that the Assistant Title IX Coordinator for Employment has had a substantive role in informal complaint resolution efforts prior to the initiation of the formal complaint, or acts as a resource beyond the resolution of purely procedural questions during the formal complaint process, the Assistant Title IX Coordinator will be disqualified from serving on any Investigation Review Panel or Appeal Panel in that case thereafter.

D. Investigation
The investigation is conducted solely by the appointed investigator(s), who will interview the parties and other witnesses as necessary. The complainant and respondent will have an equal opportunity to be heard, to submit information, and to identify witnesses who may have relevant information. A party’s DPA (and/or Advisor of Choice in cases alleging sexual assault, domestic or dating violence, or stalking) may accompany the party during an interview if requested by the party as a support resource, but may not participate in the interview. The investigator(s) will inform the parties and witnesses of the University’s prohibition of retaliation against any person involved in a complaint process. In most cases, absent unusual circumstances, the investigation should be completed within twenty (20) business days after the investigator receives the complaint.

The investigation is a neutral fact-gathering process. The respondent is presumed to be not responsible; this presumption may be overcome only where the Investigation and Review Panel conclude that there is sufficient evidence, by a preponderance of the evidence, to support a finding that the respondent violated the policy.

E. Withdrawal of Complaint; Review of Parties’ Proposed Resolution

1. Withdrawal of Complaint

At any time during the formal complaint process, the complainant may request of the Co-Chair to withdraw his/her formal complaint. Before approving a withdrawal of the complaint, the Co-Chair will meet with the complainant and his/her DPA and/or Advisor of Choice, if desired, to discuss the request. The Co-Chair retains the discretion to reject the request for withdrawal and to proceed with the formal process, with or without the further participation of the complainant, if the Co-Chair believes it prudent and appropriate to do so in the best interest of the University community, based on all relevant information. The Co-Chair will consider factors including: the severity and impact of the conduct, including whether a weapon was used; whether the complainant is a minor under the age of 18; whether the respondent has a pattern of similar conduct; whether the respondent threatened further violence or other violence against the victim or others; whether the university possesses other means to obtain relevant evidence of the alleged sexual misconduct (security cameras, video recordings, photographs or other evidence); and the extent of prior remedial methods taken with the respondent. Regardless of the Co-Chair’s decision a complainant is not required to participate in an investigation or hearing.

2. Review of Parties’ Proposed Resolution

If, after the initiation of a formal complaint but before the issuance of the investigative report, the respondent acknowledges inappropriate conduct and proposes a resolution/sanction agreeable to the complainant, an IRP will be appointed to review the conduct acknowledged and the proposed resolution/sanction. If the IRP finds the resolution/ sanction reasonable, it will be recommended and sent to the appropriate Co-Chair for implementation. If the IRP finds the proposed resolution/sanction unreasonable given the nature and circumstances of the conduct acknowledged or alleged, it may reject the proposed resolution/sanction and conduct a normal IRP review after issuance of the investigation report.

F. Investigation Report; Party Responses; IRP Appointment
1. Investigation Report

Upon conclusion of the investigation, the investigator(s) will prepare and submit to the appropriate Co-Chair a written investigation report, reaching an assessment on whether the facts present conduct that would constitute a violation of this policy by a preponderance of the evidence, or other University policies. The complainant and respondent will each be provided with a version of the report (the University reserves the right to redact witness names and personally identifiable witness statements), not to be copied or distributed, but which the party may share with his/her DPA (and/or Advisor of Choice in a case alleging sexual assault, domestic or dating violence, or stalking).

2. Party Responses to Investigation Report

The parties will each have three (3) business days from the day of their receipt of the investigation report to prepare and submit a written response to the appropriate Co-Chair for the record.

3. IRP Appointment

The appropriate Co-Chair will then promptly notify the parties of which IROs have been selected to make up the Investigation and Review Panel (IRP) and will designate one of them as IRP Chair. The parties must submit any concerns about the IRP composition to the Co-Chair in writing within one (1) business day of receipt of notice. The Co-Chair may follow-up with the parties and/or IRP members regarding any stated concerns, as needed. The Co-Chair will notify the parties and IRP members of any change to the composition of the IRP if the Co-Chair concludes that one or more of the designated IRP members should not serve on that panel. Note: see section C(6) above regarding participation of Executive Director of Human Resources/Assistant Title IX Coordinator for Employment when s/he has had any substantive role in efforts to informally resolve the complaint or the formal complaint process.

G. IRP Review

The IRP will review the investigation report and the related record regardless of whether the Investigator(s) concluded a violation occurred. In most cases, absent unusual circumstances, the IRP review should be completed within seven (7) business days of the date the IRP members receive the record from the Co-Chair.

The IRP may decide the case based on a thorough review of the entire record of the case including the investigation report and any written comments provided by either party. If the IRP has any questions, it may meet with the investigator(s) in person and/or may request that the parties separately meet with the IRP (in which case, the parties' DPAs and/or Advisors of Choice in a case alleging sexual assault, domestic or dating violence, or stalking, if any, may be present but may not participate). If the IRP finds that any other follow-up is needed with witnesses, the investigator(s) will conduct the follow-up and submit an addendum to the written investigation report, which will be sent to the IRP. In such instances, the parties will be given an opportunity to review the addendum, consistent with the parties' opportunity to review the original investigation report.

Once the IRP has determined that it has sufficient information to make a decision, it will discuss the matter outside the presence of the investigator(s) and the parties. The IRP will then reach a decision on whether this policy was violated by a preponderance of the evidence, and (if so) will make a written
recommendation of sanctions to the appropriate Co-Chair. The IRP may also make recommendations to the Co-Chair for appropriate follow-up actions (including training, counseling, or other educational opportunities) in the absence of a finding of a violation of this policy.

H. Co-Chair’s Notice to Parties of Final Decision, Sanction, and Remedies

The IRP’s decision about whether this policy was violated is binding on the Co-Chair, but subject to appeal by either party. However, the Co-Chair has the discretion to determine the final sanction if the IRP has found a violation of this policy or to impose follow up actions in the absence of such a violation. The potential sanctions include:

- Verbal or written warning;
- Referral to the Employee Assistance Program or other mandatory conditions, which may include training, or some other professional development;
- A no contact directive;
- Modified employment duties;
- Suspension with pay;
- Suspension without pay;
- Nonrenewal or non-reappointment;
- Demotion in rank or pay;
- Loss of rank;
- Denial of salary increase;
- Transfer to another position;
- Relocation of office;
- Dismissal from academic course if respondent is taking a course at the University;
- Termination; and
- Trespassing respondent from the University.

If the respondent is a non-employee, sanctions include:

- Verbal or written warning;
- Trespassing the respondent from the University;
- Dismissal from academic course if respondent is taking a course at the University; or
- Modification or termination of the non-employee’s relationship with the University.

Sanctions may be imposed in combination with one another. If the individual found to have violated this policy is a faculty member and the Co-Chair concurs with an IRP sanction recommendation of termination, the case will proceed in accordance with the “for cause” dismissal proceedings set forth in the Faculty Handbook where applicable. In such a case, the Co-Chair (Provost) is ineligible to serve as the President’s designee under the “for cause” dismissal process.

Upon a finding of responsibility, additional remedies, in addition to the issued sanction, may be available to a complainant. Examples of potential remedies are provided in Interim Measures, Section X(B). Other potential remedies include targeted or broad-based educational programming or training. The Title IX Coordinator, in consultation with others as necessary, will determine any appropriate additional remedies.

Within two (2) calendar days of the decision, the Co-Chair will provide simultaneous notification to the parties of the two page IRP report in the following manner: the first page (which contains the
findings on the allegations of a policy violation) will be provided to each party; the second page (which contains the IRP-recommended sanction(s) or follow up actions and the Co-Chair’s decision on sanction(s) or follow up actions) will be provided solely to the respondent, unless the sanctions or follow up actions are such that they directly involve the complainant (e.g. a “no contact” directive) or where required by federal law to be disclosed to the complainant in the case of certain criminal sexual offenses covered by the Campus Security Act, including sexual assault, domestic or dating violence, and stalking. Additionally, the Co-Chair will provide each party with an outcome letter. The outcome letter will review the prohibition against retaliation and the appeal process.

If, through informal resolution or Co-Chair decision upon a finding of no violation, a respondent has been advised to receive training, counseling, or some other professional development, or to take some other follow up action(s), the Co-Chair will oversee fulfillment of this obligation, though the Co-Chair may delegate coordination of the details to respondent's supervisor. If a respondent has been sanctioned for a violation of this policy, the appropriate Co-Chair will oversee fulfillment of the sanction.

If the respondent is taking courses at the University and part of the sanction mandates suspension or permanent dismissal, or where the respondent withdraws from taking courses while under investigation for a violation of this policy, a mandatory transcript notation law may apply. Pursuant to and as required by Virginia law, a prominent transcript notation will be included for any respondent who is taking or has taken a course at the University and has been suspended for, has been permanently dismissed for, or withdrawn from the course while under investigation for an offense involving sexual violence. Sexual violence is defined as physical sexual acts perpetrated against a person’s will or where the person is incapable of giving consent. In cases of suspension and dismissal this transcript notation will read: "[Suspended or Dismissed] for a violation of W&L’s set of standards.” In cases of withdrawal, the notation will read: "Withdrawn while under investigation for a violation of W&L’s set of standards. This withdrawal as noted does not constitute a finding or admission of responsibility on the part of the student.”

I. Appeals Process

Either the complainant or respondent may appeal a finding of a violation or no violation of this policy and/or a sanction/follow up action of which they have been informed. Appeals must be in writing, specifying in detail why the IRP’s decision on the appealed aspect(s) of the decision lack a reasonable basis, and must be filed with the Co-Chair who issued the original decision within three (3) business days of receipt of that decision. An Appeal Panel (comprised of three IROs who were not involved in the original investigation or panel) will be appointed by the other Co-Chair (who was not involved in the original review or sanctioning process). The appeal review will then be conducted as soon as possible. In most cases, absent unusual circumstances, the Appeal Panel review should be completed within seven (7) business days of the date the panel members receive the record from the Co-Chair.

The Appeal Panel will not substitute its judgment for the IRP or Co-Chair if it finds there was a reasonable basis for the appealed aspect(s) of the decision. In making such a determination, the Appeal Panel may speak with the Investigator(s), the appropriate Co-Chair, or the parties as the Appeal Panel
deems necessary (in which case, the parties’ DPAs and/or Advisors of Choice in cases of sexual assault, domestic or dating violence, or stalking, may be present, but may not participate).

If the Appeal Panel fully affirms a "no-violation" finding made by the IRP with or without recommended follow up actions, or affirms a finding of a violation and/or the sanction, the Appeal Panel will issue a brief written decision to that effect using part one of the Appeal Panel Report and will submit it to the Co-Chair who issued the original decision, who will then promptly advise the parties of the Appeal Panel’s decision, which is final.

If the Appeal Panel affirms a "no-violation" finding made by the IRP, but does not affirm recommended follow up actions (or absence of such actions), the Appeal Panel will explain the facts and analysis supporting its findings and recommendations in part two of the Appeal Panel Report. The Co-Chair issuing the original decision will then review the recommendations regarding any follow up actions and issue the final decision on such measures. The Co-Chair will then promptly advise the parties of the Appeal Panel’s decision, which is final. The Co-Chair will advise only the respondent of any decision regarding follow up action(s) and will share part two of the Appeal Panel Report only with the respondent, except for any part of such action(s) that directly involve(s) the complainant or unless required by federal law to be disclosed to the complainant in the case of certain criminal sexual offenses covered by the Campus Security Act, including sexual assault, domestic or dating violence, and stalking. The Co-Chair’s decision on such follow up actions is final.

If the Appeal Panel overturns a "no-violation" finding, the matter is sent back to the appropriate Co-Chair for the original review proceeding, who will then make a decision on the sanction and promptly advise the parties and share the two-part Appeal Panel Report. The first part (which contains the basis for the overturning of the "no-violation" finding) will be provided to both parties; the second part (which contains the Co-Chair’s decision on sanction) will be provided only to the respondent, unless some part of the sanction directly involves the complainant or unless required by federal law to be disclosed to the complainant in the case of certain criminal sexual offenses covered by the Campus Security Act, including sexual assault, domestic or dating violence, and stalking. The Co-Chair’s decision on sanction is appealable by respondent and complainant (if complainant was made aware of the sanction because it directly involved the complainant or required to be disclosed to the complainant in cases of certain sexual offenses) within three (3) business days of receipt of the sanction decision. Such an appeal must be in writing, filed with the Co-Chair who issued the decision, and must specify in detail the basis for the appeal.

If the Appeal Panel concurs with a violation finding but finds a sanction is without reasonable basis, the Appeal Panel should first consult the appropriate Co-Chair to review the sanction. If no consensus decision can be reached, both the Appeal Panel and the appropriate Co-Chair will submit their separate recommendations in writing to the President, who will make the final determination by accepting one of the two recommendations and signing off on that recommended sanction. Thereafter, the Co-Chair will promptly advise the respondent of the President’s decision on the sanction(s) and will also advise the complainant when the sanction involves the complainant or when required by federal law in the case of certain criminal sexual offenses covered by the Campus Security Act, including sexual assault, domestic or dating violence, and stalking. The President’s decision on the sanction(s) is final.
If the Appeal Panel overturns a violation finding, the matter is sent back to the appropriate Co-Chair for the original review proceeding, who will then remove the sanction(s) issued, decide any appropriate follow up action(s), and promptly share the two-part Appeal Panel decision with the parties. The first part (which contains the basis for the overturning of the violation finding) will be provided to both parties; the second part (which contains the Co-Chair’s removal of sanction and decision on any follow up actions) will be provided only to the respondent, unless some part of the sanction directly involves the complainant or unless required by federal law to be disclosed to the Complainant in the case of certain criminal sexual offenses covered by the Campus Security Act, including sexual assault, domestic or dating violence, and stalking.

J. Privacy and Recordkeeping

The facts about individual cases and their dispositions are to remain private to the extent possible. In order to protect the integrity of the investigation, anyone involved in the investigation should not discuss what they shared with the Investigator(s) to any witness or potential witness during the pendency of the proceedings. Additionally, in order to protect the privacy of all involved, no one involved in a complaint process, besides the complainant and respondent, should discuss any information regarding the case except with those who have a legitimate need to know. Any member of the campus community who violates the privacy provisions of these procedures, and/or the privacy directives of the administrators handling complaints, will be subject to discipline.

The Title IX Coordinator will maintain the official written records of formal and informal complaints and resolutions under these procedures in accordance with applicable University record retention schedules.

XIII. Policy Review

The University, through a working group that will include the Title IX Coordinator, members of the Office of General Counsel, members of the Student Advisory Group, and the Vice President of Student Affairs and Dean of Students, will review and update this policy, as appropriate, by October 31 of each year. The University will evaluate, among other things, any changes in legal requirements and existing University resources. The President will certify to the State Council of Higher Education for Virginia that this policy has been reviewed and updated, as appropriate, in accordance with all applicable federal and state laws.

1When used in this policy, a complainant refers to the individual(s) who has been the subject of sexual misconduct, regardless of whether that individual makes a report or seeks formal disciplinary action. A respondent refers to the individual(s) who has been accused of sexual misconduct.

Use of Recording (Audio or Video) Devices

Employees are prohibited from recording job-related conversations with other employees (including their supervisors) without the express consent of all parties to the conversation.
Use of Service Animals on Campus
https://www.wlu.edu/general-counsel/code-of-policies/disability-accommodation/use-of-service-animals-on-campus

W&L will determine, on a case by case basis, and in accordance with the ADA and Section 504, whether use of a service animal on campus is a reasonable accommodation for a qualified person with a disability. W&L will make inquiries and request supporting documentation only as needed and appropriate to determine whether the animal qualifies as a service animal, in accordance with the law. W&L will endeavor to balance the needs of the requesting individual with the impact of the animal on campus operations and campus constituents, and reserves the right to exclude a service animal from its campus under the circumstances explained in this policy.

Use of W&L Names, Logos and Other Marks
http://go.wlu.edu/OGC/ServiceMarks

Faculty, staff and students may use the University’s names, logos and/or other marks (e.g. W&L, the W&L crest) where necessary to identify themselves on matters of official University business. Use of the University name for private purposes is limited to use purely for identification by a current or former member of the faculty, staff and/or student body (e.g. “John Doe, Professor of Physics, Washington and Lee University,” or “John Doe, Class of ’79, W&L”). W&L names, logos and other marks shall not be used by individuals or entities otherwise in a manner that implies University endorsement or responsibility for particular activities, products or publications involved, or by any individual or group promoting itself, without the express written permission of the provost or designee. Any and all use of the University names, logos and/or other marks for commercial purposes is prohibited unless approved by the treasurer or designee.

Weapons Policy
http://go.wlu.edu/OGC/WeaponsPolicy

Washington and Lee University is committed to providing a safe and secure learning and working environment for students, faculty, staff and visitors on all campus properties. The use, possession and storage of all firearms, dangerous weapons, explosives or other dangerous articles are prohibited on all properties owned, leased or otherwise controlled by Washington and Lee University. Law enforcement officers duly authorized to carry such instruments are excepted.

Any person violating this policy will be subject to disciplinary action. Student violations will be dealt with through the Office of the Vice President for Student Affairs and Dean of Students. Staff and faculty violations should be reported to the Director of Public Safety and the Executive Director of Human Resources.

Whistleblower Policy; Fraudulent or Dishonest Conduct; Violations of Law
http://go.wlu.edu/OGC/WhistleblowerPolicy

Washington and Lee University’s internal controls and operating policies and procedures are intended to detect and prevent or deter fraudulent or dishonest conduct and other violations of laws and regulations. Fraudulent or dishonest conduct involves a deliberate act or failure to act with the
intention of obtaining an unauthorized benefit from the University (e.g., forgery of documents, unauthorized manipulation of computer files, misappropriation of University resources, etc.).

All members of the campus community are encouraged to report such improper conduct to their supervisor/department head. Supervisors and department heads are required to report suspected improper conduct to their vice president, the relevant dean or the Provost. Any whistleblower may use alternate reporting avenues: directly to a vice president or dean or the provost, or in writing in a sealed envelope to the chair of the Audit Committee of the Board of Trustees via the Office of General Counsel. The vice president, dean, Provost or Audit Committee will conduct an investigation and may discipline any individual found to have engaged in misconduct under the policy, up to and including dismissal from the University and referral for prosecution. Knowingly baseless or reckless allegations may be separately disciplined.

Retaliation against whistleblowers is prohibited, and may be the subject of a separate sealed complaint to the chair of the Audit Committee via the Office of General Counsel.
LEAVING WASHINGTON AND LEE

Resignation Procedures

When an employee resigns from the University, he or she must notify the Office of Human Resources and his or her immediate supervisor of the departure in writing. Employees must also return property belonging to the University and complete benefits processing. Employees should work with their Supervisors to see that any University documents or data stored on personal or University computing equipment or cellular phones may be moved/stored so that it will be accessible as needed for University operations and retention. It is expected that non-exempt employees who leave the University will provide the University with at least two weeks’ notice of their departure. Exempt employees are expected to provide the University with four weeks or more notice when possible. An employee’s actual termination day must be the last day worked, and cannot be extended by the use of CTO, SLR, or a holiday. An employee will be paid for his/her unused accrued CTO in accordance with CTO policy. Unused SLR is not paid on termination of employment.

Employees are responsible for returning items in their possession or control that are the property of the University, such as the following:

- Credit cards, equipment and tools, W&L University Card, Manuals
- Cellular phones, Pagers, BlackBerrys
- Parking tags
- Protective equipment
- Computers and audiovisual equipment Tools
- Uniforms
- Vivokey
- Written materials
- CDs and jump drives

All University property must be returned by employees on or before their last day of work. With the employee’s signed authorization consistent with Virginia law, the University may withhold from the employee’s final paycheck the cost of any items that are not returned when required and the balance of outstanding University charge accounts. The University may also take all action deemed appropriate to recover or protect its property. Employees holding a University home loan should contact the Treasurer’s Office. Information Technology Services disables network accounts on or before an employee’s last day of work, and e-mail accounts on or before one month after the last day of work. Any extensions to accounts must be approved by the appropriate dean or vice president.

Retirement

If an employee has 10 or more years of service in a full-time benefit eligible position, he/she may retire as early as age 59½.

Involuntary Termination of Employment

The University may terminate the employment of an individual non-faculty employee at any time in accordance with the procedures in this handbook.
The University believes in treating employees fairly. If a serious concern arises, the supervisor should discuss the performance deficiency with the employee and agree on a remedy. If this performance-review session does not result in improved performance, the supervisor should use the written performance-evaluation tool and follow the steps noted in the performance-planning section of that tool and the Performance Improvement section of this handbook. Although the University generally follows a progressive disciplinary approach, there are occasions and circumstances when W&L terminates an employee immediately. These decisions will be made at the University’s discretion. Before any employee is terminated, the supervisor should consult with the Executive Director of Human Resources, who will consult with the Vice President for Finance and Administration, who will endeavor to notify the President or Provost of the termination. Nothing in this handbook, however, creates any contract of employment. Employment with the University remains at-will, subject to termination by either the employee or the University, at any time and for any reason.

Exit Interview

Prior to an employee’s departure from employment with the University, the Office of Human Resources may conduct an exit interview. An employee’s candid assessment of W&L’s working conditions is used in our continuous improvement efforts. This information helps us to identify common trends or themes as we continue to look for ways to improve the W&L work experience. As part of this exit interview, the employee is reminded to return all University equipment (including keys, laptops, phones, PDAs, etc.) to the appropriate departments.

COBRA

The Federal Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA) provides eligible employees and their qualified dependents the opportunity to continue coverage under the University’s health and dental insurance plans and flexible spending account (under some circumstances) when a departure from employment would normally result in loss of benefit. Enrollment may be continued up to 18, 29 or 36 months depending on the qualifying event under federal law. If continued coverage is elected, the employee pays 100% of the group premium rate plus a 2% administration charge.

References

Employees who are leaving the University sometimes ask supervisors or others for work references. The general practice of the Office of Human Resources is to verify only dates of employment and title and not to release or verify any salary or performance information, reasons for termination, or rehire consideration without specific written authorization and release from an employee.

Supervisors who are comfortable doing so may make positive work recommendations or give positive references about an employee or former employee. Supervisors who do not wish to offer reference information should direct inquiries to Human Resources for employment verification only.
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