

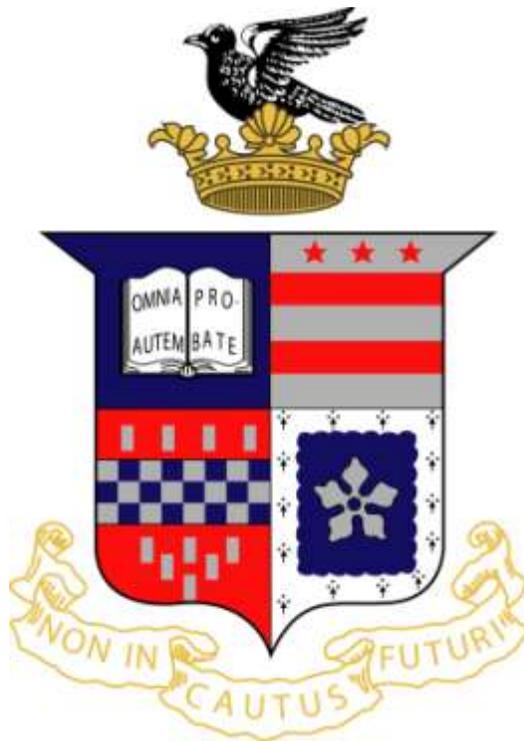
# STUDENT HANDBOOK

## 2011-2012



WASHINGTON AND LEE  
UNIVERSITY

**STUDENT HANDBOOK**  
**2011-2012**



**WASHINGTON AND LEE**  
**U N I V E R S I T Y**  
LEXINGTON, VIRGINIA 24450-2116

[www.wlu.edu](http://www.wlu.edu)

***The policies of Washington and Lee University are under continual examination and revision. This Student Handbook is not a contract; it merely presents the policies in effect at the time of publication and in no way guarantees that the policies will not change. For more updated policies and information see [www.wlu.edu](http://www.wlu.edu).***

This year's Student Handbook was last updated in July 2011. Please check the W&L Student Affairs website, [www.wlu.edu/x36830.xml](http://www.wlu.edu/x36830.xml), for the most recent version.

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# I. POLICY STATEMENT RELATING TO CAMPUS LIFE

*(As adopted by the Board of Trustees May 25, 1985)*

The Board of Trustees believes that one of its primary responsibilities is to encourage the development and maintenance of an environment within the University community, which best permits the realization of our institutional goals. Those goals, according to the University's Statement of Institutional Philosophy, include the pursuit of our educational purpose in a climate of learning that stresses the importance of the individual, the personal honor and integrity of all students and their harmonious relationships with other members of the greater community. In this context, the institutionalized extracurricular and social life of students should contribute to these goals.

It is our desire that student self-government should be encouraged and that a proper balance between student privilege and responsibility should be sought and achieved. We recognize that all members of the student body will spend a portion of their life apart from the institution and outside its governance. Students must nonetheless remain aware that they are members of a University community whose traditions, image and reputation can be harmed by negative actions and behavior as well as being helped by positive contributions. This awareness is especially important since the University, lodged as it is within a larger community, must encourage respect for local ordinances and law enforcement and honor the claims of non-University persons for quiet and safety. In all of its expression, the spirit of this Campus Life statement places emphasis on concepts of honor, integrity, standards of value, leadership, good character, respect for traditions and personal responsibility. We do expect that individual and group actions and behavior will be measured against these concepts. It is our intention to hold accountable for the successful implementation of this policy the administration, the faculty, the students and, indeed, this Board of Trustees.

As provided in the University By-Laws, the Faculty shall be responsible for the academic regulation of students for entrance and graduation requirements, for the approval and supervision of courses of study, for the recommendation of students for degrees, and for the discipline and government of the students and all student organizations, except for the Honor System which is the responsibility of the Student Executive Committee as delegated by the Board of Trustees. The Faculty may adopt such rules and regulations as may be necessary and proper for the discharge of its obligations.

## II. EXECUTIVE COMMITTEE OF THE STUDENT BODY

The Executive Committee is a 13-member body of representatives elected by students from each undergraduate and law class. The Executive Committee is entrusted with administration of the Honor System by the Washington and Lee Board of Trustees. The Executive Committee also serves as the student government, which maintains the student activity fee and is responsible for allocation of the funds, other than the Student Bar Association fee, to student organizations.

### III. THE HONOR SYSTEM

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

Honor is the moral cornerstone of Washington and Lee University. Commitment to honor is recognized by every student, faculty member, administrator, and staff member of the University. Honor provides the common thread woven through the many aspects of this institution and creates a community of trust and respect affecting fundamentally the relationships of all its members. The centrality of honor at Washington and Lee is contained in its Honor System. The Board of Trustees has granted to students the privilege of overseeing the administration of the Honor System. This privilege includes the responsibilities of (1) defining dishonorable acts that the current student generation views as breaches of the community's trust; (2) investigating possible violations of the Honor System; (3) administering closed hearings where possible Honor Violations are suspected; (4) writing and revising the *White Book*, the Honor System policy and procedures manual; and (5) reporting directly to the Board of Trustees on the administration of the Honor System. The sole penalty for an Honor System violation is dismissal from the University. These responsibilities are administered by the Executive Committee of the Student Body, a group of students elected annually by their peers. Academic life is essentially shaped by the commitment to honor. Assuming that students will behave honorably, the faculty grants flexibility in the scheduling of most final examinations and all are taken without supervision. Take-home closed book examinations are a common occurrence. The pledge, "On my honor, I have neither given nor received any unacknowledged aid on this (exam, test, paper, etc.)," expresses the student's promise that the work submitted is his or hers alone. Students' dedication to honorable behavior creates a strong bond of trust among them and between them and the faculty. This student dedication and the bond that it engenders also provide the basis for the faculty's commitment to accepting a student's word without question.

The dedication to behave honorably is not confined to academic life. It is expected that students will respect each other's word and intellectual and personal property in the residence halls and the Greek houses, on the playing field, in the city of Lexington, or wherever Washington and Lee students take themselves. This principled expectation provides the foundation for the community of trust which students seek to create not only in the academic sphere but in life outside it as well. The Honor System has been a unique feature of Washington and Lee University for well over a century. Thousands of students have lived under it while in residence, have been morally shaped by it and, as alumni and alumnae, continue to be guided by it in their professional lives. Current students are as committed to it as were those who lived and studied here before them, and they maintain with firm conviction this distinctive ideal of the University.

Students attending Washington and Lee must realize that our commitment to the principle of honor is firm. This commitment stems from a long tradition of trust and honesty in a community that respects those traits embodied in such great men as George Washington and Robert E. Lee. Under this system, students must not lie, cheat, steal or misrepresent themselves in any way that is

considered dishonorable by the student generation involved. Students found guilty by their peers of a breach of the Honor System are dismissed permanently from the University.

### **A Community of Honor**

The Honor System of Washington and Lee is based on the fundamental principle that a spirit of trust pervades all aspects of student life. This spirit of trust makes Washington and Lee a unique educational institution. Students enjoy unparalleled academic and social freedom. The system is one of mutual trust---trust among students, faculty, administrators, and townspeople that students attending Washington and Lee will conduct themselves honorably at all times, on or off campus. Students are expected to do their own work, represent themselves truthfully, and claim only that which is their own. No violation of this trust is more egregious than another or too small to be ignored.

The Honor System governs only acts that indicate a student is not worthy of trust by his or her peers. The System is not structured to work against students, but rather for students. It is not structured to frighten honest students, but rather to encourage them. The System is mutually reinforcing. The more students live by the System, the stronger the System becomes.

The notion of an honorable community is closely related to the University's educational objectives, for the learning process flourishes best in an environment where mutual trust and respect shape the bedrock of relationships within the community. Every student at Washington and Lee, thus, has a duty to the Honor System.

### **Implications of our System**

A student at Washington and Lee is presumed to act honorably at all times. A sense of mutual trust and respect surrounds all aspects of a student's life at Washington and Lee. Professors rely on the integrity of their students and expect that all work submitted is exclusively their own. All work at Washington and Lee, unless otherwise stated, is considered pledged.

The form of the pledge is: "On my honor, I have neither given nor received any unacknowledged aid on this (exam, test, paper, etc.)."

While President of Washington College, General Lee implemented a new understanding for behavior of students at the school. In asking the students of that time merely to behave as "gentlemen," he was asking for honesty, forthrightness, civility and courtesy in all their actions. Today, the same standard is expected of all students. Combined with the rigid standards of no lying or cheating, the Honor System has helped to build an atmosphere of trust in which students often leave their possessions unattended anywhere on campus without fear of theft.

### **Open Exam Policy**

One of the truest expressions of trust and honesty found on our campus and one of the most tangible privileges of the Washington and Lee Honor System is the open examination policy. Under this policy, it is the general practice of the College, the School of Law, and the Williams School, not to have exams proctored by University officials.

Undergraduates are allowed to schedule their exams on any day of the six possible exam dates at either the 9:00 a.m. or 2:00 p.m. sitting. Students are required to make their selections the week before the examination period begins. Only in rare instances are there stated times for a particular examination.

At the School of Law, only first-year course exams are given at one stated period. Upper-class law students have a choice between two stated times and dates.

This policy reinforces the great amount of trust placed in Washington and Lee students. In order for students to continue to exercise such academic freedom, they must accept the responsibilities and challenges of governing themselves. Part of the open exam policy is an agreement that no one will discuss any aspect of an exam with anyone else until the examination period has ended. Even a casual remark as to the difficulty of an exam is not allowed. Experience has proven such remarks may give some students an unfair academic advantage over their peers. Therefore, it is imperative to the freedom and trust placed in Washington and Lee students that no aspect of any exam be discussed or commented upon until the examination week is concluded. To do so would place a great strain on the privilege. Discussing exams is considered a serious honor violation.

### **Plagiarism**

"Plagiarism" describes the use of another's words or ideas without proper acknowledgment. The students of Washington and Lee University have considered plagiarism a violation of the Honor System in the past; therefore, all forms of plagiarism including Internet plagiarism are taken very seriously. Students at Washington and Lee need to be aware of the nature of plagiarism. Plagiarism takes many forms, including the wholesale copying of phrases or texts, or the use of ideas without indicating the source. Certain facts must also be properly acknowledged.

Examples of possible plagiarism can be found in the Executive Committee's Plagiarism Pamphlet. This is available to the entire W&L community on the Executive Committee's website at [ec.wlu.edu](http://ec.wlu.edu).

### **A Brief Synopsis of Procedure**

The Honor System at Washington and Lee is administered exclusively by the Executive Committee of the Student Body. The authority for the Honor System comes directly from the Board of Trustees of the University and is in no way influenced by the University's administration or faculty.

Being completely student administered means that the students have a great responsibility in preserving this unique aspect of the community. As a result of previous students' dedication, the Honor System has remained strong in a day when many honor codes crumble under the pressure of legal challenge or simply fade away because of lack of interest. See The Honor System "White Book" published by the Student Executive Committee at [ec.wlu.edu](http://ec.wlu.edu).

### **Honor Advocates**

There shall be an Honor Advocate Program. Honor Advocates who show exceptional ability and a strong desire to uphold the Honor System shall be available to serve as members of the investigative team and as advocates of the respondent. The Executive Committee shall select a law student to serve as head honor advocate and a student to serve as assistant head honor advocate.

The Head Honor Advocate shall administer the Honor Advocate Program. These advocates are also available to assist in other conduct matters. See page 65.

### **Reporting Possible Violations**

Anyone with knowledge of a possible Honor Violation should confront the suspected student and ask for an explanation of the incident. Should this explanation convince the inquiring person that no honor offense exists the matter should be dropped.

If the inquiring student believes that a violation exists, then the matter must be brought to the attention of a member of the Executive Committee. A person not wishing to confront a student suspected of an Honor Violation must bring the matter to the immediate attention of a member of the Executive Committee.

On receiving information that an Honor Violation might have occurred, the Executive Committee is obligated to investigate the charge. One member of the Executive Committee, one Honor Advocate, and a member of the student body conduct the investigation and report their findings to the full Committee. If the Executive Committee believes that there is sufficient evidence of an Honor Violation, a closed hearing shall be held, during which the accused will be assisted by Honor Advocates if he or she so chooses. If the Executive Committee finds the student not guilty, all charges are dropped and the student remains an active part of the University. A guilty verdict by the Executive Committee results in dismissal of the student from the University. The student, if he or she desires, may appeal the case to a Student Body Hearing. The Hearing, which is open to all members of the W&L community, is conducted before a jury of twelve students selected at random from the student body. The verdict of the student jury is final.

## IV. UNIVERSITY POLICIES AND PROCEDURES—ACADEMIC

Academic policies are set by the faculty. The University Catalog on the web, along with the notifications of changes, is the most complete and up-to-date information about these policies. Please check the most current version on the University Registrar's web page at [catalog.wlu.edu/](http://catalog.wlu.edu/).

### STUDENT DISABILITY ACCOMMODATIONS

It is the policy of the Washington and Lee University and its School of Law to provide equal access to educational opportunities to qualified students with physical or mental disabilities, in accordance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act. Students requesting accommodation will need to 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 have equal access to educational opportunities. The University and the School of Law intend to provide an interactive process of dialogue and timely exchange of information between the student and the designated Dean.

It is the responsibility of a student with a physical or mental disability who may require any type of accommodation to make the accommodation request in a timely manner. In order to allow sufficient time for the eligibility and accommodation decision process and to make arrangements for appropriate accommodations, the student should contact the designated Dean within one week of the start of the academic term. The designated Dean will inform the student of further specific procedures and required documentation.

Undergraduate students should contact the Assistant Dean of the College, Baker Hall 119, Washington and Lee University, Lexington, Virginia 24450, (540) 458-8746.

Undergraduate student accommodation policies, procedures, informational documents, and forms:

[www.wlu.edu/x35538.xml](http://www.wlu.edu/x35538.xml)

Law students should contact the Associate Dean for Academic Affairs, Sydney Lewis Hall 495, Washington and Lee University School of Law, Lexington, Virginia 24450, (540) 458-8524.

Law student accommodations policies, procedures, informational documents, and forms:

[www.wlu.edu/x35536.xml](http://www.wlu.edu/x35536.xml)

## V. UNIVERSITY POLICIES AND PROCEDURES—NON-ACADEMIC

### **Statement on Student Behavior**

Admission to the Washington and Lee community carries with it certain expectations concerning personal conduct. These expectations are specifically covered by the Honor System. Other less specific expectations concern the way we treat each other. Lee described the expectation at Washington College as "gentlemanly behavior." Today, we interpret this to mean civil, decent behavior designed to encourage mutual respect for our individual differences, desires, and ways of thinking.

Washington and Lee University expects an atmosphere of civility and mutual respect to prevail. Instances of uncivil behavior involving students are most effectively dealt with in personal and informal ways, not by formal conduct procedures. Therefore, members of the Washington and Lee community who believe themselves to have been objects of such behavior should first seek resolution by personal consultation with friends, faculty, designated advisers, or others who may intervene in the dispute. If such direct efforts do not resolve the matter, instances of uncivil behavior involving students may be reported to the Associate Dean of Students for Student Conduct. The Associate Dean of Students will take appropriate action by resolving the matter or referring the matter to other resources for informal resolution, or, in appropriate cases, to the designated conduct body. If informal resolution efforts are not successful or appropriate to the circumstances, one of five conduct bodies may conduct formal procedures on allegations of uncivil behavior, as follows:

- The Executive Committee of the Student Body (EC) manages the Honor System and hears cases of breaches of trust such as lying, cheating, and stealing.
- The Student Judicial Council (SJC) hears allegations of alcohol and other types of student misconduct.
- The Student-Faculty Hearing Board (SFHB) hears allegations of prohibited discrimination, harassment, retaliation, sexual misconduct, and hazing by individual students and non-Greek student organizations.
- The Interfraternity Council (IFC) hears allegations of hazing, retaliation associated with hazing, and other violations of University policy by fraternities.
- Panhellenic Council (PHC) hears allegations of hazing, retaliation associated with hazing, and other violations of University policy by sororities.

## **Prohibited Discrimination, Harassment, Sexual Misconduct and Retaliation Policy**

Please see [www.wlu.edu/x32882.xml](http://www.wlu.edu/x32882.xml) for the most current version of this policy.

### **Policy Statement**

Students, faculty, and staff at Washington and Lee University have the right to be free from prohibited discrimination, harassment, sexual misconduct, and retaliation within the University community. Specifically, the University prohibits discrimination, including harassment, on the basis of race, color, religion, national or ethnic origin, sex, sexual orientation, age, disability, veteran's status, and genetic information in its educational programs and activities and with regard to employment. The University also prohibits sexual misconduct offenses described in this policy. Finally, 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.

### **Applicability**

This policy applies to all Washington and Lee University students, faculty, staff, and volunteers, as well as all visitors to campus (including vendors, contractors, visiting athletes, alumni, parents and guests of students, etc.).

### **Definitions**

**Stalking:** For purposes of this policy, “stalking” is defined as conduct occurring on more than one occasion directed at a specific person or persons that would cause a reasonable person to feel fear or apprehension for their safety. Such a course of conduct may involve, but not be limited to, unwanted contact or surveillance in person, by telephone or other electronic means. Stalking is a form of harassment.

### **Policy**

#### **A. Prohibited Discrimination, Harassment, and Sexual Misconduct**

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, including stalking.

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.

Unwelcome sexual advances, requests for sexual favors, or other unwanted verbal or physical conduct of a sexual nature may constitute sexual misconduct, depending upon the circumstances of each case. Forms of sexual misconduct include:

1. Sexual harassment, as prohibited harassment is described above;
2. Physical assault with sexual intent;
3. Sexual contact without consent -- by means of force, threat, intimidation or victim incapacity;
4. Sexual intercourse without consent -- by means of force, threat, intimidation or victim incapacity;
5. Attempts to commit the sexual offenses listed above.

Sexual misconduct in any form is a violation of this policy. However, if there is a reasonable basis for a finding that any misconduct described in numbered items 2-5 above occurred, that misconduct does not have to satisfy the elements of harassment to constitute a violation of this policy.

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 s/he 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, so that each person may choose an avenue appropriate to his/her particular situation, whether that be informal or formal resolution internally through the University, or external criminal or civil processes where the conduct may amount to unlawful discrimination, harassment (including stalking), sexual misconduct, or retaliation.

### **B. Confidentiality**

The University will treat inquiries and complaints about prohibited discrimination, harassment, sexual misconduct, or retaliation confidentially 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.

### **C. Retaliation and Malicious Reporting**

The University will make every reasonable effort to protect from retaliation individuals who believe themselves to be the object of discrimination, harassment, or sexual misconduct 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, harassment, or sexual misconduct, or who is involved in a complaint process is illegal and constitutes a violation of this policy. The malicious reporting of a false complaint of discrimination, harassment, sexual misconduct, or retaliation is also a violation of this policy. Retaliatory action or malicious reporting will be regarded as a basis for a separate complaint under this policy and the referenced procedures.

### **D. Relation to Federal Law**

Washington and Lee University's policy against prohibited discrimination, harassment, sexual misconduct, and retaliation is consistent with Title IX of the Education Amendments of 1972, 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 the referenced complaint procedures, any person with concerns regarding the University's response to his/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].

## **Procedures for Complaints of Violations of This Policy**

### **A. Complaints Against Students:**

Procedures for bringing complaints against students are located at [www.wlu.edu/x37422.xml](http://www.wlu.edu/x37422.xml).

#### **Washington and Lee University**

#### **Procedures for Complaints Against Students**

#### **University Policy on Prohibited Discrimination, Harassment, Sexual Misconduct and Retaliation**

Individuals seeking information about the University Policy on Prohibited Discrimination, Harassment, Sexual Misconduct and Retaliation or who have complaints of prohibited discrimination, harassment, sexual misconduct or retaliation against students may contact either a Confidential and Impartial Resolution Resource (“CAIR”), or another Student Affairs resource (*e.g.*, Office of the Vice President for Student Affairs and Dean of Students, Student Health and Counseling Services, Public Safety, Peer Counselors, Residence Life Staff, or Kirgis Fellows).

#### *Confidential and Impartial Resolution (“CAIR”) Resources*

At the beginning of the academic year, the Provost or designee will appoint individuals from a diverse range of University faculty and staff to serve as CAIR Resources for students concerning allegations of prohibited discrimination, harassment, retaliation, and sexual misconduct by or against students. CAIR Resources can inform individuals of the various criminal, civil, and University judicial options for formal complaints, including the availability of Honor and Advisory Advocates<sup>1</sup> in formal University judicial proceedings.

CAIR Resources can also inform individuals of various strategies for informal resolution, and are trained to conduct, assist, or oversee such efforts. 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; performing shuttle diplomacy between a complainant and respondent; guiding a mediated discussion; and handling direct resolution between a complainant and accused. CAIR Resources are also available to meet with students accused of prohibited discrimination/harassment, retaliation, or sexual misconduct to inform them of the various strategies for informal resolution, explain the University judicial procedures and the availability of

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<sup>1</sup> Advisory Advocates were added as resources by the SFHB Procedures approved by the faculty in May 2011. During a formal SFHB proceeding, the complainant and respondent may each be accompanied by an Advisory Advocate and/or an Honor Advocate of his/her choice. Advisory Advocates must be members of the University community. An Advisory Advocate may be a CAIR (except in the circumstances where a CAIR has previously been involved in informal resolution efforts in the same case), or may be an individual within the W&L community with special training for this role, or may be another faculty or staff member. *Note: Where an Advisory Advocate with no special training for the role is selected by a party, the Chair may designate an Honor Advocate to serve as a resource on procedural matters during the SFHB proceeding.*

Honor and Advisory Advocates for such proceedings, and provide the names of the Head and Assistant Head Honor Advocates, who assign Honor Advocates to each case.

If desired (or deemed advisable by the Head CAIR), separate CAIR Resources will inform and advise the complainant and respondent in a given incident. CAIR Resources will provide information and advice, and may assist, oversee, or directly handle informal resolution efforts, but generally will not be involved in University judicial procedures (beyond assisting a complainant with filing a written complaint if requested). If CAIRs have been involved in informal resolution efforts in a particular matter, they may not serve as Advisory Advocates in a formal judicial proceeding on the same matter.

***NOTE: cases of sexual assault/sexual violence are not appropriate for mediation.***

#### *Formal Complaint to Student-Faculty Hearing Board*

If a CAIR Resource or other Student Affairs resource is unable to resolve a complaint, the complainant may bring a formal complaint to the Student-Faculty Hearing Board (SFHB). A complainant may alternatively choose to bring a complaint without pursuing informal resolution options. The Vice President for Student Affairs and Dean of Students, or designee, may also file a complaint. Because it is often difficult to determine the facts of an incident long after it has occurred, complaints should be filed as soon as possible after the incident giving rise to the complaint. CAIR Resources or other Student Affairs resources can provide the complainant with information concerning Washington and Lee's procedures for dealing with formal complaints of prohibited discrimination, harassment, sexual misconduct, or retaliation. **See** SFHB Procedures in Section VI of the Student Handbook.

The SFHB is authorized to hear and adjudicate formal complaints of prohibited student discrimination, harassment, retaliation, and sexual misconduct. To initiate the process for an SFHB hearing, the complainant may file a complaint with the SFHB Chair or provide the Chair with enough detailed information to warrant an investigation of the complaint. The respondent will be provided with written/electronic notice of the subject matter of the complaint and, if it goes to hearing, with the specific factual allegations.

#### *Investigation*

The SFHB Chair will charge the Director of Public Safety (who will then designate specially trained officers) to investigate the complaint. The investigation will include discussions with the complainant and respondent, other relevant individuals, and review of other relevant information. The investigator's report, including the statements by the complainant and respondent, will be presented to the Chair of the SFHB. Further proceedings in such cases will be conducted in accordance with SFHB and University Board of Appeals (UBA) procedures. **See** Section VI of the Student Handbook for these procedures.

#### **B. Complaints Against Faculty, Staff, and Other Non-Students:**

Procedures for bringing complaints against non-students are located at [www.wlu.edu/x37419.xml](http://www.wlu.edu/x37419.xml).

## **Resources Contact Information for University Policy on Prohibited Discrimination, Harassment, Sexual Misconduct and Retaliation**

### **Washington and Lee University Procedures for Complaints against Faculty, Staff, and Other Non-Students University Policy on Prohibited Discrimination, Harassment, Sexual Misconduct and Retaliation**

Any individual (“Complainant”) who believes that s/he has been the object of prohibited discrimination, harassment, sexual misconduct, 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.

*Note:* The procedures outlined here for complaints of discrimination, harassment, sexual misconduct, 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, sexual misconduct, or retaliation under state or federal law.

#### **1. Definitions of Terms and Acronyms**

- **“CAIR”** = Confidential and Impartial Resource. CAIRs are a group of faculty and staff, appointed by the Provost annually, who can provide procedural information and options regarding complaints by or against students under the University Policy on Prohibited Discrimination, Harassment, Sexual Misconduct and Retaliation. CAIRs are available to meet with a student about a complaint against a non-student and to work with the student to access a DPA.
- **“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 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.
- **“DPA”** = Discrimination Policy Advisers. The DPAs are a group of 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, Sexual Misconduct, and Retaliation. DPAs can also work informally to resolve matters themselves or bring in others to assist with informal resolution.

- **“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 and CAIRs 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 s/he may remain available to advise the DPAs involved in that process on procedural matters.
- **“INVESTIGATION AND REVIEW OFFICERS”** = The group of 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**
  - **Dean of the College**
  - **Dean of the Williams School**
  - **Dean of the School of Law**
  - **Associate Dean of the College**
  - **Assistant Dean of the College**
  - **Associate Dean of the Williams School**
  - **Associate Dean of the School of Law for Academic Affairs**
  - **Assistant Dean of the School of Law for Clinical Education and Public Service**
  - **Executive Director of Human Resources**
  - **Chief Technology Officer**
  - **Director of Athletics**
  - **Executive Director of University Facilities**

## 2. **Initial Contact**

### a) *Faculty/Staff Complainant*

To raise a concern, a faculty or staff Complainant may contact either: 1) a Discrimination Policy Adviser (“DPA”); 2) the University Ombuds; 3) his/her

supervisor; 4) any Dean or Associate/Assistant Dean; or 5) a representative of the Human Resources Office.

b) *Student Complainant*

A student Complainant may contact either: 1) a Discrimination Policy Adviser (“DPA”); 2) a Confidential and Impartial Resource (“CAIR”); 3) another Student Affairs resource (e.g. Office of the Vice President for Student Affairs and Dean of Students, Student Health and Counseling Services, Public Safety, Peer Counselors, Residence Life Staff, or Kirgis Fellows); or 4) any Dean or Associate/Assistant Dean. If the student Complainant chooses to contact a CAIR, another Student Affairs resource, or a Dean or Associate/Assistant Dean, that resource will work with the student to access a DPA.

c) *Others*

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

### 3. **Informal Resolution**

a) *Ombuds*

The University Ombuds may informally resolve concerns without any report or other record of the specific matter. Alternatively, the Ombuds may refer a Complainant to a supervisor, Dean, Human Resources representative or DPA for informal resolution or to a DPA for initiation of a formal complaint process.

b) *DPA's*

DPA's 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 the University Ombuds, a supervisor, Dean, or Human Resources representative 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.

c) *Human Resources Office*

A Human Resources representative may informally resolve concerns or may bring in others (with consent of the parties) as appropriate to assist with resolution. A Human Resources representative may alternatively refer a complainant to a DPA, the University Ombuds, a supervisor or Dean 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

representative then contacts the DPA Coordinator to prepare a summary report.

d) *Role of Supervisors/Deans*

A staff supervisor or Dean (in his/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 the University Ombuds, a DPA, or a Human Resources representative 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.

4. **Formal Complaint**

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

a) *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 the University Ombuds, a supervisor/Dean (or Associate/Assistant Dean)/Human Resources representative, or a CAIR or other Student Affairs resource (in the case of a student Complainant). 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.

b) *Submission of Complaint / Notification to Respondent*

The DPA submits the formal complaint, along with any questions about the process or concerns 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 4(d) and (e). The DPA Coordinator should submit a copy of the CAIR/DPA 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, if not done at the same time, 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 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, s/he should do so within five (5) business days after being given a verbal summary of the complaint.

c) *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 s/he 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.

d) *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").

e) *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, W-25, labeled "Complaint to the Audit Subcommittee under the University Policy on Prohibited Discrimination, Harassment, Sexual Misconduct, and Retaliation." 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.

## 5. **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 confidentiality 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.

## **6. Withdrawal of Complaint; Review of Parties' Proposed Resolution**

### *(a) Withdrawal of Complaint*

At any time during a 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, 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 s/he believes it prudent and appropriate to do so in the best interest of the university community, based on all relevant information.

### *(b) 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.

## **7. Investigative Report; Party Responses; IRP Appointment**

### *a) 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 Discrimination, Harassment, Sexual Misconduct, and Retaliation or other university policies. The Complainant and Respondent will each be provided with a redacted version of the report (to remove witness names and personally identifiable witness statements), not to be copied or distributed, but which the party may share with his/her DPA.

### *b) 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.

c) *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.

**8. 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. 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 7(a)).

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 9 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.

**9. 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/her DPA, if applicable and desired by the party) to notify the parties of the outcome, review the ongoing confidentiality 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) 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.

The DPA will promptly schedule a follow up meeting with his/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 s/he 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.

## **10. 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 s/he 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.

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/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/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 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. 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 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. 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/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 or when required by federal law in the case of certain criminal sexual offenses covered by the Campus Security Act. 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 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.

#### **11. Interim Measures**

The appropriate Co-Chair may take such interim measures as s/he deems advisable in a given case, including, but not limited to, a no-contact directive between the parties at any point in a complaint process. 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.

#### **12. Confidentiality and Recordkeeping**

The facts about individual cases and their dispositions are to remain confidential 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 confidentiality provisions of these procedures, and/or the confidentiality directives of the administrators handling complaints, will be subject to discipline.

The Co-Chairs and DPA 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. 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 (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.

**Adopted: August 2009**

**Revised: August 2010**

**Revised: August 2011**

**CAIR RESOURCES:** *for information concerning procedures and dispute resolution options for complaints by or against students.*

Tammy Futrell HEAD CAIR	Associate Dean of Students	Elrod Commons 243 458-8766	<a href="mailto:tfutrell@wlu.edu">tfutrell@wlu.edu</a>
Robert C. (Clay) Coleman	Director of Student Activities and Greek Life	Elrod Commons 250 458-4111	<a href="mailto:rccoleman@wlu.edu">rccoleman@wlu.edu</a>
Tyler Dickovick	Associate Professor of Politics	Huntley Hall 311 458-8174	<a href="mailto:dickovickt@wlu.edu">dickovickt@wlu.edu</a>
Susan Franck	Associate Professor of Law	Sydney Lewis Hall 441 458-8133	<a href="mailto:francks@wlu.edu">francks@wlu.edu</a>
Kami Gardner	Associate Professor of PE/Coach	Doremus/Warner Center 458-8481	<a href="mailto:gardnerka@wlu.edu">gardnerka@wlu.edu</a>
Sarah Nichols Hughes	Assistant Director, Law School Advancement	Sydney Lewis Hall 527 458-8063	<a href="mailto:shughes@wlu.edu">shughes@wlu.edu</a>
Mandy King	Assistant Professor of PE/Coach	Doremus/Warner Center 524 458-8202	<a href="mailto:kingma@wlu.edu">kingma@wlu.edu</a>
Gene McCabe	Associate Professor of PE/Coach	Doremus/Warner Center 525 458-8678	<a href="mailto:mccabee@wlu.edu">mccabee@wlu.edu</a>
David Novack <i>(on leave winter term)</i>	Professor of Sociology, Dept. Head Sociology & Anthropology	Newcomb Hall 104 458-8792	<a href="mailto:novackd@wlu.edu">novackd@wlu.edu</a>
Lorri Olán	Director, Law Career Planning and Professional Development	Sydney Lewis Hall 484 458-8534	<a href="mailto:olanl@wlu.edu">olanl@wlu.edu</a>
Brian Richardson <i>(on leave fall term)</i>	Professor of Journalism and Mass. Communications	Reid Hall 201 458-8430	<a href="mailto:richardsonb@wlu.edu">richardsonb@wlu.edu</a>
Amy Richwine	Associate Director for International Education	Center for International Education 458-8144	<a href="mailto:arichwine@wlu.edu">arichwine@wlu.edu</a>
Joel Shinofield	Assistant Professor of PE/Coach	Doremus/Warner Center 458-8693	<a href="mailto:shinofieldj@wlu.edu">shinofieldj@wlu.edu</a>
Stephen B. Twitty (Brett)	Director of Admissions, Law School	Sydney Lewis Hall 518 458-8528	<a href="mailto:twittys@wlu.edu">twittys@wlu.edu</a>

**DISCRIMINATION POLICY ADVISERS:** *for information concerning procedures and dispute resolution options for complaints against faculty, staff or other non-students.*

Julie Campbell DPA COORDINATOR	Associate Director of Communications & Public Affairs	7 Courthouse Square 202 458-8956	<a href="mailto:jcampbell@wlu.edu">jcampbell@wlu.edu</a>
Melina Bell	Associate Professor of Philosophy	Baker Hall 222 458-8899	<a href="mailto:bellm@wlu.edu">bellm@wlu.edu</a>
Johanna Bond	Associate Professor of Law	Sydney Lewis Hall 445 458-8289	<a href="mailto:bondj@wlu.edu">bondj@wlu.edu</a>
Christopher Bruner	Associate Professor of Law	Sydney Lewis Hall 470 458-8332	<a href="mailto:brunerc@wlu.edu">brunerc@wlu.edu</a>
Deborah Caylor	Associate Treasurer & Controller	Old Courthouse 204 458-8736	<a href="mailto:dcaylor@wlu.edu">dcaylor@wlu.edu</a>
Lynn Fitch	Law Student Services Coordinator	Sydney Lewis Hall 524 458-8139	<a href="mailto:fitchl@wlu.edu">fitchl@wlu.edu</a>
Dennis Fowler	Director of Dining Services	Elrod Univ. Commons 233 458-8933	<a href="mailto:dfowler@wlu.edu">dfowler@wlu.edu</a>
Randolph Hare	Director, Maintenance & Operations, Facilities Management	Mod Hall B 458-8496	<a href="mailto:rhare@wlu.edu">rhare@wlu.edu</a>
Cabot Miller	Senior Mechanic, Facilities Management	Heating/Cooling Plant 458-8490	<a href="mailto:cgmiller@wlu.edu">cgmiller@wlu.edu</a>
Barb Mollica	Director of Special Events	Mattingly House 106 458-5036	<a href="mailto:bmollica@wlu.edu">bmollica@wlu.edu</a>
Karla Murdock	Associate Professor of Psychology	Parmly Hall 212 458-8248	<a href="mailto:murdockk@wlu.edu">murdockk@wlu.edu</a>
Elizabeth Oliver	Lewis Whitaker Adams Professor of Accounting	Huntley Hall 211 458-8637	<a href="mailto:olivere@wlu.edu">olivere@wlu.edu</a>
Wendy Orrison	Associate Professor of PE/Coach	Doremus/Warner Center 517 458-8675	<a href="mailto:orrisonw@wlu.edu">orrisonw@wlu.edu</a>
Sandy Reiter	Assistant Professor of Business Administration	Holekamp Hall 308 458-8223	<a href="mailto:reiters@wlu.edu">reiters@wlu.edu</a>
Wendy Richards	Library Assistant II	Leyburn Library 110 458-8665	<a href="mailto:richardsw@wlu.edu">richardsw@wlu.edu</a>
Sheryl Salm	Senior Legal Assistant, Law School	Sydney Lewis Hall 106 458-8482	<a href="mailto:salms@wlu.edu">salms@wlu.edu</a>
Larry Stuart	Sr. Sergeant, Public Safety	Elrod Univ. Commons 225 458-4950	<a href="mailto:lstuart@wlu.edu">lstuart@wlu.edu</a>
Jim Warren	S. Blount Mason Jr. Professor of English	Payne Hall 214 458-8761	<a href="mailto:warrenj@wlu.edu">warrenj@wlu.edu</a>
John Watkins	Technology Support Specialist	Parmly Hall P312 458-8975	<a href="mailto:jwatkins@wlu.edu">jwatkins@wlu.edu</a>
Debbie Weinert	Assistant Director, Maintenance & Operations, Facilities Management	Mod Hall B 458-8982	<a href="mailto:dweinert@wlu.edu">dweinert@wlu.edu</a>

**INVESTIGATION/ REVIEW OFFICERS:** *handle formal complaints against non-students*

Robert A. Strong CO-CHAIR	Interim Provost	Mattingly House 301 458-8418	<a href="mailto:strongr@wlu.edu">strongr@wlu.edu</a>
Steve McAllister CO-CHAIR	Vice-President for Finance/Treasurer	Old Courthouse 303 458-8942	<a href="mailto:smcallis@wlu.edu">smcallis@wlu.edu</a>
Amy Diamond Barnes	Executive Director of Human Resources	Early-Fielding 458-8920	<a href="mailto:abarnes@wlu.edu">abarnes@wlu.edu</a>
Alison Bell	Associate Dean of the College	Baker Hall 123 458-86388747	<a href="mailto:bella@wlu.edu">bella@wlu.edu</a>
Robert Danforth	Associate Dean for Academic Affairs, Law Professor	Sydney Lewis Hall 495 458-8524	<a href="mailto:danforthr@wlu.edu">danforthr@wlu.edu</a>
Hank Dobin	Dean of the College	Baker Hall 124 458-8746	<a href="mailto:hdobin@wlu.edu">hdobin@wlu.edu</a>
Sidney S. Evans	Vice President for Student Affairs and Dean of Students	Elrod Commons 242 458-8751	<a href="mailto:sevans@wlu.edu">sevans@wlu.edu</a>
Mark Grunewald	Interim Dean of the Law School, Professor of Law	Sydney Lewis Hall 457 458-8526	<a href="mailto:grunewaldm@wlu.edu">grunewaldm@wlu.edu</a>
Jan Hathorn	Director of Athletics	Doremus/Warner Ctr 430 458-8671	<a href="mailto:hathornj@wlu.edu">hathornj@wlu.edu</a>
John Hoogakker	Executive Director of University Facilities	Old Courthouse 109 458-8446	<a href="mailto:jhoogakker@wlu.edu">jhoogakker@wlu.edu</a>
Mary Natkin	Assistant Dean for Clinical Education and Public Service, Clinical Professor of Law	Sydney Lewis Hall 427 458-8576	<a href="mailto:natkinm@wlu.edu">natkinm@wlu.edu</a>
Larry Peppers	Crawford Family Dean of the Williams School, Prof. Economics	Huntley Hall 203A 458-8602	<a href="mailto:peppersl@wlu.edu">peppersl@wlu.edu</a>
Wendy Price	Assistant Dean of the College	Baker Hall 125 458-8746	<a href="mailto:wprice@wlu.edu">wprice@wlu.edu</a>
David Saacke	Chief Technology Officer	Tucker Hall 210 458-8848	<a href="mailto:dsaacke@wlu.edu">dsaacke@wlu.edu</a>
Robert Straughan	Associate Dean of the Williams School and Professor	Holekamp Hall 120 458-8609	<a href="mailto:straughanr@wlu.edu">straughanr@wlu.edu</a>

**STUDENT-FACULTY HEARING BOARD:** *handles formal complaints against students*

Chair is Jason Rodocker, Assistant Dean for the First-Year Experience.....8753

[jrodocker@wlu.edu](mailto:jrodocker@wlu.edu)

Nate Reisinger, Student Vice Chair

[reisingern13@mail.wlu.edu](mailto:reisingern13@mail.wlu.edu)

**HONOR ADVOCATES:** *trained support resources for SFHB proceedings*

Helena Jedziniak, Head Honor Advocate

[jedziniak.h@law.wlu.edu](mailto:jedziniak.h@law.wlu.edu)

Taehoon “Peter” Choi ‘12L, Law Assistant Honor Advocate

[choi.t@law.wlu.edu](mailto:choi.t@law.wlu.edu)

Gregory “Woodie” Hillyard, ‘12U, Undergraduate Assistant Honor Advocate  
[hillyardg12@mail.wlu.edu](mailto:hillyardg12@mail.wlu.edu)

**DESIGNATED PUBLIC SAFETY INVESTIGATORS:** *pecially trained investigators for complaints against students under this policy*

Larry Stuart, Senior Seargent, Public Safety.....4950

[lstuart@wlu.edu](mailto:lstuart@wlu.edu)

Alesia (Lisa) Datz, Public Safety Officer.....4950

[ldatz@wlu.edu](mailto:ldatz@wlu.edu)

**OTHER CAMPUS RESOURCES:**

University Ombuds Office (for faculty and staff) ..... 8369  
Human Resources Office ..... 8920  
Employee Assistance Program (confidential counseling)..... 1-800-311-4327  
([www.guidanceresources.com](http://www.guidanceresources.com))  
Mike Young, Director of Public Safety ..... 8427  
Steve Tomlinson, Associate Director of Public Safety ..... 8937  
Student Health Center ..... 8401  
University Counseling ..... 8590  
Vice President for Student Affairs/Dean of Students..... 8533  
Leanne Shank, General Counsel ..... 8941, 8940  
Jennifer Kirkland, Associate General Counsel  
for Compliance Support ..... 8929, 8940  
Sexual Misconduct Information Line ..... 458-5800

**LEXINGTON/ROCKBRIDGE COUNTY:**

Emergency ..... 911  
Lexington Police ..... 463-9177  
Rockbridge County Sheriff ..... 463-7328  
Stonewall Jackson Hospital ..... 458-3300  
Project Horizon (Domestic Violence and Sexual Assault) ..... 463-7861  
Rockbridge Mental Health Clinic ..... 463-3141

August 2011

For a complete and updated roster of DPA contacts, please see [www.wlu.edu/x35226.xml](http://www.wlu.edu/x35226.xml).

**Board of Trustees Policy Statement on Substance Abuse**

The Board of Trustees of Washington and Lee University condemns irresponsible alcohol distribution and consumption. Abusive consumption of alcohol and illegal drug use are inconsistent

with the core values of Washington and Lee University. The Board expects W&L students to act responsibly and to conduct themselves in accordance with the applicable laws and University policies on alcohol and drugs. The Board is committed to combating cultural causes of substance abuse on campus. The Board is committed to reducing substance abuse by students through comprehensive education and counseling programs, and effective discipline requiring individual and organizational accountability for alcohol and drug policy violations.

### **Alcohol and Illegal Drugs/Controlled Substances**

Washington and Lee University supports the Commonwealth of Virginia laws on the licensing, distribution and consumption of alcoholic beverages. Furthermore, Washington and Lee University supports the Commonwealth of Virginia and federal laws on the possession, use, sale, or transfer of illegal drugs/controlled substances. It is the responsibility of all members of the University community to abide by those laws. A fundamental principle of the Washington and Lee University Policy on Alcohol is that students are adults who are personally responsible for conforming their behavior to state and local laws and University policy.

Washington and Lee Public Safety cooperates with the Lexington Police, the Rockbridge County Sheriff, and the Virginia Alcoholic Beverage Control Board to promote awareness of and adherence to the alcohol laws.

Through the appropriate University administrative offices, committees and organizations, Washington and Lee University will conduct an on-going educational program to acquaint students with the Commonwealth of Virginia laws on alcohol, the health dangers of alcohol abuse, and the medical and counseling resources available for students. The educational program will also include efforts to promote personal responsibility and accountability.

A student who violates Washington and Lee University's alcohol and/or drug policies will be referred to the Associate Dean of Students to be handled administratively or by the Student Judicial Council. Resolution of the alleged violation will be handled in accordance with the University Initiatives on Alcohol and Other Drugs. Nothing in these shall preclude the SJC from taking other appropriate action it determines to be justified in accordance with University policy.

Through the appropriate University administrative offices, committees and organizations, Washington and Lee University will conduct on-going educational programs to acquaint students with the Commonwealth of Virginia laws on alcohol and other drugs, the health dangers of alcohol and other drug abuse, and the medical and counseling resources available for students. The educational programs will also promote personal responsibility and accountability.

### **Hazing and Retaliation**

Washington and Lee University prohibits hazing by all students and campus organizations. Hazing includes harassing and excessive tasks associated with initiation or membership in an organization. It involves mistreatment of prospective members by those who exercise control over them. Hazing has been further defined by Virginia law at Va. Code §18.2-56 as follows: "Hazing" means to recklessly or intentionally endanger the health or safety of a student or students or to inflict bodily injury on a student or students in connection with or for the purpose of initiation, admission into or

affiliation with or as a condition for continued membership in a club, organization, association, fraternity, sorority, or student body regardless of whether the student or students so endangered or injured participated voluntarily in the relevant activity."

Because hazing is contrary to the institutional values and goals of Washington and Lee University and is a criminal offense in the Commonwealth of Virginia, the University will not tolerate hazing by students or student organizations. Furthermore, the University will hold individuals strictly accountable for their actions.

Likewise, no individuals or campus organizations may retaliate against any individual who brings forward allegations of hazing, is a witness involved with, or cooperates in the investigation or adjudication of hazing cases. Retaliation includes, but is not limited to, physical, verbal, or written harassment, threats, or intimidation of any person(s) who brought the complaint of hazing to the University or of anyone who was a witness or involved in the University's review of the case.

Examples of prohibited hazing include, but are not limited to, the following activities:

- Physical abuse such as paddling, striking, branding, electric shock or bodily contact with harmful substances
- Intimidation by threats of physical or other abuse
- Excessive exercise or other tasks intended to cause physical exhaustion
- Prolonged or repetitive tasks that result in sleep deprivation
- Prolonged or harmful exposure to the elements
- Compelled consumption of any amount of alcohol
- Compelled consumption of food, liquids or concoctions intended to cause nausea
- Any task that requires the participant to violate the law or University policies

This list does not and cannot encompass every circumstance that will cause the University to discipline a student or student organization for hazing. However, students must be aware that participation in the above listed activities, as well as retaliation association with a hazing complaint, will result in disciplinary action, including suspension or dismissal from the University. Furthermore, students must understand, and Virginia law explicitly states, that consent or acquiescence of those who are hazed is not a defense for engaging in this practice.

Allegations of hazing or retaliation by individuals or non-Greek student organizations will be heard and adjudicated by the Student-Faculty Hearing Board. Allegations of hazing or retaliation by fraternities and sororities will be heard and adjudicated by the Interfraternity Council/Panhellenic Council, respectively.

## **Complaint Procedures**

### *The Complaint*

All cases of suspected hazing or retaliation under this policy should be reported to the Office of the Dean of Students. Credible complaints will result in immediate suspension and investigation of new member education programs of the accused Greek or other student organization.

### *Investigation*

The Office of the Dean of Students will charge the Office of Public Safety (or designee) with conducting an investigation of the alleged hazing or retaliation incident(s). The Office of Public Safety will report the findings of the investigation to the Office of the Dean of Students and appropriate conduct body.

If the investigation finds no evidence of hazing or retaliation but does uncover other violations of regulations governing new member education established by the Interfraternity Council/Panhellenic Council or violations of other University policies, the Office of Public Safety will send the investigative report to the Office of the Dean of Students and appropriate conduct body for its review and action. The Interfraternity Council and the Panhellenic Council are responsible for regulations governing new member education for prospective new members of fraternity/sorority chapters and for sanctioning chapters that violate those rules.

### *Review*

If the investigation finds that hazing or retaliation may have occurred with a Greek student organization, the Office of the Dean of Students will send the matter first to the Interfraternity Council/Panhellenic Council. If the investigation finds that hazing or retaliation may have occurred with an individual student or non-Greek student organization, the Office of the Dean of Students will send the matter to the Student-Faculty Hearing Board (SFHB). The Office of Public Safety will submit the investigative report to the Office of the Dean of Students and SFHB for individual or non-Greek student organization cases, and Office of the Dean of Students and Interfraternity Council/Panhellenic Council for Greek organization cases. The Office of the Dean of Students will provide the individual or organization accused with a written statement of the charges and a list of student Advocates.

In addition to the University Policy on Hazing and Retaliation, all Washington and Lee students and student organizations are subject to the Commonwealth of Virginia statute on Hazing (Virginia Code Section 18.2-56).

Hazing is a criminal offense in Virginia and any person found guilty of hazing is subject to a Class 1 misdemeanor, unless the injury would be such as to constitute a felony, and in that event the punishment shall be imposed as is otherwise provided by law for the punishment of such felony. Any person receiving bodily injury by hazing or mistreatment shall have a right to sue, civilly, the person or persons guilty thereof, whether adults or infants.

Furthermore, in serious hazing cases or in cases where evidence is not forthcoming, the Provost of the University may refer the case to the Commonwealth Attorney of Rockbridge County.

### **Required Administrative Withdrawal for Non-Academic Reasons**

Washington and Lee University is committed to the well-being and safety of its community members and the integrity of its learning environment. The University may require a student to take an administrative withdrawal 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 self or others or substantially disrupts the learning environment and activities of the campus community.

This policy and associated procedures do not take the place of sanctions associated with a student's behavior that is in violation of University policies, standards, or regulations. This policy is to be invoked in extraordinary circumstances in which, in the discretion of the appropriate Dean or designee, conduct board(s) cannot be applied or is not appropriate.

This policy may be invoked when a student is unable or unwilling to request a voluntary withdrawal and the appropriate Dean or designee deems a withdrawal necessary to protect the health and safety of the student or others, or the integrity of the learning environment and campus community. Examples of such extraordinary circumstances include, but are not limited to: suicidal threats, self-starvation or purging behavior, ongoing substance abuse or addiction, threats or acts of harm to others, or bizarre or destructive behavior. Before a required administrative withdrawal is considered, the appropriate Dean or designee will encourage the student to take a voluntary withdrawal. The procedures related to this Voluntary Withdrawal appear below. A withdrawal form ([registrar.wlu.edu/forms](http://registrar.wlu.edu/forms)) will be filed with the University Registrar's office by the appropriate Dean.

### **Procedures**

#### *Consideration of Required Administrative Withdrawal*

The Vice President for Student Affairs and Dean of Students or designee will consider required administrative withdrawal for undergraduates. The Dean of the Law School or designee will consider required administrative withdrawal for law students. Upon learning of a student's behavior from among a variety of sources (such as Student Health Center, Campus Counseling Services, Public Safety, Residential Life staff, a student's adviser, etc.), the Dean of Students or designee may initiate the following procedures, as deemed appropriate:

The Dean of Students or designee will notify the student that a required administrative withdrawal is under consideration and will afford the student an opportunity to discuss the behavior and circumstances at the time. The Dean of Students or designee will discuss with the student the implications of a required administrative withdrawal and the relevant procedures, and will provide the student with a copy of this policy. Whenever possible and appropriate, the Dean of Students or designee will encourage the student to take a voluntary withdrawal from the University. The Dean of Students or designee may involve a parent, guardian, or spouse in this process with student

consent, or when the Dean of Students or designee deems it appropriate to do so and in accordance with the University's student records policy as applicable.

The Dean of Students or designee also will confer as appropriate and feasible with the following University resources, or others as appropriate to the circumstances, regarding the need for a required administrative withdrawal under the policy:

- University Physicians
- University Counselors
- Office of Public Safety
- Residential Life Staff
- General Counsel
- Faculty Adviser
- Academic Deans

The Dean of Students or designee may require an evaluation of the student's behavior and any relevant physical/mental conditions by an appropriate medical professional if the Dean of Students or designee believes that an evaluation will facilitate an informed decision. This evaluation may be done by University physicians/counselors, or by outside health professionals, including the student's treating health professional, as indicated and appropriate in the Dean of Students or designee's judgment.

Following these consultations and the review of all relevant information available, the Dean of Students or designee will make a decision regarding the required administrative withdrawal. At any time prior to the Dean of Students or designee's decision, the student may choose to take a voluntary withdrawal, subject to a showing of readiness to resume full-time academic work and campus life at the time of any application for reinstatement, as indicated below.

In cases involving an imminent threat to the health and safety of the student or other member of the campus community, the Dean of Students or designee has the discretion to take immediate action to remove the student from campus pending receipt and review of all relevant information.

#### *Required Administrative Withdrawal Imposed*

The Dean of Students or designee will give the student written notice of a required administrative withdrawal including the beginning date of the withdrawal and the steps that the student must take to request reinstatement. The Dean of Students or designee will notify a parent, guardian, or spouse of the withdrawal, either with the student's consent or when he/she deems it appropriate and in the best interest to do so, in accordance with the University's student records policy.

The student must leave campus within the time frame established by the Dean of Students or designee in the required administrative withdrawal notice. The Dean of Students or designee may ask a parent, guardian, spouse, or other appropriate individual to make arrangements to remove the student from the University. If the student refuses to leave campus after imposition of a

required administrative withdrawal, the Dean of Students or designee may implement an enforced administrative withdrawal, equivalent to an immediate suspension. During the duration of the withdrawal, the student may visit the campus only with prior written authorization from the Dean of Students or designee.

A student may appeal a required administrative withdrawal under this policy to the Provost; however, at the discretion of the Dean, the withdrawal may remain in effect during the appeal. A student who wishes to appeal must do so in a written letter of appeal delivered to the Provost within three business days of receipt of the Dean of Students or designee's withdrawal decision. The written appeal must state specifically why the student believes the Dean of Students or designee's decision is not warranted under the circumstances. After reviewing the written appeal, the Provost may meet with the student and consult with the Dean of Students or designee and/or other University officials, as he or she deems necessary, before reaching a decision. The decision of the Provost is final.

#### *Required Administrative Withdrawal Not Imposed*

In the event that a required administrative withdrawal is not imposed, the Dean of Students or designee may impose specific conditions and/or requirements for the student to have continued enrollment and presence at Washington and Lee. These include, but are not limited to, required treatment, education, counseling, and/or a behavioral contract. Non-compliance with such conditions/requirements will result in reconsideration of a required administrative withdrawal from the University. The Dean of Students or designee will notify a parent, guardian or spouse of the specific conditions and requirements for the student's continued enrollment, either with the student's consent or when he/she deems it appropriate and in the best interest of the student to do so, in accordance with the University's student records policy as applicable.

### **Computing Resources, Network and Email Use Policy**

PLEASE SEE [WWW.WLU.EDU/X31425.XML](http://WWW.WLU.EDU/X31425.XML) FOR THE MOST CURRENT VERSION OF THIS POLICY.

#### INTRODUCTION

##### **Policy Statement:**

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

##### **Applicability:**

This policy applies to all users of University owned or managed computer-related equipment, computer systems, and interconnecting networks, as well as all information contained therein.

## Definitions

There are no definitions applicable to this policy.

## Policy

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 ([www.wlu.edu/x31510.xml](http://www.wlu.edu/x31510.xml)) 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.

Students, faculty, staff, and volunteers with access to confidential data are reminded of the University's Confidentiality Policy ([www.wlu.edu/x31510.xml](http://www.wlu.edu/x31510.xml)). Among other things, the policy states that electronic documents and files 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.

## **Computing Resources, Network and Email Use Policy**

*NOTE: Peer-to-Peer File Sharing The use of peer-to-peer computer file sharing programs (e.g., KaZaA, Morpheus, LimeWire, iMesh, Gnutella, Grokster, and all similar programs and their successors) that are primarily employed to share copyrighted works is prohibited on the campus network. Where possible, banned file swapping will be intercepted and blocked by network control systems. The use of methods designed to evade that blocking is prohibited. For help in removing file swapping software from a computer, call the Information Desk at xHELP (x4357). Specific exceptions to this policy may be approved by the Chief Technology Officer in instances where such programs will be used exclusively for educational/research purposes and in a manner that complies with all US copyright laws.*

### **Background**

In August, 2003, the University implemented a ban on the use of peer-to-peer file-swapping software on computers attached to the University network. The programs, including KaZaA, Morpheus, iMesh, Gnutella, LimeWire, Grokster, and other descendants of Napster, are used nearly exclusively to download and allow the uploading of copyright-protected music, movies, software, and other works, likely in violation of federal law.

Sharing protected works by unauthorized copying is not only a violation of copyright law but also a violation of the University's Computer and Network Use Policy, which forbids use of the network "for purposes incompatible with established University codes and regulations or applicable laws."

Agents of copyright owners have become increasingly aggressive in pursuing violators on university networks, filing suits seeking tens of thousands of dollars in damages from some students and other users. The ban seeks to protect users from exposure to such liability, to adhere to the copyright laws, and to protect network capacity for educational uses.

### **Copyright**

It is the policy and intent of Washington and Lee University that all members of the University community adhere to the provisions of United States copyright law. 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 beyond copies of the written word and recordings of sound to include visual and animated images, and encompasses "hard copy" and electronic use and duplication of protected works. Each member of the University community must take some individual responsibility for copyright compliance. The University has developed extensive guidelines to assist and direct faculty, students, and staff in their compliance obligations. The full University Policy for the Use of Copyrighted Works can be found at [www.wlu.edu/x30754.xml](http://www.wlu.edu/x30754.xml). Conforming to this policy may in some cases result in additional costs to the student for course materials and some additional inconvenience and time delay in the preparation procedure of those materials. Members of the University community who willfully disregard the copyright policy do so at their own risk.

Whatever gray areas there may be in copyright law, offering for sharing over the network a recording, movie, text, software, graphic image, or other work without the authorization of the owner of that work's copyright is unambiguously offering to "distribute" that work and subjects one to serious legal consequences. The Digital Millennium Copyright Act and other statutes require the University to cooperate in eliminating such activity.

Users must protect themselves and the University by not making copyrighted materials available over the Internet without the owner's authorization. Students must ensure that their computers are not offering to share copyrighted works. Faculty and staff may not use their University-owned computers to run file-sharing programs.

### **Federal Penalties for Copyright Infringement**

Copyright infringement is the act of exercising, without permission or legal authority, one or more of the exclusive rights granted to the copyright owner under section 106 of the Copyright Act (Title 17 of the United States Code). These rights include the right to reproduce or distribute a copyrighted work. In the file-sharing context, downloading or uploading substantial parts of a copyrighted work without authority constitutes an infringement.

Penalties for copyright infringement include civil and criminal penalties. In general, anyone found liable for civil copyright infringement may be ordered to pay either actual damages or "statutory" damages set at not less than \$750 and not more than \$30,000 per work infringed. For "willful" infringement, a court may award up to \$150,000 per work infringed. A court can, in its discretion, also assess costs and attorney's fees. For details, see Title 17, United States Code, Sections 504, 505.

Willful copyright infringement can also result in criminal penalties, including imprisonment of up to five years and fines of up to \$250,000 per offense.

For more information, please see W&L's Peer-to-Peer File Sharing Policy ([www.wlu.edu/x35537.xml](http://www.wlu.edu/x35537.xml)), W&L's Plan to Deter Illegal Peer-to-Peer File Sharing ([www.wlu.edu/x39829.xml](http://www.wlu.edu/x39829.xml)), and/or the website of the U.S. Copyright Office ([www.copyright.gov](http://www.copyright.gov)), especially their FAQs ([www.copyright.gov/help/faq](http://www.copyright.gov/help/faq)).

### **Audio/Video Recording of Classes**

Students may not make audio or video recordings of classes without the advance written permission of the instructor. Students may use such recordings only for course purposes, may not distribute them outside the class, and are expected to destroy the recordings at the conclusion of the course term. The full policy is located at <http://www.wlu.edu/x55214.xml>.

### **Public Performance of Copyrighted Works—Showing Movies**

The Copyright Act protects audiovisual works such as films, videos, and DVDs and controls the showing of movies to any public group. Among the rights of a copyright holder is the right to authorize public performance (showing) of videotape or DVD copies of films subject to "fair use."

Showing of copyrighted films, videotapes, or DVDs generally is permissible in conjunction with teaching activities.

If a videotape or DVD is labeled "For Home Use Only," the showing must fall under the face-to-face classroom teaching exemption, be licensed or be permissible as "fair use." Unless a license is acquired, most performances (showings) of films, videotapes, or DVDs in a public room, or in a university building (including public areas of fraternities, sororities, and other university housing), for entertainment whether a fee is charged or not, is an infringement.

If a performance license is needed, the University's libraries will assist you in seeking permission by helping you locate the address of the producer's permissions department. You will then need to fax or send a letter giving full details of what, where, when, how many times, admission policy, advertising, etc. Add a line for the permission agent's signature and include a self-addressed stamped return envelope or a return fax number. Student organizations showing films for entertainment purposes are responsible for paying royalties.

The showing of a protected work for a legitimate educational purpose may qualify as "fair use" or fall within the exemption of classroom teaching and not require permission. More information is available in the University's Policy for the Use of Copyrighted Works ([www.wlu.edu/x30754.xml](http://www.wlu.edu/x30754.xml)), especially Section IV.

### **Use of W&L Names, Logos and Other Marks**

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.

For more information, consult the University Policy on Intellectual Property at [www.wlu.edu/x32958.xml](http://www.wlu.edu/x32958.xml).

### **HIV/AIDS**

This policy is designed to make the campus community aware of the fundamental principles that will govern University-sponsored clinical and educational activities relating to Human Immunodeficiency Virus (HIV) and Acquired Immunodeficiency Syndrome (AIDS), and to ensure that confirmed or suspected cases of infection are managed appropriately. It is also intended to provide basic information to members of the campus community about the ways in which HIV, the causative factor leading to AIDS, is transmitted. This policy is based on the best currently available medical knowledge and complies with current ethical and legal standards regarding HIV infection and AIDS.

Extensive medical research indicates that HIV is not transmitted through casual contact. Transmission of HIV requires: intimate sexual contact with a person infected with HIV; percutaneous exposure (by puncture) to needles or other sharps contaminated with HIV (e.g. through shared needles in the setting of intravenous drug abuse, or employee exposure in a health care setting); or percutaneous exposure (into the body through punctured or broken skin or mucous membranes) to HIV-infected blood or blood products or other potentially infectious body fluids. Accordingly, legal and ethical considerations suggest there is no reason to adopt policies or courses of action that would deny ordinary privileges and rights, including that of privacy, to students, faculty or staff members who are known or suspected to be infected with HIV.

The University will make available current information on HIV and AIDS to the campus community. The University will also make available to students appropriate clinical services related to HIV and AIDS, including testing and counseling, and will make referrals as necessary to other health-care providers for appropriate medical care. The Student Health Committee will review this policy regularly and recommend updates as indicated. Administrative responsibility for implementing this policy is assigned to the Director of Health Services.

### **Smoking**

Smoking is not permitted inside classroom buildings, administrative buildings, residence halls, dining areas, University Store, or athletic facilities. 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.

### **Weapons**

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 conduct sanctions including suspension or dismissal from the University or termination of employment. Student violations will be dealt with through the Office of the Dean of Students. Staff and faculty violations should be reported to the Director of Public Safety.

### **Use of University Card Swipe Machine**

Students must obtain authorization to use the University's Card Swipe Machines from the Director of Student Activities and Greek Life or the Assistant Director of Students Activities and Greek Life by completing a form available from the Business Office or the Student Activities Office. Once authorization is granted, the form must be submitted to the Business Office and the machines are then available on a first-come, first-served basis. The machine must be returned immediately after its use or as soon as the Business Office is open (office hours: Monday, Tuesday, Thursday, and Friday 8:30 a.m.—4:30 p.m.; Wednesday 8:30 a.m.—3:30 p.m.).

## Missing Student Notification Policy

This policy is established by Washington and Lee University in compliance with the Higher Education Opportunity Act of 2008 and applies to all students at the University.

For the purposes of this policy, a student may be considered to be a “*missing person*” if the student’s absence from campus is contrary to his or her usual pattern of behavior and W&L has reasonable belief that the unusual circumstances may have caused the absence. Such circumstances may include, but not be limited to, a report or suspicion that the student may be a victim of foul play; the student has expressed suicidal thoughts, may be drug dependent or in a life threatening situation; or if the student is overdue returning to campus and is not heard from after giving a specific return time to friends or family.

If a member of the University Community has reason to believe that a student is missing, whether or not the student resides on campus, that individual should contact the University’s Public Safety. Public Safety will collaborate with the Division of Student Affairs to make an effort to locate the student and determine his or her state of health and well-being. Public Safety will gather pertinent information about the student from the reporting person. Such information may include description, cellular phone number, clothes last worn, vehicle description, information about the physical and emotional well being of the student, an up-to-date photograph, etc.

University officials will also endeavor to determine the student’s whereabouts through contact with friends, associates, and/or employers of the student, and determine whether the student has been attending classes, scheduled organizational or academic meetings, and work. If the student is an on-campus resident, Public Safety may make a welfare entry into the student’s room. If the student resides off-campus, Public Safety will informally enlist the aid of the neighboring police agency having jurisdiction.

If a residential student is reported missing and cannot be located, certain notices will be made as follows:

- Parents/Guardians will be notified within 24 hours (after Public Safety receives the initial missing person report) to determine whether they know the whereabouts of the student.
- Local law enforcement will be notified within 24 hours after Public Safety determines that the student is missing.
- The student’s designated emergency contact (if any) will be notified once Public Safety or local law enforcement personnel make a determination that the student has been missing for more than 24 hours.

If the student is an off-campus resident, Public Safety will notify appropriate family members or associates within 24 hours of receiving the initial report. These individuals will then be encouraged to make an official missing-person report to the law enforcement agency with jurisdiction. Public Safety will cooperate, aid, and assist the primary investigative agency as appropriate.

After the student has been located, Campus Safety will attempt to verify the student's state of health and intention of returning to the campus. When and where appropriate, a referral may be made to the Counseling Center and/or the Student Health Center.

### **Designation of emergency contact information**

Students will be given an opportunity during the fall-term matriculation process to designate an individual to be contacted by the University if the student is determined to be missing. Returning and transfer students will be given an opportunity to provide this information during the fall term. The designation will remain in effect until changed or revoked by the student. The form provided for the designation will state the circumstances in which the designated emergency contact information will be used, and will include a statement that the University is required by law to also notify the student's custodial parent or guardian if the student is under 18 at the time he or she is discovered to be missing.

### **Communications about missing students**

In accordance with established University emergency procedures, the Executive Director of Communications and Public Affairs will be part of the University's administrative response team and is the designated spokesperson to handle media inquiries concerning a missing student.

The local law enforcement agency in charge of the investigation and Public Safety will be consulted by the Executive Director of Communications and Public Affairs prior to any information release from the college so as not to jeopardize any investigation.

Information provided to the media to elicit public assistance in the search for the missing person will be handled by the local law enforcement agency.

## VI. STUDENT JUDICIAL POLICIES AND PROCEDURES

### **Statement of Goals for the Student Conduct System**

Washington and Lee is, above all else, an educational institution. The purpose of all our institutional activities, including conduct hearings, is to protect and promote our educational objectives.

1. As provided in the University bylaws, the faculty has authority over student conduct matters with the exception of the Honor System. To achieve a greater resonance between faculty views on various issues and the views of those immediately engaged in imposing penalties, elected faculty and student leaders meet weekly through the Student Affairs Committee (SAC). On a monthly basis, the Vice President for Student Affairs and Dean of Students reports on the work of the SAC at the meeting of undergraduate faculty. Included in that report is a record of all conduct action taken by student conduct boards and the ongoing work of the Student Affairs Committee; such a report is for the information of the faculty and not for formal action. Faculty members on SAC may request more information on such cases, and may, collectively or individually, express their opinions about the handling of such cases to the Vice President for Student Affairs and Dean of Students, to faculty representatives on the Student Affairs Committee and/or to the individual members of the conduct boards.
2. The authority of the University to sanction students is independent of any criminal or other external legal action. University discipline is neither demanded by external legal efforts, nor is it precluded by the absence or failure of the state to act.
3. At the undergraduate Baccalaureate Day faculty meeting, there shall be only two conditions required for faculty recommendation for a degree: (1) that the candidate has met the academic requirements for a degree, to which the University Registrar shall attest; and (2) that there are no Washington and Lee conduct proceedings or criminal charges pending against a candidate, to which the Vice President for Student Affairs and Dean of Students shall attest. If student misconduct occurs between the faculty vote on recommending degrees and graduation, the matter will be handled administratively through the Office of the Provost.
4. The Student Judicial Council, a wholly student group, shall have primary, first-instance responsibility for deciding most misconduct cases and imposing penalties with the exception of cases involving the Honor System, which are adjudicated by the Student Executive Committee, or student acts of prohibited discrimination, harassment, retaliation, sexual misconduct, or hazing by individuals or non-Greek student organizations, which are adjudicated by the Student-Faculty Hearing Board. The Interfraternity Council/ Panhellenic Council and the Student Affairs Hearing Board are responsible for deciding cases of hazing and retaliation by fraternities and sororities. The President and Provost have independent conduct authority consistent with University policies. A student may appeal a finding and the sanction imposed by the Student Judicial Council and the Student-Faculty Hearing Board

to the University Board of Appeals consistent with University policy. Violations of The Honor System are adjudicated by the Executive Committee of the Student Body. A student found in violation of the Honor System is subject to a single sanction—dismissal from the University. A student may appeal the finding by the Executive Committee in an Open Hearing before the student body.

## **Student Conduct System**

When asked by a visitor what rules he had implemented to encourage responsible student behavior, Robert E. Lee, then president of Washington College, replied, "We have but one rule here, and it is that every student must be a gentleman." The students of Washington College took Lee's words to heart and continued to live by them when the college was renamed Washington and Lee University in 1871. Today, the men and women at Washington and Lee University still hold each other accountable to Lee's expectations for honorable behavior, character, and integrity. The ethos of honor is the foundation for the University's student conduct system.

Washington and Lee University has developed five conduct bodies designed to address specific areas of student misconduct:

- The Executive Committee of the Student Body (EC) manages the Honor System and hears cases of breaches of trust such as lying, cheating, and stealing.
- The Student Judicial Council (SJC) hears allegations of alcohol, drugs, and other types of student misconduct.
- The Student-Faculty Hearing Board (SFHB) hears allegations of prohibited discrimination, harassment, retaliation, sexual misconduct, and hazing by individual students and non-Greek student organizations.
- The Interfraternity Council (IFC) hears allegations of hazing, retaliation associated with hazing, and other violations of University policy by fraternities.
- Panhellenic Council (PHC) hears allegations of hazing, retaliation associated with hazing, and other violations of University policy by sororities.

The training of conduct board members, the hearing procedures that are tailored to address specific types of misconduct and the overall structure of each conduct body are designed to create a system that upholds the University's standards--honor, integrity and civility--while providing fair process and judgment for students and student organizations.

## **The Student Judicial Council**

The Student Judicial Council (SJC) was created by the authority of the faculty of Washington and Lee to promote Robert E. Lee's notion of individual responsibility. The SJC investigates and acts upon complaints of alleged student misconduct, except for dishonorable acts that involve the general categories of lying, cheating, stealing, or other breaches of trust (which are under the jurisdiction of the Executive Committee), or acts that involve discrimination, harassment, retaliation, sexual misconduct, or hazing by students or by individual or non-Greek student organizations (which are under the jurisdiction of the Student-Faculty Hearing Board), or hazing, retaliation associated with

hazing, or other violations of University policy by a fraternity or sorority (which are under the jurisdiction of Interfraternity Council/Panhellenic Conduct Council). The Student Judicial Council's jurisdiction extends to all conduct committed while a member of the Washington and Lee community, including but not limited to study abroad programs, pre-orientation, pre-season athletic practices, campus summer programs and camps, and summer research programs. Students who return to Lexington or Rockbridge County for the purpose of enrolling in classes, even if they do not reside in University housing, are under the jurisdiction of the SJC as well as the other University conduct systems. The SJC is designed to affirm the student's obligation to individual responsibility and to see that obligation fulfilled.

The SJC believes that Lee's ideal of honorable behavior is a standard that must be upheld. Students are bound to this standard just as they are bound to the Honor System. Any person who believes a student has deviated from this standard has the right to have the complaint reviewed by the SJC. Violations of this standard include, but are not limited to, the following:

- Any conduct disruptive to the life of the University, other universities and colleges or the civil community
- Violations of residence hall regulations or other University policies or regulations
- Vandalism or destruction of property
- Actions which endanger person or property
- Violations of the University Policy on Illegal Drugs/Controlled Substances
- Violations of the University Initiatives on Alcohol and Other Drugs
- Conduct unbecoming of a Washington and Lee student

*NOTE: Voluntary intoxication shall not excuse any misconduct. Intoxication means impairment by alcohol or other substances. Addiction shall not excuse possessing, possessing with intent to distribute, or distributing any drug.*

### **Student Judicial Council Procedures**

The SJC shall be comprised of ten elected justices--one from each undergraduate class (four), one from each law class (three), one elected at-large from the School of Law, and the SJC Chair and SJC Secretary, both elected by the student body. Alternate justices will be appointed by the SJC Chair. The SJC may appoint a non-voting adviser(s) as necessary.

If substitute justices are required for a hearing during Spring Term due to the absence of elected justices, the SJC Chair will first seek a substitute from the pool of past SJC justices. If none of these students are available at the time of the hearing, the SJC Chair will notify the SFHB of the open seat and request a substitute. In the event that no student member of the SFHB is able to serve as a substitute, the SJC Chair will contact the president of the Student Executive Committee (EC), so that he/she might notify that board of an open seat. In the event that no substitute justices can be found from these student committees, the Chair will appoint a student leader in the community who

he/she believes can serve as an honest and fair justice. The Chair will actively consult with the administrative adviser of the SJC in appointing temporary justices.

### *The Complaint*

A person wishing to complain of a violation of the standards of the SJC against a student may bring the complaint to any SJC Justice who will then submit the complaint to the Office of the Dean of Students and Chair of the SJC.

### *Investigation*

The SJC Chair shall appoint an SJC Justice to conduct an investigation. Following the investigation, the SJC justice shall present a summary of the relevant facts to the SJC. Based on information provided, if the SJC determines that sufficient evidence of misconduct justifies a further proceeding, it may, by a majority vote of the SJC, vote to hold a hearing.

Information should be reported to the SJC within twelve weeks of the alleged misconduct in order to warrant an investigation.

### *Rights of the Respondent*

The respondent has a right to be represented by an Advocate from the Washington and Lee student body. The responsibilities of the Advocate are to advise the respondent on SJC procedures, to assist the respondent in developing an opening and closing statement, and to advise the respondent on the specifics of a written appeal, if necessary. Advocates are also available for student support to provide information to respondents on resources they may wish to contact to obtain support until resolution.

The respondent has a right to be present at the hearing while witnesses testify and to question them at that time. The Advocate has the same rights as the respondent to be present at the hearing and to question witnesses. All questioning shall be restricted to matters deemed relevant to the specific case by the SJC Chair, who shall regulate the nature of the questioning and proceedings.

The respondent has a right to invite witnesses bearing relevant information to testify.

The respondent has a right to be heard separately when the respondent is one of two or more allegedly involved in a joint misconduct. If none of those respondents in an alleged joint offense request separate hearings, the hearing may be held jointly or separately, as determined by the SJC.

### *Rights of the Complainant*

The complainant has the right to report student misconduct to any SJC member and to have that report investigated. The complaint will be sent to the Office of the Dean of Students and Chair of the SJC. The complainant may serve as a witness during the hearing, and will be informed of the outcome of the hearing.

### *Hearing Procedures*

The Office of the Dean of Students and/or the SJC Chair shall notify the respondent of the complaint in writing, explain SJC policy and procedures, and set a date for a closed hearing as soon as

practicable. The SJC may call any witnesses it deems relevant. The SJC Chair shall, as presiding officer, regulate the order and nature of questioning and shall exercise discretion in dealing with matters not formally covered in these procedures. The SJC Secretary shall keep a record of the proceedings of the SJC.

If an SJC justice cannot provide an unbiased decision, the justice shall be excused from the hearing. If the SJC cannot meet quorum for a case, which is seven members, the SJC Chair shall appoint student replacements for the duration of the case.

The respondent and the Advocate shall be permitted to remain present throughout the questioning of witnesses and all other proceedings of the hearing except during SJC deliberations.

After the respondent has had an opportunity to present a defense and after all testimony has been heard, the SJC shall begin deliberations. Deliberations are closed to the respondent, the Advocate, and the complainant.

After all deliberations are concluded, a vote shall be taken. An allegation is proven when, in the judgment of the SJC, it is supported by the greater weight of the evidence. A finding of responsibility for violating this policy requires a vote of two-thirds of the SJC justices present.

If a student is found responsible, the SJC shall impose the appropriate sanction by a vote of at least two-thirds of the SJC justices present.

The SJC Chair shall inform the respondent, the complainant, and the Advocate of the SJC decision.

Any student, who retaliates against, harasses or attempts to influence a person with respect to that person's participation in an investigation or hearing will be subject to conduct charges by the SJC.

If the respondent, after receiving proper notification of the hearing, fails to attend, the hearing shall be conducted in the student's absence.

SJC hearings are confidential. The facts about individual cases and their dispositions are to remain confidential to the extent possible, except for notification of the results to the community. In order to protect privacy and the effectiveness of the process, no one involved in a complaint process should discuss any information regarding the case except with those with a need to know, with the respondent, with the complainant, with their families, or with those to whom they need to disclose information necessary to obtain support until resolution.

If during the hearing, a majority of the SJC determine that they need more information or want to call a material witness(es), as a result of the testimony received, they may suspend the hearing for no more than 48 hours in an attempt to gather that information or call said witness(es). The SJC shall then re-convene the hearing within 48 hours from the suspension.

### *Sanctions*

Having dedicated themselves to Lee's ideal of honorable behavior, students accept responsibility for violations of this standard, including penalties imposed by the SJC. The sanctions the SJC may impose include, but are not limited to, the following:

- A monetary fine
- The payment of restitution for property damage
- Specific task(s) related to the nature of the misconduct
- Community service
- Removal from University housing
- Conduct Probation—A severe warning by the SJC. Period determined by SJC
- Social Probation—a student may not participate in any University-sponsored social function held on campus, including fraternity/sorority functions, where alcohol is served. Social probation may be extended to dry social functions. Period determined by SJC. If a social probation sanction is 53 weeks or until graduation, it constitutes “disciplinary action.” (See p. 57.)
- Suspension—Period determined by SJC. Suspension length can be for the remainder of a term, a full term, or multiple terms.
- Dismissal from the University

The SJC may not impose a sanction that requires action by a third-party or entity. In addition to the sanction, education and counseling may be recommended.

<b>Violation</b>	<b>Suggested Sanction for Finding of Responsibility</b>
Driving under the Influence of Alcohol	Suspension
Physical Assault	Suspension
Activity that Endangers a Person	Suspension
Sale of Illegal Drugs/Controlled Substances	Suspension
Possession/Use of Illegal Drugs/Controlled Substances	Suspension
Felonious (Cocaine, Ecstasy, LSD, GHB)	Suspension
Non-Felonious (Marijuana)	Social and Conduct Probation
Fire Alarm Pulling	Immediate \$250 Fine, Suspension, and Conduct Probation
Vandalism	Restitution for Damage and Conduct Probation
Violation of SJC Sanctions	Suspension

All changes to this system require a majority vote by the SJC.

## **University Initiatives on Alcohol and Other Drugs for Individuals**

The Student Judicial Council (SJC) enforces an incident system with specific consequences for violations of University alcohol/drug policies by individuals. Students who intentionally aid any violation of the University's Initiatives on Alcohol and Other Drugs may be held responsible by the Student Judicial Council (SJC) as an accessory to the violation occurring.

The Student Judicial Council is advised by a professional staff member through the Office of the Dean of Students, and all action is reported to the University faculty through the Student Affairs Committee. A probationary period is normally associated with an alcohol/other drug violation, at a minimum.

Conviction of an alcohol- or drug-related violation of the law in the City of Lexington and Rockbridge County shall be an incident and handled administratively. Convictions related to Driving Under the Influence of Alcohol/Drugs are an exception as outlined below. Conviction of possession/use of illegal drugs within any campus residence results in removal from the residence without refund in addition to other sanctions.

### **Driving Under the Influence of Alcohol or Other Drugs**

Independent of the incident system, the SJC may suspend or dismiss a student found to have driven a motor vehicle under the influence of alcohol or illegal drugs in the City of Lexington or Rockbridge County. Students who are convicted of driving under the influence of alcohol with a blood alcohol content (B.A.C) of .15 or greater are suspended from the University without hearing. There is a presumption of suspension as the sanction by the Student Judicial Council for students who are convicted of "DUI" under the legal drinking age of the Commonwealth.

There is a presumption of suspension as the sanction by the Student Judicial Council for students who are convicted of "Refusal" when arrested for a DUI offense.

A court's imposition of First-Offender's Status, or deferred adjudication, including any continuance of the case under advisement for an alcohol or drug-related offense (other than DUI as described below) where the student admits to the misconduct, enters a plea of *nolo contendere* or "did not contest," and where an affirmative sanction is imposed by the court (e.g., fine or community service), will result in a violation under these guidelines and shall be handled administratively.

The following violations of the University alcohol and other drug policies and standards may or may not be determined by the University's administration or the Student Judicial Council to constitute a "incident":

- A violation of University residential alcohol or drug policies (handled administratively)
- Misconduct that violates other University alcohol or drug policies
- Drunkenness, when it results in behavior that draws attention to oneself or endangers self or others
- Alcohol or drug violations within first-year residence halls, including possession of alcohol or other drugs (handled administratively and not heard by the Student Judicial Council)

## **Sanctions**

First Incident: Mandatory education and counseling, plus \$100 fine. Parents or legal guardian(s) of undergraduate students notified upon a finding of violation. One calendar year probationary period from date of incident.

Second Incident (during the period of probation resulting from the first incident): These cases are automatically heard by the Student Judicial Council. Sanctions may include mandatory education and counseling plus a minimum of a \$100 fine and maximum of a \$200 fine, up to and including suspension for a full term or full semester. Parents or legal guardian(s) of undergraduate students notified upon charge and disposition.

Third Incident (during the period of probation resulting from the second incident): These cases are automatically heard by the Student Judicial Council. Sanction up to and including dismissal from the University plus a minimum of a \$200 fine and maximum of a \$350 fine. Mandatory education and counseling for those students not dismissed. Parents or legal guardian(s) of undergraduate students notified upon charge and disposition.

Students who are suspended for any alcohol/drug-related reason, whether administratively or by the Student Judicial Council, are required to participate in alcohol/other drug education prior to consideration for reinstatement to the University.

Lying about one's involvement in any alleged violation of student conduct policies may result in referral to the Executive Committee of the Student Body.

## **Appeal**

All administrative or Student Judicial Council decisions on alcohol/other drug violations are subject to appeal to the University Board of Appeals consistent with University policy. See Student Handbook (pg. 64)

## **Notification**

As soon as possible in the event of a finding of responsibility, the SJC Secretary will issue a notice to the University community outlining the results of the case. The notice may include basic facts about a case and the basis for the SJC's finding.

## **Criminal Charges**

If criminal charges have been filed against a student, the Chair of the SJC will consult with the Office of the Dean of Students to determine if SJC action should be postponed until resolution of the criminal case.

## **Changes to the SJC section of the Student Handbook**

Changes must be approved by a majority of the SJC and by the University faculty.

## **Student-Faculty Hearing Board (SFHB)**

Washington and Lee University does not tolerate prohibited discrimination, harassment, sexual misconduct, retaliation or hazing of any kind. The University, by providing resources for prevention, intervention, education and a fair conduct process, seeks to eliminate all forms of prohibited discrimination, harassment, sexual misconduct, retaliation and hazing.

**Jurisdiction:** The Student-Faculty Hearing Board (SFHB) has jurisdiction over the following matters:

- Allegations of student conduct in violation of the University's Policy on Prohibited Discrimination, Harassment, Sexual Misconduct and Retaliation ("Policy") at [www.wlu.edu/x32882.xml](http://www.wlu.edu/x32882.xml). The Policy prohibits discrimination, including harassment, on the basis of race, color, religion, national or ethnic origin, sex, sexual orientation, age, disability, veteran's status, and genetic information in its educational programs;
- Allegations of hazing by individuals or by non-Greek organizations. (Cases of hazing by Greek-letter organizations are handled by the Interfraternity Council or Panhellenic Council.)

**Applicable University Policies:** The SFHB will refer to the University's Policy on Prohibited Discrimination, Harassment, Sexual Misconduct and Retaliation when reviewing cases brought before it ( [www.wlu.edu/x32882.xml](http://www.wlu.edu/x32882.xml) ). It will refer to the Policy on Hazing from the Student Handbook when reviewing cases brought under that policy.

The procedures herein apply to the adjudication of conduct violations that fall within the SFHB's jurisdiction.

### **Definitions**

When reviewing the procedures of the Student-Faculty Hearing Board, the following terms are defined below to supplement those found in the Policy:

**Discrimination and Harassment:** Prohibited discrimination and harassment are defined in the Policy ([www.wlu.edu/x32882.xml](http://www.wlu.edu/x32882.xml)).

**Hazing:** Hazing includes harassing and excessive tasks associated with initiation or membership in an organization. It involves mistreatment of prospective members by those who exercise control over them. Hazing is further defined at section V of the Student Handbook (<http://go.wlu.edu/StudentHandbook>).

**Retaliation:** Retaliation, whether by an individual, a group of individuals, or an organization, against anyone who makes an inquiry about discrimination, harassment, or sexual misconduct, or who is involved in a complaint process, is illegal and constitutes a violation of the Policy.

**Sexual Misconduct:** Sexual Misconduct includes Sexual Misconduct Constituting Rape, Sexual Misconduct Not Constituting Rape, Unwanted Sexual Touching and Non-Physical Sexual Harassment.<sup>2</sup>

**Sexual Misconduct Constituting Rape:** (1) Sexual penetration, however slight, of the complainant's genitalia or anus by any inanimate object or animate object (including but not

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<sup>2</sup> For more information about sexual misconduct, violence, resources for students and prevention and intervention, please see [go.wlu.edu/VIP](http://go.wlu.edu/VIP).

limited to a penis, finger, or tongue) without effective consent; or (2) any instance of cunnilingus or fellatio, without effective consent.

**Sexual Misconduct Not Constituting Rape:** Touching of a sexual nature, not constituting rape, without effective consent. When such conduct involves physical force, violence, threat, intimidation or ignoring or taking advantage of another person's intoxication, incapacity, state of intimidation, helplessness, or other inability to consent, the conduct shall be deemed Sexual Misconduct Not Constituting Rape, not Unwanted Sexual Touching, and will be treated as such under these procedures.

Examples include:

- Attempted rape
- Touching a person's intimate parts
- Compelling a person to touch his or her own or another person's intimate parts
- Unwanted kissing
- Unwanted hugging or massaging

These examples should not be considered inclusive of all types of conduct that could be considered Sexual Misconduct Not Constituting Rape in cases considered by the SFHB.

**Unwanted Sexual Touching:** Touching which would otherwise be Sexual Misconduct Not Constituting Rape, when the conduct is committed without intent to harm another and where, by failing to correctly assess the circumstances, a person believes unreasonably that effective consent was given without having met his/her responsibility to gain effective consent.

**Non-physical Sexual Harassment:** Non-physical harassment, including unwelcome non-physical sexual advances or harassment on any basis prohibited by University Policy. Examples include:

- Pressure for a dating, romantic or intimate relationship
- Unnecessary and unwelcome references to various parts of the body
- Belittling remarks about a person's gender or sexual orientation
- Inappropriate sexual innuendos or humor
- Obscene gestures
- Offensive sexual graffiti, pictures or posters
- Sexually explicit profanity
- Use of e-mail, Internet, texting or other electronic communications to behave in ways that violate this policy

These examples should not be considered inclusive of all types of conduct that could be considered Non-Physical Sexual Harassment in cases considered by the SFHB.

**Effective Consent:** Mutually understandable words or actions indicating a willingness to engage in mutually agreed-upon sexual activity. In determining whether effective consent has occurred, the following considerations apply:

- Mutually understandable consent must be obtained by both parties.
- It is the responsibility of the person initiating physical sexual contact to obtain consent.
- To be effective, consent must be given freely.

- Consent obtained through the following means is not effective consent: a) use of fraud, physical force, violence, threat, intimidation or coercion; b) ignoring the objections of another person; c) causing another's intoxication or impairment through the use of alcohol or other drugs; d) ignoring or taking advantage of another person's intoxication, incapacity, state of intimidation, helplessness, or other inability to consent.
  - Lack of physical or other resistance by a person who is the object of sexual aggression does not constitute consent.
  - Consent to sexual activity may be revoked at any time, as long as the revocation is communicated clearly, at which point sexual activity must cease immediately.
  - Previous sexual relationships and/or a current relationship with the respondent (or anyone else) are usually irrelevant and, therefore, may not be taken to imply consent.
  - A person who is incapacitated as a result of alcohol or other drug consumption (voluntary and/or involuntary), or who is unconscious, asleep or otherwise physically or cognitively helpless, is incapable of giving consent.
- Consent may never be given by a minor (someone under the age of 18 in the Commonwealth of Virginia) to an adult.

### **Composition, Selection and Training of the SFHB:**

**Composition of the SFHB:** The SFHB is composed of four student members, four faculty members and one administrator. The administrator serves as Chair of the SFHB.

**Role of the Chair:** The Chair manages the SFHB and administers the hearing process and schedules and presides over each hearing, but does not participate in deliberations and does not vote on matters before the SFHB

**Appointment of Student Members:** In accordance with the following procedures, the Executive Committee of the Student Body (EC) shall appoint four student members to a one-year term on the SFHB. The student members will be representative of the student body and upon appointment will be trained to adjudicate the sensitive cases heard by the SFHB. In selecting student members to serve on the SFHB, the EC will make every effort to create diverse representation.

The appointment procedures of the EC shall be reviewed by the Student Affairs Committee (SAC) before the application process commences. The application process will elicit participation of stakeholder groups on campus that may not be represented on the EC, including groups that promote the prevention of sexual violence, groups that respond to those situations, and groups representing women and minority students. The EC shall require applications and conduct interviews of applicants for SFHB positions apart from other Spring Term appointments. Applications shall include discussion of knowledge or experience relevant to the mission of the SFHB and confidential recommendations of two non-student members of the Washington and Lee University community. After receiving applications and before the interview, the EC shall send the list of applicants to the Vice President for Student Affairs to gather additional information.

**Appointment of Faculty Members:** The University Provost shall appoint four faculty members to three-year, staggered terms on the SFHB. The EC may nominate faculty members for the Provost's consideration. In selecting faculty members to serve on the SFHB, the University will make every effort to create diverse representation.

**Appointment of Administrator Member:** The Vice President for Student Affairs shall appoint the administrator member to serve as Chair of the SFHB.

**Training:** Members of the SFHB shall be trained in both broad conduct procedures and in understanding specific prohibited discrimination, harassment (including all forms of sexual misconduct), retaliation and hazing. The Chair of the SFHB shall organize the training, which shall occur at the beginning of the academic year. The University will make every effort to train those student members at the same time as the faculty members.

#### **SFHB Pre-Hearing and Hearing Procedures:**

**Initiating a Proceeding – the Charge:** An SFHB proceeding may be initiated by any member of the University community by filing a complaint with the SFHB Chair. A complainant outside the University community, for example, a student from another college or university, may also file a complaint and the case will be considered at the discretion of the Board.

**Content of the Charge:** The formal charge(s) will state the subject matter of the complaint (e.g. "Sexual Misconduct," "Discrimination," "Harassment," "Retaliation," and/or "Hazing"), the name of the complainant, and the approximate date and/or timeframe for the alleged conduct. The formal charge need not include details on the sub-categories of behavior within each charge. Thus, for example, in a given case, and without elaboration on the face of the charge, a charge of Sexual Misconduct may be deemed to encompass Sexual Misconduct Constituting Rape, Sexual Misconduct Not Constituting Rape, Unwanted Sexual Touching and/or Non-Physical Sexual Harassment.

**Multiple Charges:** While only a single charge is required for any category of prohibited conduct within the jurisdiction of the SFHB, a complainant may bring multiple charges if the conduct complained of constitutes more than one form of misconduct. Thus, for example, a student may be charged with both "sexual misconduct" and "harassment" from the same series of events, if the complainant claims that the student's behavior constitutes both forms of misconduct.

**Charge for Subsequent Retaliatory Behavior:** Any type of retaliatory behavior occurring following a charge may result in an additional charge.

**Charge for Conduct Unbecoming a Washington and Lee Student:** A charge of "conduct unbecoming" may accompany any other charge. Thus, for example, a student might be charged with both "sexual misconduct" and "conduct unbecoming" from the same series of events.

**Safe Haven in Cases of Sexual Misconduct:** Students who seek assistance as a result of experiencing sexual misconduct are not subject to sanction by a University authority for being in violation, at the time the student experienced the sexual misconduct, of University policy on consumption of alcohol or other drugs, when consumption is personal and without intent to distribute. In such circumstances, the University will not refer the student seeking assistance for investigation by a student conduct body or to any state, local or other law enforcement agency and will not contact parents, family members or guardians solely because of the student's consumption of alcohol or other drugs or possession of alcohol or other drugs consistent with personal use.

**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 SFHB, the SFHB Chair

will consult with the Office of the Dean of Students to determine if SFHB action should be postponed until resolution of the criminal case. Pending criminal charges or civil suits shall not prevent the SFHB from proceeding.

**Confidentiality:** SFHB hearings are confidential. The facts about individual cases and the outcomes are to remain as confidential as possible, except for the notification of the outcome to the University community. In order to protect the privacy of those involved, and to protect the integrity of the process, no one involved in a complaint should discuss any information regarding the case except with participants in the hearing, University faculty and staff with a need to know, family members and those to whom a party needs to disclose information necessary to obtain support without otherwise making information about the matter known to the public. All individuals involved in proceedings shall read the SFHB's confidentiality policy and sign a statement acknowledging the policy.

**No-Contact Directive:** The SFHB Chair may issue a no-contact directive between or among the parties or witnesses to create a level of reassurance throughout the process.

**SFHB Hearing Panel:** Upon receipt of a charge that falls within the jurisdiction of the SFHB, the SFHB Chair shall select and convene a Hearing Panel in accordance with the following procedures:

**Composition of the Hearing Panel:** A Hearing Panel is composed of five SFHB members: two student members, two faculty members and the Chair. The remaining student and faculty members are alternates.

**Selection of the Hearing Panel:** In selecting the Hearing Panel, the Chair shall strive as much as possible for diverse representation and will be aware of the Recusal and Conflict of Interest Guidelines Pertaining the University Conduct.

**Notice to the Parties and Opportunity to Object:** The complainant and respondent shall be informed of the Panel's composition at least 48 hours in advance of the hearing. Either party may object to the appointment of any member of the Panel. That objection should be directed to the Chair, and should state the basis for the objection. The Chair will make the final determination on a member's ability to serve on the Panel.

**Advisory Advocates and Honor Advocates:** During an SFHB proceeding, the complainant and the respondent may each be accompanied by an Advisory Advocate and/or an Honor Advocate of her/his choice (referred to collectively as "advocate(s)").

**Advisory Advocates:** Advisory Advocates must be members of the University community. The Advisory Advocate may be a member of the Confidential and Impartial Resolution Resources (CAIR) staff—an individual within the W&L community with special training for this role, or may be another faculty or staff member.

**Honor Advocates:** Honor Advocates appearing before the SFHB must be members of the Honor Advocate Program (HAP) with special training for this role.

**Role of Advocates.** The advocates' role is to advise the complainant/respondent of SFHB procedures, to assist the complainant/respondent in developing opening and closing statements,

and to advise the complainant/respondent on the specifics of a written appeal, if applicable. Advocates are also available to offer support for students and to provide information on additional resources. Advocates may hear all testimony, and examine all information and evidence presented to the Panel. Additionally, Advocates may direct, to the Chair, questions for any person testifying. Parties and SFHB panel members also may, at their discretion, invite either the Advisory Advocates or Honor Advocates to provide information that the SFHB panel members deem appropriate.

**Support for Complainants from Outside the Washington and Lee Community:** In addition to an Honor Advocate, if the complainant is a member of another community, the complainant may also be accompanied by a member of that community, subject to approval of the SFHB Chair.

**Notice to Respondent of Specific Allegations of the Complaint:** At least five business days prior to the hearing, the respondent will be provided with written/electronic notice of the specific factual allegations made by the complainant. This will occur through communication between and among the Chair, the advocates, the complainant and the respondent.

**Notice to Complainant of Service of Notice of Allegations on Respondent:** Prior to service upon the respondent of notice, the complainant will be notified regarding when service upon the respondent will occur.

**Formal Response to Specific Allegations of the Complaint:** The respondent is encouraged but not required to submit, in advance of the hearing, a formal, written response to the written notice of specific factual allegations that was served upon him or her. Any formal, written response will be shared with the complainant in advance of the hearing.

**Pre-Hearing Conference:** The SFHB Chair will hold a pre-hearing conference with the parties and their advocates to resolve evidentiary or other matters.

**Disclosure of Witnesses and Evidence in Advance of the Hearing:** Upon request of either party, at least 48 hours in advance of the hearing each party shall be provided a list of all witnesses and shall be provided an opportunity to examine all information and evidence to be presented to the hearing.

#### **Hearing Procedures:**

**Timing:** Hearings will be held in a timely manner, assuming no extraordinary circumstances, within 45 working days of the initial complaint.

**Closed Hearings:** All hearings are closed to the public. Witnesses should be kept in separate rooms, entering the hearing room only to provide testimony. Witnesses should not have contact with one another outside of the hearing room.

**Presence of the Parties:** The complainant and the respondent have a right to be present during the hearing.

**Use of a Privacy Screen:** Although both the complainant and respondent are entitled to be present throughout the hearing, a privacy screen may be erected at the request of either party to provide a sense of privacy during testimony.

## **Witnesses and Evidence:**

**The Hearing Panel:** Members of the Hearing Panel may call and question witnesses and examine related information and evidence.

**The Parties:** The complainant and the respondent are permitted to summon and question witnesses and offer tangible evidence. The complainant and respondent may direct questions to one another through the Chair.

**Evidence and Witnesses Not Reasonably Anticipated:** Notwithstanding the prehearing disclosure requirements, if information produced during the hearing discloses additional tangible evidence or witnesses with relevant information, the Chair may obtain that evidence or call those witnesses to testify.

**Relevant Evidence:** Questioning of witnesses and admission of information and evidence shall be restricted to matters that the Chair deems relevant to the specific case.

**Sexual Misconduct Cases – Evidence of Prior Sexual Behavior:** Past sexual behavior of either party is usually not relevant to determining whether sexual misconduct occurred. As such, the SFHB will not explore such behavior as part of the hearing unless, under very limited circumstances, the Chair deems it relevant to decide the principal issue.

**Sexual Misconduct Constituting Rape:** (1) Sexual penetration, however slight, of the complainant's genitalia or anus by any inanimate object or animate object (including but not limited to a penis, finger, or tongue) without effective consent; or (2) any instance of cunnilingus or fellatio, without effective consent."

**Alcohol or Other Drug Use – Not an Excuse:** Behavior that would otherwise be misconduct in violation of University policy is not excused or exonerated because the individual engaging in such conduct was under the influence of alcohol or other drugs.

## **Decisions of the SFHB**

**Votes Required for Finding of Responsibility:** In all cases that the SFHB hears, at least three panel members must vote "responsible" for a finding of responsibility

**Standard of Evidence for a Finding of Responsibility:** Each case brought before the SFHB is unique and must be decided after the SFHB's review of all the facts and circumstances presented at the hearing. The SFHB shall base its decisions on a preponderance of the evidence; that is, the panel must decide whether it is more likely than not that the conduct under question violates the University policy.

**Findings in SFHB Cases:** The SFHB shall examine all relevant evidence, and shall determine, as applicable:

- the nature of the conduct;
- whether each party provided effective consent to the conduct, if a sexual misconduct case; and whether there are extenuating or mitigating circumstances involved.
- for complaints of Non-Physical Sexual Harassment, whether the sexual advances were unwelcome, and the severity and pervasiveness of the conduct.

- for complaints of harassment based on other protected categories, whether a protected category was involved, whether the conduct was unwelcome, and the severity and pervasiveness of the conduct.

**Finding of Conduct Unbecoming:**

Normally, any finding of responsibility by the SFHB will include a finding of "conduct unbecoming of a Washington and Lee University student." If the SFHB does not find that the respondent violated the University's Policy on Prohibited Discrimination, Harassment, Sexual Misconduct and Retaliation, 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," if separately charged.

**Evidence of Violations of Other University Policies:** If the SFHB 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.

**Sanctions:** The Hearing Panel may, after considering factors relevant to each case and finding responsibility, determine the appropriate sanction.

**Votes Required for Imposition of a Sanction:** In all cases that the SFHB hears, at least three Panel members must vote in favor of the imposition of each sanction or combination of sanctions.

**Sanctions for Violations of the University's Policy on Prohibited Discrimination, Harassment, Sexual Misconduct and Retaliation:** In imposing sanctions for violations of the University's Policy, the Hearing Panel shall determine the appropriate sanction (or combination of sanctions) by referencing the Sanction Guideline Matrix. The SFHB may select among the sanctions within the range set forth in the Sanction Guideline Matrix for the types of violations described under these guidelines, as factors in each case may warrant. It may also combine various sanction options to produce a package of appropriate sanctions. The SFHB shall also consider the sanction recommendation of the complainant and respondent.

**Sanctions for Hazing:** Upon finding that an individual or non-Greek organization has engaged in hazing, the Hearing Panel shall determine the appropriate sanction (or combination of sanctions) by referencing the Sanction Guideline Matrix. The Hearing Panel may select among the sanctions within the range set forth within each sanction box for the types of violations described under these guidelines, as factors in each case may warrant. It may also combine various sanction options to produce a package of appropriate sanctions. may impose an appropriate sanction. The sanction may include referral to other appropriate conduct bodies. If applicable, individuals may be reported to an appropriate national body. In cases of hazing by a non-Greek student organization, the sanction may include suspending the organization's activities.

**Sanctions for Conduct Unbecoming** In imposing sanctions for Conduct Unbecoming a Washington and Lee University student, the Hearing Panel shall determine the appropriate sanction (or combination of sanctions) as factors in each case may warrant. The SFHB shall also consider the sanction recommendation of the complainant and respondent. Possible sanctions include Dismissal, Suspension, Probation, Community Service, Education and/or Counseling.

**Sanction Guidelines:**

The following matrix shall guide the SFHB in developing sanctions, and provide notice to the University community of the possible sanctions for an individual or non-Greek organization found responsible under the University's Policy on Prohibited Discrimination, Harassment, Sexual Misconduct and Retaliation or the University's policy prohibiting hazing.

<b>Prohibited Behavior</b>	<b>Range of Sanctions</b>
Sexual Misconduct Constituting Rape	Dismissal
Sexual Misconduct Not Constituting Rape	Dismissal Suspension Probation
Unwanted Sexual Touching	Dismissal Suspension Probation Community Service Educational/Counseling Consultation
Non-Physical Sexual Harassment	Dismissal Suspension Probation Community Service Educational/Counseling Consultation
Discrimination	Dismissal Suspension Probation Community Service Educational/Counseling Consultation
Hazing by an individual student	Dismissal Suspension

	Probation Community Service Educational/Counseling Consultation
Hazing by a non-Greek organization	Dismissal Suspension Probation Community Service Educational/Counseling Consultation
Retaliation	Dismissal Suspension Probation Community Service Educational/Counseling Consultation

**Public Notice:** The SFHB Chair shall post a public notice of the outcome of any SFHB case.

**Content of Public Notice:** The notice shall include 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 and whether or not there were mitigating or aggravating circumstances that affected the choice of sanction. The notice will not indicate the circumstances or names of the parties or witnesses. The posting will be available in both written (with all other recent conduct body notices) and electronic (on the SFHB website) forms.

**Time for Posting of Public Notice:** The SFHB Chair shall post the notice within a reasonable time after the SFHB concludes the case, and shall keep the notice posted for a minimum of three years. The Office of the Vice President for Student Affairs will maintain copies of all public notices for 10 years. During that period, the notices will be available upon request.

**Appeals:** All outcomes of the SFHB, including decisions regarding the imposition of sanctions, may be appealed within 72 hours by either party, or by the University to the University Board of Appeals, in accordance with the policies that apply to that body. [www.wlu.edu/x36850.xml](http://www.wlu.edu/x36850.xml)

**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 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 self or others, or substantially disrupts the learning environment and activities of the campus community.

## **University Board of Appeals**

### *Option for Appeals*

Appeals to decisions by the Student Judicial Council, Student-Faculty Hearing Board, Interfraternity Council Conduct Board, or Panhellenic Council Conduct Board may be made by the complainant, the respondent, or designated University Official to the University Board of Appeals (UBA) if the action taken by the body would create a disciplinary record or if, in the case of the University official, the action taken by the judicial body could have created a disciplinary record. "University official" is the Director of Public Safety or a designee of the Director.

### *Composition*

*The pool of four faculty are elected by the faculty and six students are appointed to the UBA. The Chair of the UBA is the Dean of Students or his or her designee. In the event that the Dean of Students determines he or she may have a conflict of interest, the Dean of Students shall appoint an alternate Chair. The Chair of the UBA will randomly select two faculty members and two students from this pool to constitute a panel, with the chair, to hear a specific case. A pool of four Faculty members (two Undergraduate Faculty and two Law Faculty) is elected by the respective Faculty for staggered two-year terms. A pool of student representatives of the UBA (six total: three undergraduate and three law) is appointed by the Executive Committee of the Student Body for a one-year term.*

The Executive Committee of the Student Body appoints one junior and two seniors for the undergraduate representatives, and one 2nd-year and two 3rd-year students for the Law School representatives.

Appeals arising from law students or organizations should typically be heard by a panel consisting of law faculty and law students; appeals arising from undergraduate students or organizations should typically be heard by a panel consisting of undergraduate faculty and students.

### *Procedure*

If the UBA decides to hear a case, they may decide the case based solely upon the record of the conduct body and the written appeal, or the UBA may seek additional information from i.) any person who provided first hand information to the student conduct body; ii.) any person who may have new, relevant information; and/or iii.) the chair of the conduct body, before reaching its final decision. In hearing the case, the UBA has the option to remand the case to the original conduct body, uphold the sanction, impose a different sanction, reduce the sanction, or reverse the sanction.

In reviewing the case, the UBA may modify the sanction of the original conduct body only if the original sanction violates University Policy and/or if the original conduct body lacked a reasonable basis in imposing the sanction. In cases in which there is new information presented or where there is a procedural defect, the UBA may remand the case to the original conduct body.

Options of Participants if the UBA determines to hear the case:

A. Options of the Original Respondent or Complainant (if applicable)

1. The option to make an opening statement.
2. The option to remain present for the entire hearing.
3. The option to testify.
4. The option to make a closing statement.
5. The option to be accompanied by an honor advocate.

B. Options of Original Conduct Body Chair(s) (or Chair(s)' designate)

1. The option to make an opening statement.
2. The option to remain present for the entire hearing.
3. The option to make a closing statement

C. Options of University Official or designate (if a party to the UBA proceeding)

1. The option to make an opening statement.
2. The option to remain present for the entire hearing.
3. The option to make a closing statement

*Role of Chair*

The Chair will call the meetings of the UBA. The Chair will determine the proper composition of the panel for any appeal that the UBA is charged to hear. The Chair has discretion to accommodate any conflicts that may arise with students or faculty in constructing the panel. The Chair will also serve to provide information regarding precedence of similar appeals. If the four members of the panel are unable to reach a majority decision, the Chair will vote to break the tie.

*Publication of Findings*

The UBA will make public a summary of its findings to the University Community that maintains the anonymity of all parties involved.

**Honor Advocate Program**

Student Advocates in the Honor Advocate Program play an integral role in the proceedings of the Executive Committee, Student-Faculty Hearing Board, and Student Judicial Council. The goal of an Honor Advocate is to help ascertain the truth. This goal is achieved by assisting students in preparing and presenting their cases. Advocates counsel students by explaining the options available to them. They also support the students and help the students find any support that they require. Advocates are also available to provide information to the respondent on resources they may wish to contact to obtain support until resolution. Advocates deal with serious matters and must understand and abide by the University's confidentiality policy. Even though Advocates serve as advocates and counselors, they are not attorneys; thus, the attorney-client privilege is not applicable.

## **Recusal and Conflict of Interest Guidelines Pertaining to University Conduct**

1. Any person on a hearing board, investigating a complaint, or integrally involved in a complaint against a member of the W&L community or a student organization who was also involved in the alleged conduct or who is a member of an organization that is the subject of an investigation or action against it, is disqualified from participating as a conduct member. Disqualification in the case of any conduct body member means that a person shall not participate in any way in the case, including not being present at the conduct board meetings where the case is being addressed.
2. Individuals should recuse themselves from any case in which they believe they cannot be completely impartial in their consideration of an accusation against any member of the W&L community or student organization.
3. Alleged conflicts of interest, if challenged, shall be decided by the Provost.

## **Violation of Conduct Sanctions**

An alleged violation of the terms of a conduct sanction (conduct probation, social probation, fines, community service hours, etc.) will be referred to the conduct body that imposed the sanction. The conduct body will hear the case and determine if the sanction was violated and, if so, what sanction should be imposed.

## **Threat to the Community: Action of the President and Provost**

Students or student organizations may be required to sever their connection with the University for non-academic reasons by disciplinary action as outlined in the Student Handbook. In cases where the University has reason to believe that a student or student organization represents a threat to the well-being of the University community, the President or Provost, or their designee, may suspend or dismiss the student, suspend a student organization, or take other appropriate action. Students who are suspended may apply for reinstatement after the period of suspension. Student organizations may apply for reinstatement after the period of suspension. Students and student organizations who are dismissed from the University are precluded from returning to Washington and Lee.

## **Records of Student Conduct Referrals**

Washington and Lee University defines “disciplinary records” for undergraduate students as all records related to a student conduct matter resulting in a sanction of dismissal, suspension, or more than one calendar year (52 weeks) of conduct probation. Disciplinary records will be retained permanently as part of a student’s education record.

Records related to an undergraduate student conduct matter resulting in any lesser sanction, up to and including conduct probation for 52 weeks, are not considered “disciplinary records” for purposes of record retention and disclosure, but are considered “educational-conduct records.” Following the expiration of one calendar year from final resolution of such a conduct matter without further conduct referrals, the “educational-conduct records” will be removed from a student’s individual education record but may be maintained separately thereafter by the

University for up to seven (7) years from the date of final resolution, in accordance with federally required recordkeeping to support statistical reporting of certain criminal offenses. Following removal from the student's individual education record, such "educational-conduct records" could be subject to external disclosure under certain circumstances, including but not limited to court order or Department of Education investigation or audit.

Records of all law-student conduct matters, regardless of the sanction imposed will be considered disciplinary records and retained permanently as part of a student's individual education record.

## VII. RESIDENTIAL LIFE

Residential Life is an integral part of the adjustment and development of every student at Washington and Lee. It is in this environment of close association that each individual must learn to balance properly the opposing claims of individual freedom and the rights of others. In keeping with the traditions of student life at the University, the regulation of residence hall life is based on the principle of student self-government. Except for regulations relating to health, safety, alcohol and drugs, and other University policies, regulations governing residence hall life are established by the residents of the hall. The system under which the students establish regulations that govern their residence life stresses the importance of student initiative and a sense of shared responsibility. Students learn that they are accountable not only to themselves but also to their fellow students and to the University community as a whole. The concepts of self-government and individual responsibility, however, do not insulate student conduct from the legal sanctions of the larger community beyond the campus.

Violations of residence hall policies, such as noise violations, vandalism and alcohol policy violations in residence halls, shall initially be handled by the Resident Advisers in the first-year and upper-division halls, with referral to the appropriate conduct board.

### **Residential Life Regulations 2011-2012**

The following residence hall regulations have been enacted in the best interest of students residing on campus. Resident Advisers and Public Safety officers are primarily responsible for enforcing these regulations.

1. The members of each residential section will reach a consensus on the standards of social responsibility by which they will abide during the academic year. The statement of social responsibility includes standards of responsible conduct which reflect a sense of appropriateness and decorum, and a concern for the rights and sensibilities of others, be they residents, guests or visitors. Statements of social responsibility **MUST** include a provision for quiet hours from 7:30 p.m. to 7:30 a.m., beginning Sunday evening and ending Friday morning.
2. The University provides a card-access exterior security system in the first-year residence halls, Gaines Hall, Woods Creek Apartments, in addition to key entry doors for individual rooms. Students should never prop open exterior doors. Students are expected to lock the doors to their rooms and assume individual responsibility for their security and safety.
3. Students must respect the rights of their roommates, suitemates, and/or apartment mates.
4. The following regulations pertaining to University property and to the health and safety of residents are outside the scope of statements of social responsibility and remain effective throughout the academic year:
  - a. Smoking is not permitted. 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.

- b. Any damage to facilities (occasioned by nailing or sticking up posters, breaking windows, damaging furniture, etc.) is charged to the person who damages the property. Charges for damage done to common areas will be apportioned equally among residents of the particular hall involved.
- c. No furniture may be removed from any residence hall room, lounge, or TV room.
- d. Bunk beds should never be placed next to windows.
- e. Window screens should not be removed from windows.
- f. Trunks not being utilized as furniture are to be labeled and stored in the basement of Graham-Lees, Gilliam or Davis.
- g. Use of electric outlets is subject to reasonable standards of safety. Consequently, items such as electric heaters, ceiling fans, refrigerators of more than 2.5 cubic feet capacity, air conditioners, and cooking appliances are strictly prohibited
- h. The following are also strictly prohibited:
  - i. Alcoholic beverages are prohibited in all of the first-year halls. In the upper-division residence halls, students who are 21 years of age or older may use and possess alcoholic beverages in accordance with the Commonwealth of Virginia laws within their assigned room.
  - ii. If a student violates the University Policy on Illegal Drugs/Controlled Substances in University housing and is a resident of University housing, the Vice President for Student Affairs or designee may remove the student from housing without refund. If the student resides in a University fraternity or sorority and violates University Policy on Illegal Drugs/Controlled Substances in a fraternity or sorority house, the House Corporation, in accordance with the Standards for Fraternities/Sororities, may remove the student from the house without refund.
  - iii. Any illegal drug paraphernalia, including but not limited to smoking devices and water pipes
  - iv. Any type of firearm, funnelators, blowguns, BB guns and air guns
  - v. Possession or use of fireworks in or near the residence halls
  - vi. Water bombs, water fights, or water beds
  - vii. Pets of any kind
  - viii. The use of hard balls (lacrosse balls, baseballs, etc.) in the residence halls and in the Baker-Davis-Gilliam, Graham-Lees, and Gaines quads

- ix. Loft beds (except those assembled and approved by W&L Facilities staff
  - x. Incense, candles, halogen lamps, or any open flame or other incendiary agent
5. Violation of the statements of social responsibility or any of the above regulations may result in temporary or permanent removal from the residence halls and discipline consistent with applicable University policies. Vandalism and deliberate destruction of University property are included.
  6. Any student who deliberately activates the fire alarm system, for reasons other than that of fire prevention, will receive an automatic fine of \$250 and will be referred to the SJC with a recommendation for suspension.
  7. The terms and conditions of each student's lease with the University are incorporated by reference with these Residence Hall regulations.

### **University Student Housing: Alcohol Policy**

The possession and consumption of alcohol in residence halls and their social spaces are privileges for those who are 21 years of age or older. The following policies and guidelines are intended to promote responsible drinking and behavior for the safety and well-being of all students in the community. Students age 21 or older who choose to consume alcoholic beverages are expected to do so in accordance with this policy and in moderation and to observe the individual rights of students to privacy, sleep, and study within their rooms. Loud or disruptive behavior, interference with the maintenance and cleanliness of the halls, houses or apartments, or drinking habits and behaviors which are disruptive or injurious to the health or well-being of individuals will not be tolerated and individuals involved in such conduct are subject to sanctioning.

### **Virginia Commonwealth Laws**

The laws of the Commonwealth of Virginia apply in all cases. Individuals who are under 21 years of age may not purchase, possess, or consume beer, wine, or distilled spirits.

Students who are 21 should not purchase for or provide alcohol to anyone under the age of 21. Alcohol should not be served to anyone who is believed to be intoxicated or who is being disruptive.

### **Student Residence Halls, On-Campus Houses and On-Campus Apartments**

Alcohol may only be possessed by students who are 21 years of age or older. No alcohol may be kept in common spaces or refrigerators unless all residents are 21 years or older.

### **Events**

Any student event held in hall or house social rooms must be coordinated through the Campus Activities Office and approved by the Office of the Vice President for Student Affairs and Dean of Students.

All events must be registered one week prior to the event, especially if there is a request for alcohol. Party registration forms may be picked up from the Campus Activities Office in the Elrod University Commons Room 212.

Alcohol is limited to beer and wine and must be served by a third-party vendor. University Catering has the right of first refusal for on-campus events. If University Catering is not available to provide bartending services, a list of alternative third-party vendors will be provided.

Students must present proper ID in order to be served alcohol.

Alternative beverages and food are required at all events serving alcoholic beverages.

University Public Safety must be present for these events.

## VIII. STANDARDS FOR STUDENT ORGANIZATIONS

As stated in the Policy Statement Relating to Campus Life, the University desires a community of student self-governance that balances student privilege and responsibility. Students involved in organizations are expected to adhere to the same standards of conduct to which students are held on an individual basis.

### **Standards for Fraternities/Sororities**

#### *Preamble*

Washington and Lee University continues to affirm that "fraternities/sororities are a valuable and integral part of both the University and Lexington communities." The University also continues to recognize that fraternity/sorority chapters "have important privileges as well as responsibilities to those communities." In keeping with the letter and spirit of these statements as set forth in the documents adopted by the Board of Trustees on May 25, 1985 - the "Policy Statement Relating to Campus Life" and the "Statement Relating to Fraternities," which incorporates the "Policy Statement on Fraternities" adopted by the University Council on February 25, 1976 - the University has developed the following standards for fraternity/sorority life at Washington and Lee University.

These standards are established in order to give direction and support to those entities crucial to and responsible for the vitality of the fraternity/sorority community:

- I. The University
- II. The National Fraternity/National Sorority
- III. The Interfraternity Council/The Panhellenic Council/ The Black Greek Council
- IV. The Alumni Greek Council
- V. The House Corporation
- VI. The Local Chapter
- VII. The Chapter House
- VIII. Maintenance and Review of These Standards

The following standards define the privileges, responsibilities, and interrelationships of each of these fraternal entities; they also specify the physical standards to be met for the interior and exterior condition of its chapter house if the local chapter expects to remain an integral part of the University and Lexington communities. The historically black Greek organizations will have a governing body known as the Multicultural Greek Council (MGC). Only the relevant parts of these standards apply to organizations without chapter houses.

These standards, then, are not to be construed as optional guidelines, but rather as reasonable requirements necessary for the local chapters to realize the University's expectations enumerated in the Board's "Statement

Relating to Fraternities":

*Chapters ... are expected to maintain adequately the physical appearance of fraternity/sorority property and to assure the structural integrity of chapter houses. Chapter members are expected to conform to standards of honorable conduct and to exhibit a concern for the rights and sensibilities of others.*

These standards provide guidance for construction, renovation, maintenance, and preservation of the chapter houses as part of the goal of strengthening the fraternity/sorority system at Washington and Lee. The University realizes that this goal can only be achieved when alumni and student fraternity/sorority members themselves adhere in practice as well as in rhetoric to their fraternal ideals, seek a higher standard of group living, and create a climate of fraternity/sorority life compatible with Washington and Lee's institutional philosophy and objectives.

- I. The University
  - A. Shall maintain these standards for all fraternity/sorority chapters at Washington and Lee University.
  - B. Shall recognize each local chapter upon the recommendation of the Interfraternity Council/Panhellenic Council/Multicultural Greek Council and the Student Affairs Committee.
  - C. Shall recognize each alumni house corporation upon the recommendation of the Alumni Greek Council.
  - D. Shall require adherence to the fraternity/sorority standards.
  - E. Shall provide:
    - 1. Financial support to individual fraternity/sorority chapters through:
      - a. Programs to generate revenue for construction, renovation, repair and maintenance.
      - b. **Loan assistance at favorable rates.**
    - 2. Maintenance support and advice.
    - 3. Periodic inspection services.
    - 4. Guidance for the Interfraternity Council/Panhellenic Council/Multicultural Greek Council.
    - 5. Support for the Alumni Greek Council.
    - 6. Recognition and support of a University and/or Alumni Adviser for each chapter.
    - 7. Recognition and support of a House Director for each chapter.
- II. National Fraternity/National Sorority
  - A. Shall set forth standards for its local chapter.
  - B. Shall recognize the local chapter.
  - C. Shall require strict adherence to the National by-laws and regulations.
  - D. Shall provide:
    - 1. For the chapter's participation in the National governing structure.
    - 2. Guidance through:
      - a. National and regional leadership training programs.
      - b. Annual visits to the local chapter.
  - E. Shall notify immediately if local chapter is not in good standing.
- III. Interfraternity Council/Panhellenic Council/Multicultural Greek Council
  - A. Shall serve as the governing organizations of all recognized fraternities/sororities.
  - B. Shall hold regularly scheduled meetings.

- C. Shall maintain up-to-date constitutions and by-laws which:
    - 1. Set a high standard for chapter conduct.
    - 2. Require each chapter to set a similarly high standard of conduct for its individual members and guests.
  - D. Shall elect conduct boards empowered to uphold the constitutions, by-laws, and other rules or agreements necessary for sound governance.
  - E. Shall be responsible to the faculty through the Student Affairs Committee.
  - F. Shall discipline individual chapters through authority derived from the faculty via the Student Affairs Committee.
  - G. Shall recommend prospective member chapters to the University for its recognition.
  - H. Shall have the power to recommend that the University withdraw recognition of a chapter.
  - I. Shall promote cooperation among the member chapters and the greater community.
- IV. Alumni Greek Council
- A. Shall promote the continued well being of the fraternity/sorority community at Washington and Lee University through participation by alumni in fraternity/sorority affairs.
  - B. Shall meet not less than twice annually.
  - C. Shall be constituted by the presidents of the house corporations or their appointed representatives.
  - D. Shall conduct itself in accordance with its Charter, as amended from time-to-time.
  - E. Shall establish guidelines to assure that its house corporation members are in good standing.
    - At a minimum, the Alumni Greek Council shall assure that its house corporation members:
      - 1. Are incorporated in the Commonwealth of Virginia;
      - 2. Are in good standing with the State Corporation Commission;
      - 3. Have a minimum of three (3) active directors, two-thirds of whom must be affiliated with the national organization or alumni of Washington and Lee University;
      - 4. Employ a non-student (undergraduate or law) resident manager to represent the interests of the house corporation and serve as liaison to the University and the chapter.
  - F. Shall be responsible for certifying annually to the University, through the Office of Student Activities and Greek Life, compliance of its house corporation members with those requirements specifically enumerated in section IV. E 1 through 4 and section V. as necessary.
  - G. Shall promote cooperation among its house corporation members.
  - H. Shall provide services and information and act as a forum for the concerns of its house corporation members.
- V. House Corporation
- A. Shall write, implement, and periodically update a master plan to insure the perpetuation of the chapter and house corporation.
  - B. Shall incorporate in the Commonwealth of Virginia with a minimum of 3 active directors, of whom no more than one-third may be current student officers and preferably a majority should be alumni of Washington and Lee University.
  - C. Shall be represented on and be a member in good standing of the Alumni Greek Council.
  - D. Shall meet at least semi-annually at the chapter house with chapter representatives.
  - E. Shall hold title and/or lease to all real property and furnishings.

- F. Shall serve as lessee by requiring separate contracts with the chapter and individual resident members.
- G. Shall establish policies that protect the property and require a high standard of conduct among the members.
- H. Shall have a non-student (undergraduate or law) House Director to represent the interests of the House Corporation and serve as liaison to the University and the Chapter. A waiver may be granted to hire a law student House Director under special circumstances by approval of The Vice President for Student Affairs and Dean of Students through submission to the Office of Student Activities and Greek Life.
- I. Shall establish financial criteria, approve the chapter budget, designate the dispensation of funds collected by the University, and audit chapter operations.
- J. Shall set fees sufficient to:
  - 1. Meet all debt and tax or related obligations.
  - 2. Provide insurance for property and furnishings at replacement value.
  - 3. Maintain adequate liability insurance for its directors and the chapter.
  - 4. Maintain the property and furnishings at the University standard.
- K. Shall collect and disburse funds in a timely manner.
- L. Shall re-certify compliance with these standards annually to the Office of Student Activities and Greek Life (see section IV. F).

VI. The Local Chapter

- A. Shall have and abide by written by-laws which:
  - 1. Define the duties and responsibilities of all chapter officers.
  - 2. Require members to behave honorably.
  - 3. Establish parietal regulations for the chapter house.
  - 4. Prohibit the possession, use, and distribution of illegal drugs and controlled substances.
  - 5. Set guidelines for the responsible use of alcohol.
  - 6. Prohibit firearms and weapons (including airguns) in the chapter house.
  - 7. Prohibit smoking.
  - 8. Provide for regular cleaning of the chapter house and prompt repair of all maintenance problems.
  - 9. Include strict enforcement policies subject to the review of the Interfraternity Council/Panhellenic Council/Multicultural Greek Council conduct boards.
  - 10. Require the chapter president (current or former before the school year after the current is elected) to live in the chapter house. Live in means primary and preferably only residence. Additional upperclassmen and/or officers are encouraged to live in as well.
  - 11. Require all new student chapter officers specified by Interfraternity Council/ /Panhellenic Council/Multicultural Greek Council be elected by the Wednesday after the last possible initiation date.
- B. Shall have a University Adviser to assist the chapter with campus and community relations, as well as academic affairs. (Description attached as Appendix 1)
- C. Shall promote academic excellence and intellectual growth among its members.
- D. Shall conduct a social program that conforms to the Interfraternity Council/Panhellenic Council/Multicultural Greek Council's regulations.

- E. Shall conduct a responsible new member education program that conforms to the Interfraternity Council/Panhellenic Council/Black Greek Council's regulations.
  - F. Shall establish with the House Corporation's approval a financial policy that:
    - 1. Complies with University and National fraternity/National sorority regulations.
    - 2. Requires sound business practices to minimize the chance of fraud.
    - 3. Utilizes the University collection program for charges and requires prompt payment of bills.
    - 4. Includes an annual budget.
  - G. Shall have adequate liability insurance.
  - H. Shall:
    - 1. Be in good standing with its national fraternity/national sorority.
    - 2. Strictly adhere to its by-laws and regulations.
    - 3. Actively participate in its national governing structure and leadership training programs.
  - I. Shall re-certify compliance with these standards annually to the Office of Student Activities and Greek Life through the Interfraternity Council/Panhellenic Council/Multicultural Greek Council.
- VII. Chapter House Physical Standards (currently maintained by the University)
- A. The fraternity/sorority chapter shall maintain a residence with an exterior which:
    - 1. Is compatible with the neighborhood.
    - 2. Is kept in excellent condition at all times.
    - 3. Has landscaped grounds conforming to an approved plan.
      - a. The grounds shall be well maintained at all times.
      - b. A chapter plan shall provide, consistent with the needs of the chapter, as much paved, off-street parking as possible, to be connected to the house by paved walkways.
  - B. The fraternity/sorority chapter shall maintain a residence with an interior which:
    - 1. Meets or exceeds all applicable code requirements for fire, safety, health, and sanitation plus such additional requirements imposed by the university or its insurers.
    - 2. Provides bedroom and bath facilities of a quality at least equal to the best residence hall accommodations provided by the University.
    - 3. Contains living and recreational areas with well-defined uses and which are furnished and maintained in ways appropriate for such uses.
    - 4. Provides for each fraternity chapter a large social area, isolated from other parts of the house, with adequate exterior access, ventilation, adjacent rest room facilities, and sound absorption design features. It is the intent of this standard that fraternity social events occur only in this room. If the room is to have other uses requiring furnishings or equipment, there should be adequate adjacent storage to permit removal of these items during such events.
    - 5. Contains a dining room sufficient to provide meal service to membership in a sanitary, attractive, and comfortably furnished area.
    - 6. Contains a kitchen which is a sanitary and efficient space meeting all code requirements and with separate areas for food preparation and distribution. It shall be possible to restrict access to the kitchen from the rest of the

- house.
- 7. Provides for any special requirements of the national fraternity/national sorority or house corporation.
- 8. Is regularly maintained and clean at all times, and complies in all respects with the maintenance requirements of the house corporations and the bylaws of the Interfraternity Council/Panhellenic Council.
- 9. Provides an apartment on the premises for the non-student House Director.
- C. In support of these standards, each fraternity/sorority shall have professionally developed plans and specifications for renovation or new construction which assure functional efficiency, durability, and ease of maintenance.

#### VIII. Maintenance and Review

The Vice President for Student Affairs and Dean of Students will be responsible for the maintenance and the periodic review every three years of the Standards for Fraternities/Sororities. The Vice President for Student Affairs and Dean of Students will convene an *ad hoc* committee to review the Standards for Fraternities/Sororities. The *ad hoc* committee to review Standards for Fraternities/Sororities, in addition to the Vice President for Student Affairs and Dean of Students or designee, will consist of the Director of Student Activities and Greek Life, the President of the Alumni Greek Council, the President of the Interfraternity Council, the President of the Panhellenic Council, the President of the Multicultural Greek Council and a fraternity/sorority University adviser. Input from Facilities Management and the Treasurer's Office will be gathered in the deliberation process for any proposals, which might affect those offices.

Following the review of the Standards for Fraternities/Sororities, the Vice President for Student Affairs and Dean of Students will submit recommendations for any changes in the Standards for Fraternities/Sororities to the President of the University or designee for consideration and approval. The President or designee will then promulgate approved revisions to all appropriate parties, the national fraternity/national sorority offices, house corporations, Interfraternity Council/Panhellenic Council, and local chapter presidents.

#### Appendix I University Adviser to a Fraternity/Sorority Chapter

- A. Required by University policy and the Standards for Fraternities/Sororities
- B. A member of the Washington and Lee University faculty or administration who:
  - 1. Serves as an adviser to the chapter officers regarding:
    - a. University policy concerning fraternities/sororities.
    - b. Community relations.
    - c. Campus relations.
  - 2. Promotes academic excellence and intellectual growth among the chapter members.
  - 3. Provides liaison between the chapter, the faculty and the administration.
  - 4. Provides informal advice to the chapter and members on academic affairs.
  - 5. Encourages the chapter through its officers to develop and maintain a positive image within the whole University community.
  - 6. Suggests programs to foster interaction between the chapter and the faculty.
  - 7. Meets several times a year as a group with all University Advisers to exchange ideas and information.

8. Meets regularly with the president or chapter leadership to discuss concerns and plans.
  9. Provides continuity of relationship between University and chapter.
  10. May serve as a chapter adviser or other role as deemed appropriate (or eligible) by the national office or house corporation for the chapter.
- C. The University will provide:
1. Recognition of this work as a positive contribution to the quality of University life.
  2. Access to pertinent information in support of the work.
  3. Appropriate setting for meetings of the University Advisers as a group.

#### Appendix II. House Director

Role: Establishes and maintains an environment consistent with the needs of the students and the requirements established in the "Standards for Fraternities and Sororities." Develops relationships with members of the chapter and promotes the University Mission.

##### Expectations:

1. Resides in the chapter house when students are present. Notifies Public Safety and Office of Student Activities and Greek Life when necessary to be away from campus.
2. Supports University initiatives and stays involved in the Campus Community.
3. Attends House Director Trainings or other meetings as scheduled by the Office of Student Activities and Greek Life.
4. Communicates expectations for use of the chapter house in collaboration with the chapter officers, the University, and the House Corporation.
5. Notices when a student appears to need assistance and refers them to the proper resource. If the House Director perceives potentially life-threatening issues developing they should contact local authorities, Public Safety (x8999) and Counseling Services (x8590). The House Director should not act as a counselor for issues concerning mental health or substance abuse, but rather refer the individual to a trained University staff member.
6. Submits work orders in accordance with Facilities Management guidelines and ensures work orders are completed successfully in a timely manner.
7. Has basic computer knowledge, including the skills necessary to access email.

### **2011-12 New Member Education (NME) Guidelines**

New Member Education (NME) is a period of time for students who have just joined a Greek organization to learn the values of that organization, to reflect on how those values mesh with their own, to increase their friendship and respect for each other and for their new fraternity brothers, and to improve their ability to guide their daily actions with appropriate decision making. New Members should be selected because chapter members feel they will be good friends, contribute to the strength of that fraternity, and reflect well on the organization. Among other things, a good NME program teaches new members about the chapter, its members, and the University in a positive and risk free manner.

Bonding should occur through participation in fun, creative, productive activities (such as hiking, kayaking, caving, sports, bowling, attendance at campus events, ropes course, service projects, academic projects, studying, etc.), not through group suffering. In this regard, NME programs differ from military, athletic teams, and other organizations that may impose physical or stressful activities because those programs are supervised by trained professionals.

Greek organizations have engaged in inappropriate new member activities. Fraternities and their members have been punished. The NME guidelines come from committee work that is representative of student, faculty, and staff at Washington and Lee University (W&L), and the University's institutional values. They are also consistent with the rules of the national Greek organizations with chapters on campus. We (the Greek community) must continue our work to establish lasting credibility by doing things the right way on a consistent basis for a significant period of time. There is a middle ground that allows Greek Life and new member education to be fun, yet safe and positive for everyone. Achieving and sustaining that middle ground requires all new and existing members to practice awareness, balance, respect, and moderation. W&L Greek organizations have made progress, but we can and must do more.

All NME Programs at W&L shall be consistent with the core values of the University, including honor and respect for others. They should not inhibit the pursuit of academic excellence or detract from a new member's personal dignity.

All new member activities may last no longer than eight academic weeks after Formal Recruitment. Formal initiation ceremonies must be scheduled and completed no later than three weeks before the exam week for Winter term (**by March 18, 2012**). There can be no NME activities during Washington Break.

An anonymous e-mail account ("Hazing Hotline") [hazing@wlu.edu](mailto:hazing@wlu.edu) will be set up at for anonymous reporting. The Hotline will be monitored by the Office of Student Activities and Greek Life, IFC, and Panhel.

Students who attend religious services are to be excused from any conflicting NME activities. Students with significant class commitments at the time of the proposed activity, or whose preparation would be negatively impacted by the proposed activity (tests, papers, midterms, etc.) are to be excused from NME activities. Students with a midterm GPA of below 2.3 are to be excused from NME activities and given appropriate tutoring.

No NME activities can take place Midnight-7 a.m. Sunday through Thursday or Friday and Saturday nights from 2 a.m.-9 a.m., unless expressly approved in advance by IFC/Panhel and the Director of Student Activities and Greek Life. No New Member is allowed in the chapter house during these hours for any reason, not even by personal choice. This rule exists to ensure that students stay rested and focused on academic success and good health.

### **2012 New Member Education (NME) Activities**

The following is the W&L Community's expectation for NME Activities:

(if it does not appear on this list—assume it is red light and ask for approval in advance

(The best NME programs will involve ONLY GREEN LIGHT ACTIVITIES)

**Green Lights – Definitely Allowed, if done in an appropriate manner:**

- Study Hall
- Tips training
- Attending educational presentations by a member of the faculty or administration
- Doing activities facilitated by University professionals:
- In-house discussion with Director or Associate Director of Student Activities and Greek Life
- Ropes course with Director of Campus Recreation
- Recreational activity (kayaking, caving, climbing, hiking, fishing, etc.) with Director of Campus Recreation
- In-house discussion with either the Violence Prevention Coordinator, University Counselors, Director of Student Health In-house discussion with Executive Director of Alumni Affairs Beau Dudley about alumni mission, history and goals
- Service projects with Professors concerning Environmental Preservation
- In-house discussion with a faculty member
- Attending campus activities
- Developing an academic project with faculty that results in a meaningful product and resume -builder
- Group service or charitable fund raising projects
- Meeting with your house corporation
- Meeting with alumni to discuss personal and professional experiences and advice
- Learning the national values and ritual of your fraternity (appropriately)
- Learning about the history and traditions of Washington and Lee.
- Visiting historic sites on and off campus (such as Lee Chapel Museum, Marshall Museum at VMI)
- Serenading (as a gentleman)
- Routine cleaning at the chapter house (if the mess was not intentionally made)
- Sober Driving for a registered social event
- Reasonable written or oral tests on University or chapter history

**Yellow Lights** – Viewed skeptically (must be specifically explained in the NME Program and managed carefully)

- Encouraged buffoonery (i.e., silly activities on the hill done for fun and entertainment)
- Physical Training (PT) of any kind
- Routine cleaning at off-campus houses
- Personal servitude which subjects the new member to physical exertion or ridicule

**Red Lights** – Not allowed, unless specifically explained in the NME Program **and approved in writing**

- Required purchasing or attaining of anything
- Taking cell phones or other property from new members
- Shouting at new members from close range or in a manner designed to ridicule or embarrass. Talking in derogatory terms to or about new members

- Removal of clothing for any reason
- Writing on new members
- Excessive Physical Training (PT)
- Carrying anything that would not be encouraged by your national organization
- Intimidation by threats of physical or other abuse
- Leaving a person anywhere for any reason
- Anything which causes sleep deprivation
- Prolonged or repetitive tasks
- Theft or vandalism of any kind, regardless of intention to return
- Any task that risks violation of the law or a University policy
- Prolonged exposure to the elements
- Encouraged or forced consumption of any food, beverage or substance.
- Physical actions such as paddling, striking, branding, or bodily contact with harmful substances.

### **University Initiatives on Alcohol and Other Drugs for Student Organizations**

Washington and Lee University oversees all student organizations: Greek, non-Greek, athletic teams, and law student organizations. A professional staff member through the Office of the Dean of Students shall advise all undergraduate student organizations regarding use of alcohol for club-sponsored events. The Office of the Associate Dean for Student Services for the Law School advises all law student organizations regarding use of alcohol for club-sponsored events. All action is reported to the University faculty through the Student Affairs Committee.

Faculty advisers of student clubs and organizations, in conjunction with the Office of the Dean of Students, shall enforce for student clubs and organizations a three-incident system as outlined herein for organizations that violate University alcohol/drug policies.

The Department of Athletics, in conjunction with the Office of the Dean of Students, shall enforce for athletic teams a three-incident system as outlined herein for teams that violate University alcohol/drug policies.

The Office of the Associate Dean for Student Services for the Law School shall enforce for law student clubs and organizations a three-incident system as outlined herein for organizations that violate University alcohol/drug policies.

The Interfraternity Council shall enforce for fraternities, and Panhellenic Council shall enforce for sororities, and Black Greek Council shall enforce for black Greek letter organizations, a three-incident system as outlined herein for Greek organizations that violate University alcohol/drug policies. The Interfraternity/Panhellenic/Black Greek Councils are advised by a professional staff member through the Office of the Dean of Students and all action is reported to the University faculty through the Student Affairs Committee.

The following confirmed violations of University alcohol/drug policies and standards constitute an incident, absent extenuating circumstances:

- Any violations of IFC/Panhellenic rules governing events where alcohol is served
- Any violations of dry recruitment policies
- Excessive damage to property related to alcohol and/or other drug use
- Coordinated use of, or using, fraternity/sorority funds, organization funds or slush funds to purchase alcohol
- Coercive or pressured drinking related to group activities
- Violations of University policies related to alcohol or other drugs

**Sanctions as follows for all clubs/organizations:**

*First Incident*

Up to and including \$50 fine per member and appropriate community service. Two weeks social probation for the organization. Mandatory educational programming for group members, with all costs to be paid by the group. For Greek organizations, notification of house corporation, national organization and parents of members. In the case of a non-Greek student organization, the Office of the Dean of Students notifies the organization president and parents of students in that organization. In the case of an athletic team, the coach, parents of athletes and the Vice President for Student Affairs and Dean of Students are notified by the Athletic Director.

*Second Incident (within 12 months of the first incident)*

Up to and including \$100 fine per member and appropriate community service. Up to twelve weeks social probation. Mandatory educational programming for group members, with all costs to be paid by the group. For Greek organizations, notification of house corporation, national organization and parents of members. For athletic teams, all non-traditional activity (e.g. off-season training) for the athletic team is suspended. (This applies to all sports except for men's and women's basketball, which do not have non-traditional seasons. Basketball team members involved are suspended in a sequential order so as not to jeopardize contractual obligations.) For an undergraduate student club, activities are reduced as decided by the Office of the Dean of Students. For a law student club, activities are reduced as decided by the Associate Dean for Student Services for the Law School.

*Third Incident (within 12 months of the first incident)*

A minimum of immediate full-year suspension for Greek organization, non-Greek undergraduate student organization, law student organization, and athletic team. Mandatory educational programming for group members, with all costs to be paid by the group. The terms of the suspension determined by the Student Affairs Committee.

Under the circumstances previously described, the Associate Dean of Students will inform parents or legal guardian(s) of undergraduate students when an undergraduate student violates University alcohol/drug policies.

Nothing in these regulations shall preclude the President, Provost, or appropriate conduct body from taking action they determine to be justified for both individual and group accountability in accordance with existing University policy.

All sanctions that may result in a disciplinary file, as defined by the Records of Student Conduct Referrals section, are subject to appeal to the University Board of Appeals.

## **Traveller Transit**

Traveller Transit was created as a third-line precaution to make sure that students get home safely. First, it is a student's responsibility to stay sober and get home. Second, it is a student's responsibility to find a safe ride home. In the event that a student fails to take responsibility for the first two precautions, s/he should use Traveller to get home safely.

### *Operation*

Between 10:00 p.m. and 2:00 a.m. on Wednesday, Friday, and Saturday nights, Traveller Transit Buses operate on one of two designated routes. One route operates in the city for students who live on campus or in town, and the other route operates outside of city limits for students who live out of town. The buses accommodate around 25 people. The stops are marked by black benches at transition points on campus. Please see [www.wlu.edu/x30376.xml](http://www.wlu.edu/x30376.xml) for an updated route map.

Between 10:00 p.m. and 2:00 a.m. every night of the week, Traveller Dispatch operates. Students may call (540) 458-8900 to obtain a safe ride home. Traveller Dispatch operates only within a five-mile radius of campus. Please see [www.wlu.edu/x30367.xml](http://www.wlu.edu/x30367.xml) for updated Traveller Dispatch procedures.

### *Conduct Policy*

Students are expected to abide by the following expectations when they use Traveller:

- Eating, drinking and smoking are not permitted in any Traveller vehicle. (Alcohol and unsealed beverages are not allowed in any Traveller vehicle.)
- Passengers must treat Traveller Drivers, Dispatchers, and Monitors with respect.
- Passengers must show a student ID if requested to do so by a Traveller Driver.
- Passengers must wear seat belts.
- The number of passengers may not exceed the capacity of the vehicle. (No one may stand in the aisles on Traveller Buses.)
- Passengers who soil Traveller vehicles may be asked to pay a \$75 fee for cleanup.
- Roughhousing and fighting will not be tolerated.

Traveller Transit has a conduct system to create accountability for students whose conduct within the Traveller system is not consistent with the values of the University.

Sanctions can be given by Traveller Dispatchers, Dispatch Drivers, Express Bus Drivers and Traveller Monitors. Sanctions will be given to any student who violates established Traveller rules as outlined above or behaves in a way inconsistent with stated University expectations as outlined in the Student Handbook.

Students charged with a sanction will be subject to the following consequences. Any sanction considered particularly egregious, as determined by Traveller Chairs, will be forwarded to the Student Judicial Council for further conduct action.

<b>Sanction</b>	<b>Possible Consequences</b>
First Sanction	\$25 fine Written apology
Second Sanction	\$50 fine Written apology Meeting with Traveller Chair
Third Sanction	\$100 fine Written apology Meeting with Traveller Chair Suspension from Traveller Transit for one calendar year

Traveller employees will be responsible for enforcing the conduct system. When a student violates Traveller expectations, s/he will be asked to give her/his full name and any information required for a sanction report. False identification may be considered an honor violation. Any student who receives a third sanction (i.e., suspension from Traveller Transit for one calendar year) will have his/her photo and information posted in the Traveller Dispatch Office and on Traveller Buses so that employees will be able to identify him/her. Please see [www.wlu.edu/x38133.xml](http://www.wlu.edu/x38133.xml) for the updated Traveller conduct policy.

# I. STUDENT AFFAIRS COMMITTEE

Composed of the Vice President for Student Affairs (Chair), a staff member appointed by the Vice President for Student Affairs, five members elected from and by the University Faculty (Undergraduate and Law), one member elected from and by the Law Faculty, the Associate Dean of the Law School for Student Services, the President of the Student Body, the Chair of the Student Judicial Council, the Vice-Chair of the Student-Faculty Hearing Board, the President of the Interfraternity Council, the President of the Panhellenic Council, the Head Resident Adviser for First-Year Students, and the President of the Student Bar Association and the first-year law student representative to the Student Bar Association, SAC is responsible for reviewing issues affecting student life, for recommending changes in University policy on non-curricular student matters to the University Faculty, and for overseeing Greek life including the maintenance and review of the Standards for Fraternities/Sororities. With authority delegated by the University Faculty, SAC also operates as an information-sharing body and discussion and debate forum for student life issues and student behavior issues and procedures of the Student Judicial Council, Interfraternity Council, Panhellenic Council, Student-Faculty Hearing Board, and the resident advisers in the residence halls.

The areas of primary responsibility for the Student Affairs Committee are:

- SAC shall serve as a University forum for the discussion, debate and dissemination of issues and information affecting student life.
- SAC shall recommend changes in University policy on non-curricular student issues directly to the University faculty.
- Oversee student judicial procedures.

## II. STUDENT RIGHT-TO-KNOW, EQUITY IN ATHLETICS, AND CAMPUS PUBLIC SAFETY ("CLERY ACT") REPORTS

### **Introduction**

This information is presented in accordance with the required reporting under the Student Right-to-Know and Campus Security Act of 1990 and the applicable Higher Education Amendments, including the Higher Education Reauthorization Act of 1998, as amended, as well as the Equity in Athletics Disclosure Act, as amended.

### **Graduation Rates**

Washington and Lee University's longest (and only) undergraduate degree program is normally completed in four years. Statistical information on student retention may be obtained from the University Registrar's Office in Early-Fielding. W&L offers no athletically-related aid. The six-year completion rate for our cohort of 464 full-time students who entered Washington and Lee University in Fall 2005 is 91%.

### **Equity in Athletics Disclosure Act Report**

In accordance with the requirements of the Equity in Athletics Disclosure Act, Washington and Lee University prepares an annual report on its intercollegiate men's and women's athletic program participation rates and financial support data. The report is on file with and may be obtained by any student, prospective student, or member of the public from the Office of the Athletic Director, the Admissions Office, and the Public Affairs Office.

### **Crime Awareness and Campus Public Safety Report**

This information is presented in accordance with the required reporting under the Student Right-to-Know Act, the Clery Act ("The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act," formerly the Campus Security Act of 1990), and the applicable Higher Education Amendments, including the Higher Education Reauthorization Act of 1998, as amended.

Washington and Lee University is a private liberal arts institution, comprising a community of nearly 3,000 people (1,750 undergraduates, 400 law students, and 815 faculty and staff) within the borders of a 325-acre campus. Approximately 1,050 students and 50 faculty and staff members live in university-owned housing. While the Washington and Lee campus and the City of Lexington are relatively safe places, both communities are not immune from incidents of crime.

### **Public Safety**

Washington and Lee University Public Safety is staffed by 13 full-time Public Safety officers who have a combined 150 years of security and professional law enforcement experience. Public Safety officers, while responsible for the enforcement of rules and regulations prescribed by the University are not empowered with arrest authority. These officers protect and serve the community 24 hours daily. The relationship with the Lexington Police Department, Rockbridge

County Sheriff's Office, and Virginia State Police is excellent and the departments hold regular meetings to discuss common problems.

Members of Public Safety patrol the campus grounds 24 hours daily and provide various support services for members of the community. Escorts are provided to more distant parking areas, resident halls are patrolled with extra emphasis on major weekends, and the officers maintain a high degree of visibility. A card access system for the exterior doors of the first-year residence halls was installed in 1995, and the system was expanded to the upper-division residence halls in 1996. There are currently 23 emergency phones located at various places on campus to allow contact with public safety personnel at all times. Individuals are encouraged to report all criminal activity to Public Safety or the Lexington Police.

Individuals who become victims of crime should immediately report to Public Safety at 458-8999. Public Safety officers are on call 24 hours per day, seven days per week. During the academic year, in addition to the 24-hour coverage, the Public Safety Office, in the John W. Elrod University Commons, is staffed from 4:00 p.m. until 8:00 a.m. daily, and 24 hours daily on weekends. Any Public Safety Officer will take a report of crime. The Director of Public Safety or the Associate Director of Public Safety can also be reached for this purpose by calling 458-8400. The Public Safety Department will investigate any criminal activity reported. Reports may also be made to the Lexington Police Department, the Vice President for Student Affairs and Dean of Students, or other officials who have significant responsibility for student and campus activities, including the Dean of Student Life, Assistant Dean for the First-Year Experience, Associate Dean for Residence Life and Conduct, Director or Associate Director of Student Activities and Greek Life, Director of Athletics, and Executive Director of Human Resources. Incidents reported to the Public Safety Department that fall into one of the required reporting classifications will be disclosed as a statistic in the appropriate annual compliance information. If you are a victim of a crime and do not want to pursue action within the University conduct system or the criminal justice system, you may still want to consider making a confidential report. Confidential reports of crimes that will not reveal your identity may be made by contacting the Director or Associate Director of Public Safety. Reports filed in this manner will be counted in the annual crime statistics information.

The Public Safety Department will provide Campus-Wide Alerts to the University community in cases of crimes and other emergency situations that are considered threatening to students, faculty and staff members. These notices will be posted at various locations on campus and will be sent by campus wide e-mail. In accordance with the Campus Sex Crimes Prevention Act, law enforcement agency information concerning registered sex offenders may be obtained from the Virginia State Police on-line at <http://sex-offender.vsp.virginia.gov/sor/>. The Public Safety Department meets regularly with members of the student newspaper staffs to discuss and release timely information concerning safety and security. A Crime Log is maintained in the Public Safety Office and can be reviewed by contacting the Director of Public Safety during normal business hours.

Public Safety officers present an open and helping attitude that creates a trusting relationship with students and other members of the community. Public Safety personnel are always available to

answer questions and deal with the problems young people encounter during their careers at Washington and Lee.

### **Alcohol/Controlled Substances**

Students at Washington and Lee University are considered adults and are expected to abide by the laws of the Commonwealth of Virginia and federal statutes concerning possession and use of alcohol, illegal drugs and other unlawful controlled substances.

### **Sexual Misconduct**

Washington and Lee University encourages students to immediately report incidents of sexual misconduct. CAIRs and DPA Advisers are both available as resources to students for support and to understand policies and procedures related to complaints of sexual misconduct. Confidential and Impartial Resolution (CAIR) Resources and Discrimination Policy Advisers (DPA) are appointed from a diverse range of University faculty and staff (see [http://www.wlu.edu/documents/general\\_counsel/Resources.docx](http://www.wlu.edu/documents/general_counsel/Resources.docx)). Designated Public Safety officers, and the Sexual Assault Investigator of the Rockbridge County Sheriff's Office, are specially trained to respond to sexual misconduct complaints. These reports may alternatively be made to a variety of people: the Lexington Police Department, the Office of the Vice President for Student Affairs and Dean of Students, or other officials who have significant responsibility for student and campus activities, including the Dean of Student Life, Assistant Dean for the First-Year Experience, Associate Dean for Residence Life and Student Conduct, Director or Associate Director of Student Activities and Greek Life, Athletics Director, and Executive Director of Human Resources.

If you are raped or sexually assaulted:

1. Get to a safe place as soon as you can.
2. Try to preserve all physical evidence. Don't wash or change clothes if you can avoid it. If you do change clothes, put all of the clothing that you were wearing at the time of the attack in a paper, (not plastic) bag.
3. Get medical attention as soon as possible to make sure you are physically well and to collect important evidence in the event you may wish to later take legal action.

*Note: You do not have to answer any questions from the police, or otherwise cooperate in any criminal investigation, as a condition for receiving a forensic medical exam. In addition, the cost of this exam is borne by the state.*

4. Contact Public Safety (540-458-8999).
5. Contact someone you trust to be with you and support you.
6. Talk with a counselor who will maintain confidentiality, help explain your options, provide information and emotional support. Counseling for victims of sexual misconduct is available

through the University Counseling Services or through the Rockbridge Area Coalition Against Sexual Assault in Lexington.

There are University conduct procedures available to all students reporting instances of sexual misconduct that are documented in the Student Handbook, which serve as a supplement to this report. These procedures deal with the issues of sexual misconduct cases including sanctions, interim measures that can include, but not be limited to, changes in academic and living situations, conduct hearings and notification of both the complainant and the respondent.

Students who are involved in alleged sexual misconduct may request special assistance from the office of the Dean of the College for academic options or the office of the Vice President for Student Affairs and Dean of Students for housing options.

The respondent and the complainant involved in alleged sexual misconduct cases are entitled to be accompanied to hearings by an honor advocate or other advisory advocate specified under existing policies and procedures.

The respondent and the complainant are entitled to prompt notification of the outcome of these proceedings.

The University may impose sanctions ranging from a warning to dismissal from the University for individuals found in violation of the University Policy on Prohibited Student Discrimination, Harassment, Sexual Misconduct, and Retaliation.

### **Educational Programs**

Members of the Student Affairs staff, including the Office of Public Safety, in cooperation with the Student Health Education Committee and LIFE (Lifestyle Information for Everyone) coordinate drug and alcohol prevention programs, sexual assault prevention programs, and general crime prevention programs beginning with first-year orientation and continuing throughout each academic year. Members of Public Safety teach the Rape Aggression Defense Course. There are on-going programs that include lectures, workshops, videos and student surveys.

### **Responsibilities of the University Community**

Members of the University community must assume responsibility for their own personal safety and the security of their personal property. The following precautions should be used for guidance.

1. Report all suspicious activity to Public Safety immediately.
2. Never take personal safety for granted.
3. Avoid walking alone at night. Contact Public Safety for an escort.
4. Limit your alcohol consumption, and leave social functions that get too loud, too crowded, or that have too many people drinking excessively. Call Public Safety at the first sign of trouble.

5. Carry only small amounts of cash.
6. Never leave valuables (wallets, purses, books, computers, etc.) unattended.
7. Carry your keys with you at all times and don't lend them to anyone.
8. Lock up your bicycles. Lock your car doors and close the windows when leaving your car.
9. Always lock the door to your residence hall room whether you are there or not. Be certain that your door is locked when you go to sleep and keep the windows locked when you are not at home.
10. Never leave valuables in your vehicle, especially if they are easily noticeable.
11. Inventory your personal property and make records of the serial numbers of all items of value.

### **Crime Statistics**

The statistical data gathered for Washington and Lee University include reported violations for the period January 1–December 31 for 2008, 2009 and 2010. Washington and Lee maintain statistics using the FBI Uniform Crime Reporting System as a guideline. Public Safety also maintains a daily crime log as required by the Clery Act. *Note: Washington and Lee had no reported violations on public property or non-campus property, as defined by the Clery Act and regulations, for any of the three years included in this report.*

## 2010 Clery Stats

January 1, 2010-December 31, 2010

<b>Crime</b>	<b>On Campus</b>	<b>In Residence Halls</b>
Murder	0	0
Negligent Manslaughter	0	0
Non-Negligent Manslaughter	0	0
Robbery	0	0
Burglary	9	6
Aggravated Assault	0	0
Arson	0	0
Motor Vehicle Theft	1	0
Weapons Violations	0	0
Forcible Sex Offenses	0	0
Non-Forcible Sex Offenses	0	0
Drug Violations	30	26
Hate Crimes		
Larceny - theft	0	0
Simple assault	0	0
Intimidation	0	0
Destruction / damage / vandalism of property	0	0
Fire	0	0
Liquor Law Violations (Public Safety)	29	27
Liquor Law Violations (Res. Life Staff)	62	62
Liquor Law Violations (Police)	65 (Off Campus)	

In 2010, Washington and Lee University Public Safety Officers issued thirteen Trespass Warnings to individuals preventing them from entering university owned property. There were 3 cases of vandalism reported.

## 2009 Clery Stats

January 1, 2009-December 31, 2009

<b>Crime</b>	<b>On Campus</b>	<b>In Residence Halls</b>
Murder	0	0
Negligent Manslaughter	0	0
Non-Negligent Manslaughter	0	0
Robbery	0	0
Burglary	15	10
Aggravated Assault	1	1
Arson	0	0
Motor Vehicle Theft	0	0
Weapons Violations	0	0
Forcible Sex Offenses	2	2
Non-Forcible Sex Offenses	0	0
Drug Violations	29	23
Hate Crimes		
Larceny - theft	0	0
Simple assault	0	0
Intimidation	0	0
Destruction / damage / vandalism of property	0	0
Fire	1	1
Liquor Law Violations (Public Safety)	2	2
Liquor Law Violations (Res. Life Staff)	62	62
Liquor Law Violations (Police)	26 (Off Campus)	

In 2009, Washington and Lee Public Safety Officers issued nineteen Trespass Warnings to individuals preventing them from entering university owned property. There were eighteen cases of vandalism of which 12 were in residence halls. Public Safety officers also investigated thirty-three cases of theft of property, seven of which were from residence halls.

## 2008 Clery Stats

January 1, 2008-December 31, 2008

<b>Crime</b>	<b>On Campus</b>	<b>In Residence Halls</b>
Murder	0	0
Negligent Manslaughter	0	0
Non-Negligent Manslaughter	0	0
Robbery	0	0
Burglary	13	7
Aggravated Assault	1	0
Arson	0	0
Motor Vehicle Theft	0	0
Weapons Violations	0	0
Forcible Sex Offenses	0	0
Non-Forcible Sex Offenses	0	0
Drug Violations	14	11
Hate Crimes	0	0
Fire	0	0
Liquor Law Violations (Public Safety)	4	2
Liquor Law Violations (Res. Life Staff)	52	52
Liquor Law Violations (Police)	77 (Off Campus)	

In 2008, Washington and Lee Public Safety Officers issued thirteen Trespass Warnings to individuals preventing them from entering university owned property. There were eighteen cases of vandalism of which 13 were in residence halls. Public Safety officers also investigated thirty cases of theft of property, eleven of which were from residence halls.

Link to Student Handbook

<http://go.wlu.edu/StudentHandbook>

## APPENDIX A

### MISSING STUDENT NOTIFICATION POLICY

**Approved By:** Vice President for Student Affairs and Dean of Students

**History:**

*Issued* - June 2009

*Revised* -

**Responsible Office:** Public Safety

**Related Policies:**

**Additional References:**

#### Introduction

##### Policy Statement

This policy is established by Washington and Lee University in compliance with the Higher Education Opportunity Act of 2008.

##### Applicability

This policy applies to all students at Washington and Lee University.

#### Definitions

*See definitions within body of policy.*

#### Policy

For the purposes of this policy, a student may be considered to be a "*missing person*" if the student's absence from campus is contrary to his or her usual pattern of behavior and W&L has reasonable belief that the unusual circumstances may have caused the absence. Such circumstances may include, but not be limited to: a report or suspicion that the student may be a victim of foul play; the student has expressed suicidal thoughts, may be drug dependent or in a life threatening situation; or if the student is overdue returning to campus and is not heard from after giving a specific return time to friends or family.

If a member of the University Community has reason to believe that a student is missing, whether or not the student resides on campus, that individual should contact the university's Public Safety. Public Safety will collaborate with the Division of Student Affairs to make an effort to locate the student and determine his or her state of health and well-being. Public Safety will gather pertinent information about the student from the reporting person. Such information may include description, cellular phone number, clothes last worn, vehicle description, information about the physical and emotional well being of the student, an up-to-date photograph, etc.

University officials will also endeavor to determine the student's whereabouts through contact with friends, associates, and/or employers of the student, and determine whether the student has been attending classes, scheduled organizational or academic meetings, and work. If the student is an on-campus resident, Public Safety may make a welfare entry into the student's room. If the student

resides off-campus, Public Safety will informally enlist the aid of the neighboring police agency having jurisdiction.

If a residential student is reported missing and cannot be located, certain notices will be made as follows:

**Parents/Guardians** will be notified within 24 hours (after Public Safety receives the initial missing person report) to determine whether they know the whereabouts of the student.

**Local law enforcement** will be notified within 24 hours after Public Safety determines that the student is missing.

The student's **designated emergency contact** (if any) will be notified once Public Safety or local law enforcement personnel make a determination that the student has been missing for more than 24 hours.

If the student is an off-campus resident, Public Safety will notify the appropriate family members or associates within 24 hours of receiving the initial report. These individuals will then be encouraged to make an official missing-person report to the law enforcement agency with jurisdiction. Public Safety will cooperate, aid, and assist the primary investigate agency as appropriate.

After the student has been located, Campus Safety will attempt to verify the student's state of health and intention of returning to the campus. When and where appropriate, a referral may be made to the Counseling Center and/or the Student Health Center.

### **Designation of Emergency Contact Information**

Students will be given an opportunity during the fall-term matriculation process to designate an individual to be contacted by the University if the student is determined to be missing. Returning and transfer students will be given an opportunity to provide this information during the fall term. The designation will remain in effect until changed or revoked by the student. The form provided for designation will state the circumstances in which the designated emergency contact information will be used, and will include a statement that the University is required by law to also notify the student's custodial parent or guardian if the student is under 18 at the time he or she is discovered to be missing. Students are advised that their contact information will be registered confidentially, will be accessible only to authorized W&L officials, and will not be disclosed to any third party except to law enforcement personnel in furtherance of a missing person investigation.

### **Communications About Missing Students**

1. In accordance with established University emergency procedures, the Executive Director of Communications and Public Affairs will be part of the University's administrative response team and is the designated spokesperson to handle media inquiries concerning a missing student.
2. The local law enforcement agency in charge of the investigation and Public Safety will each be consulted by the Executive Director of Communications and Public Affairs prior to any information release from the university so as not to jeopardize any investigation.

3. Information provided to the media to elicit public assistance in the search for the missing person will be handled by the local law enforcement agency.

**Revision History**

*This policy has not yet been revised.*

## Appendix B

### Emergency Management Policy Statement

*The following statement is a summary of Washington and Lee University's Emergency Response and Evacuation Procedures. For the full policy, see [http://www.wlu.edu/documents/student\\_affairs/Emergency%20Management/EmergencyPlan.pdf](http://www.wlu.edu/documents/student_affairs/Emergency%20Management/EmergencyPlan.pdf)*

Washington and Lee University has in place routines and procedures that will allow the University to respond to any emergency situation in a prompt, organized, and effective manner. During an emergency, the President of the University has the ultimate authority to declare a state of campus emergency, make executive decisions, and activate the Emergency Management Plan. If necessary, the President may also convene the Emergency Management Team (EMT).<sup>3</sup> The EMT advises the President of the overall priorities and strategies, conducts regular review of the Emergency Management Plan, and executes emergency drills on an annual basis.

Upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus, or in any other situation deemed appropriate by the President or an appropriate surrogate, the President/surrogate will, without delay, and taking into account the safety of the community, determine the content of an emergency notification and will instruct the Executive Director for Communications and Public Affairs to initiate the notification system – unless issuing the notification would compromise efforts to respond to the emergency.

The Executive Director for Communications and Public Affairs is responsible for providing emergency communications to the University constituents via the university's emergency notification system, as well as notifying and sharing information with the general public as appropriate. Emergency communications will be via the University's website, e-mail system, and campus hotline. In the event that electronic communications malfunction, communications will be provided through a system of runners.

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<sup>3</sup> The EMT consists of: President; Provost; Vice President for Student Affairs and Dean of Students; Vice President for Finance and Treasurer; General Counsel; Senior Assistant to the President; Director of Public Safety; Executive Director of Communications and Public Affairs; Executive Director of Facilities Management and Capital Planning; Director of Auxiliary Services; Chief Technology Officer; Director of Student Health and Counseling Services, University Physician; Manager of Telecommunications; Director of Environmental Health and Safety; Associate Dean for Administration and Technology, Law School; University Registrar; Associate Dean of Student Affairs; and Executive Director of Human Resources.

The Director of Facilities Management is in charge of conducting damage assessments and conveying that information to the EMT. The Director has temporary emergency authority to evacuate or close an emergency site. Facilities Management and Public Safety Office are in charge of assisting the local police with creating a safety perimeter at the site of the emergency.

The President/surrogate, with the advice of the EMT, has the sole authority to declare an end to any state of emergency. Follow-up information will be sent to the campus community via the emergency notification system as appropriate.

The EMT will be responsible for regular review of the Emergency Management Plan and for structuring and executing training and tests of the emergency management procedures on an annual basis to affirm their efficacy. These tests may be announced or unannounced, and will include documentation by the Emergency Response Coordinator of a description of the test, the date and time of the test, and whether the test was announced or unannounced. In conjunction with the annual test, the Department of Public Safety will publicize the Emergency Management Plan. Insofar as practicable, these exercises will be coordinated with city and county officials.

## APPENDIX C

### Fire Safety Report

2010

<b>Statistics and Related Information Regarding Fires in Residential Facilities</b>						
<b>Calendar Year 2010</b>						
<b>Residential Facility</b>	<b>Total Fires</b>	<b>Fire #</b>	<b>Cause of Fire</b>	<b># of Injuries That Required Treatment at Medical Facility</b>	<b># of Deaths Related to a Fire</b>	<b>Value of Property Damage Cause by Fire</b>
Beta Theta Pi House	0					
Chavis House	0					
Chi Omega House	0					
Chi Psi House	0					
Davis Hall	0					
Gaines Hall	0					
Graham-Lees Hall	0					
International House	0					

Kappa Alpha House	0					
Kappa Alpha Theta House	0					
Kappa Delta House	0					
Kappa Kappa Gamma House	0					
Lambda Chi Alpha House	0					
Outing Club House	0					
Phi Delta Theta House	0					
Phi Gamma Delta House	0					
Phi Kappa Psi House	0					
Phi Kappa Sigma House	0					
Pi Beta Phi House	0					
Pi Kappa Alpha House	0					
Pi Kappa Phi House	0					
Sigma Alpha Epsilon House	0					

Sigma Chi House	0					
Sigma Nu House	0					
Sigma Phi Epsilon House	0					
Spanish Club House	0					
Woods Creek East	0					
Woods Creek Central	0					
Woods Creek West	1	1	Unintentional / Cooking	0	0	\$5

Total Number of Fire Alarm Incidents in Student Housing: 36

Total Number of Fires: 1

Total Number of Persons With Fire-Related Injuries: 0

Total Number of Fire-Related Deaths: 0

Total Value of Property Damage Cause by Fire: \$5

**NOTE:** Public Safety employees make a report on all responses to fire alarms and any other reports of fires. They then provide a copy of the reports to the Director of Environmental Health and Safety who then completes any investigations necessary and completes the fire report log.

# 2009

<b>Statistics and Related Information Regarding Fires in Residential Facilities</b>						
<b>Calendar Year 2009</b>						
<b>Residential Facility</b>	<b>Total Fires</b>	<b>Fire #</b>	<b>Cause of Fire</b>	<b># of Injuries That Required Treatment at Medical Facility</b>	<b># of Deaths Related to a Fire</b>	<b>Value of Property Damage Cause by Fire</b>
Beta Theta Pi House	0					
Chavis House	0					
Chi Omega House	0					
Chi Psi House	0					
Davis Hall	0					
Gaines Hall	0					
Graham-Lees Hall	0					
International House	0					
Kappa Alpha House	0					
Kappa Alpha Theta House	0					

Kappa Delta House	0					
Kappa Kappa Gamma House	0					
Lambda Chi Alpha House	0					
Outing Club House	0					
Phi Delta Theta House	1	1	Unintentional / Heating Equipment	0	0	\$ 0
Phi Gamma Delta House	0					
Phi Kappa Psi House	0					
Phi Kappa Sigma House	0					
Pi Beta Phi House	0					
Pi Kappa Alpha House	0					
Pi Kappa Phi House	1	1	Unintentional / Smoking Materials	1	0	\$401,148.61
Sigma Alpha Epsilon House	0					
Sigma Chi House	0					
Sigma Nu House	0					

Sigma Phi Epsilon House	0					
Spanish Club House	0					
Woods Creek East	0					
Woods Creek Central	0					
Woods Creek West	1	1	Unintentional / Cooking	1	0	\$30

Total Number of Fire Alarm Incidents in Student Housing: 15

Total Number of Fires: 3

Total Number of Persons With Fire-Related Injuries: 2

Total Number of Fire-Related Deaths: 0

Total Value of Property Damage Cause by Fire: \$401,178.61

**NOTE:** Public Safety employees make a report on all responses to fire alarms and any other reports of fires. They then provide a copy of the reports to the Director of Environmental Health and Safety who then completes any investigations necessary and completes the fire report log.

**ON CAMPUS STUDENT HOUSING FIRE SAFETY SYSTEMS  
As of July, 2011**

<b>STUDENT HOUSING FACILITIES</b>	<b>SPRINKLERS</b>	<b>SMOKE DETECTORS</b>	<b>CENTRAL ALARM</b>
<b>DAVIS DORM</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>
<b>GAINES DORM</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>
<b>GILLIAM DORM</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>
<b>GRAHAM LEES DORM</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>
<b>WOODS CREEK EAST APARTMENT</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>
<b>WOODS CREEK CENTRAL APARTMENT</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>
<b>STUDENT HOUSING FACILITIES</b>	<b>SPRINKLERS</b>	<b>SMOKE DETECTORS</b>	<b>CENTRAL ALARM</b>
<b>WOODS CREEK WEST APARTMENT</b>	<b>NO</b>	<b>YES</b>	<b>YES</b>
<b>CHI OMEGA SORORITY</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>
<b>KAPPA ALPHA THETA SORORITY</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>
<b>KAPPA DELTA SORORITY</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>
<b>KAPPA KAPPA GAMMA SORORITY</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>
<b>PI BETA PHI SORORITY</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>
<b>BETA THETA PI FRATERNITY</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>
<b>CHI PSI FRATERNITY</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>
<b>KAPPA ALPHA FRATERNITY</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>
<b>LAMBDA CHI ALPHA FRATERNITY</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>
<b>PHI DELTA THETA FRATERNITY</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>
<b>PHI GAMMA DELTA FRATERNITY</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>
<b>PHI KAPPA PSI FRATERNITY</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>
<b>PHI KAPPA SIGMA FRATERNITY</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>
<b>PI KAPPA ALPHA FRATERNTIY</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>
<b>PI KAPPA PHI FRATERNITY</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>
<b>SIGMA ALPHA EPSILON FRATERNITY</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>

<b>SIGMA CHI FRATERNITY</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>
<b>SIGMA NU FRATERNITY</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>
<b>SIGMA PHI EPSILON FRATERNITY</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>
<b>INTERNATIONAL HOUSE</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>
<b>OUTING CLUB HOUSING</b>	<b>NO</b>	<b>YES</b>	<b>NO</b>
<b>SPANISH CLUB HOUSING</b>	<b>NO</b>	<b>YES</b>	<b>NO</b>
<b>CHAVIS HOUSE</b>	<b>NO</b>	<b>YES</b>	<b>NO</b>

### **The number of regular mandatory supervised fire drills:**

The University conducts one fire drill per year in each student housing facility as an educational event, requiring students to be in their rooms and to exit after activation of the fire alarm. It is then assessed if any problems were noted, such as not being able to hear the alarm, exit problems, exit lighting, etc. Any deficiencies are then addressed. Student leaders take the lead on scheduling and planning these drills with the support of the Director of Environmental Health and Safety and Public Safety Officers.

### **Policies or rules on portable electrical appliances, smoking, and open flames (such as candles), procedures for evacuation, and policies regarding fire safety education and training programs provided to students, faculty and staff:**

1. Smoking is prohibited in all residential accommodations, including all interior spaces: student rooms, common areas, restrooms, lounges and corridors.
2. The following items are prohibited: cooking appliances (other than micro-waves) candles, incense, electric heaters, halogen lamps, or any open flame or other incendiary agent.
3. Any student who deliberately activates the fire alarm system, for reasons other than that of fire prevention, will receive an automatic fine of \$250 and will be referred to the SJC (Student Judicial Council) with a recommendation for suspension.
4. Training: All RAs and DCs receive fire safety awareness training and fire extinguisher training every year. Fire extinguisher training is mandatory for all Facilities Management and Athletic grounds and custodial personnel and they are provided with a refresher flyer each year. Fire extinguisher training is provided for all faculty, staff and students on a volunteer basis. Fire safety and fire extinguisher training is also conducted for the Scene Shop students in Lenfest Center (Theater). Fire safety training/and fire extinguisher training is provide to other groups as requested. During the fall 2009 semester there were two (2) such request from student groups.

### **Plans for future improvements in fire safety, if determined necessary by the university:**

The University plans to install new alarm systems and sprinklers in Woods Creek West, the Outing Club, and the Spanish House on a one per year basis.

### **Policies and Procedures In Case of a Fire**

In the event of a fire alarm activation, all residents are to evacuate the building immediately. Public Safety Officers will respond to assist in evacuation. Resident Assistants assist in evacuation of the building residents by knocking on doors unless they are prevented from doing so by fire and smoke, in which case they are to exit immediately. If safety allows, any student or employee who is properly trained and able to do so may attempt to extinguish a fire with a fire extinguisher, and should also assist other in evacuating the building. Any student or employee who sees fire or smoke should call 911 once s/he is in a safe place. All fires should be reported to Public Safety,

even those that do not require a call to 911 (e.g. a fire that is discovered after the fact and is no longer a threat to safety). Public Safety will determine the extent of the fire and report to Facilities Management and the Director of Environmental Health and Safety, who will conduct a more in-depth investigation if necessary. Facilities Management will clean up any messes, such as fire extinguisher chemicals, or any other problems, will use fans to clear smoke if necessary, and will replace any used fire extinguishers. A fire drill is conducted at the beginning of each school year as an educational event so students will know the proper evacuation procedures.

## **The Sexual Assault Laws in Virginia: 2011**

*The following is a paraphrase. For detailed information see the VA. Code sections cited.*

NOTE: Victims of criminal offenses that result in serious bodily injury may obtain a protective order prohibiting contact and other conditions necessary to prevent further violence. (19.2-152.8)

Also, NOTE: Under Virginia law, victims of sexual assault are no longer required to cooperate with police or participate in the criminal justice system in order to be provided with forensic medical exams. (19.2-165.1)

1. **Rape** (18.2-61)
  - Vaginal sexual intercourse with a person against her/his will and by force.
  - Penalty: 5 years to life imprisonment
2. **Forcible Sodomy** (18.2-67.1)
  - Oral sex (cunnilingus, fellatio, anilingus) or anal intercourse by force and against the will of the victim.
  - Penalty: 5 years to life imprisonment
3. **Inanimate Object Sexual Penetration** (18.2-67.2)
  - Penetration of the vagina or rectum with any object by force and against the will of the victim.
  - Penalty: 5 years to life imprisonment
4. **Aggravated Sexual Battery** (18.2-67.3)
  - Sexual abuse (fondling) of the victim
    - through the victim's mental incapacity or physical helplessness OR
    - by force, threat or intimidation where either serious bodily harm or mental injury to the victim results or the assailant uses or threatens use of a weapon.
  - Penalty: 1 to 20 years imprisonment and a fine of not more than \$100,000.
5. **Sexual Battery** (18.2-67.4)
  - Sexual abuse (fondling) of the victim by force, threat, intimidation or ruse, against the will of the victim.
  - Penalty: 12 months jail and/or up to \$2,500 fine
6. **Attempted Rape and Other Attempted Sexual Offenses #1-5 above** (18.2-67.5)
  - Penalty:
    - Attempted Rape/Forcible Sodomy/Object Sexual Penetration = 2 to 10 years imprisonment and a fine of not more than \$100,000.
    - Attempted Aggravated Sexual Battery = 1 to 5 years imprisonment OR 12 months in jail and/or up to \$2,500 fine.
    - Attempted Sexual Battery = same penalty as Sexual Battery.
7. **Incest** (18.2-366)
  - Sexual intercourse between two people who are not permitted by law to marry.
  - Penalty: 12 months jail and/or up to \$1,000 fine

**8. Indecent Liberties** (“Statutory Rape”) (18.2-370)

- Sexual intercourse with a person aged 13 or 14, with consent, when the offender is 3 years or more the senior.
- Penalty: 1 to 5 years’ imprisonment OR 12 months jail and/or up to \$2,500 fine
- (If the offender is less than 3 years the senior the charge is fornication, a misdemeanor. Any person under the age of 13 has no legal capacity to consent to sexual intercourse; therefore, if a person under the age of 13 has sexual intercourse, the offender could be charged with rape.)

**9. Infected Sexual Battery** (18.2-67.4:1)

- A person infected with HIV, Syphilis, or Hepatitis B having intercourse, cunnilingus, fellatio, or anilingus with another person with the intent to transmit the disease.
- Penalty: 1 to 5 years’ imprisonment OR 12 months jail and/or up to \$2500 fine.
- A person infected with HIV, Syphilis, or Hepatitis B having intercourse, cunnilingus, fellatio, or anilingus with another person without disclosing that status, even without intent to transmit the disease.
- Penalty: 12 months in jail and/or up to \$2,500 fine.

**10. Stalking** (18.2-60.3 and 8.01-42.3)

- Engaging in conduct on more than one occasion directed at another person, when the offender intends to place, or knows or should know that the conduct places, the other person in reasonable fear of death, criminal sexual assault or bodily injury to self or family.
- Penalty: 12 months jail and/or up to \$2,500 fine, plus an order prohibiting contact between the offender and the victim/victim’s family. Additionally, victim may bring a civil suit for damages, whether or not criminal charges are filed.

**11. Obscene Sexual Display** (18.2-387.1)

- Intentionally engaging in actual or simulated masturbation in a public place in the presence of other.
- Penalty: 12 months jail and/or up to \$2,500 fine.

**12. Harassment by Computer** (18.2-152.7:1 and 18.2-152.12)

- Use of a computer with intent to coerce, intimidate, or harass by communicating obscene, vulgar, profane, lewd, lascivious, or indecent language, or making any obscene suggestion, or threatening any illegal or immoral act.
- Penalty: 12 months jail and/or up to \$2,500 fine. Additionally, the victim may bring a civil suit for damages.

**13. Use of Profane, Threatening or Indecent Language over Telephone** (18.2-427)

- Using obscene, vulgar, profane, lewd, lascivious, or indecent language, or making any obscene suggestion, or threatening any illegal or immoral act over the telephone with the intent to coerce, intimidate, or harass another person.
- Penalty: 12 months jail and/or up to \$2,500 fine.

## XI. DRUG-FREE WORKPLACE ACT/DRUG-FREE SCHOOLS AND COMMUNITIES ACT STATEMENT TO STUDENTS

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. Unlawfully possessing, using, distributing, dispensing, or manufacturing alcohol or illegal or controlled substances is prohibited on University property, in University vehicles, while conducting University business, or as a part of University activities. Any student employee who is convicted for a drug statute violation occurring in the workplace must notify his or her supervisor within five days of the conviction. Additionally, a student employee must report any drug-related or alcohol-related conviction to Human Resources. The University will take appropriate action against an employee who violates this workplace rule, up to and including termination and referral for prosecution, in the best interest of the University, and in accordance with the Drug-Free Workplace Act. Employees not terminated may be required to satisfactorily participate in an approved drug abuse assistance or rehabilitation program. Student employees should review the full University Alcohol and Drug Use in the Workplace policy at [www.wlu.edu/x48193.xml#AlcoholDrugs](http://www.wlu.edu/x48193.xml#AlcoholDrugs).

In accordance with the Drug-Free Schools and Communities Act of 1989, the University will distribute to students annually information on applicable legal sanctions associated with the unlawful possession or distribution of alcohol or illegal drugs, health risks associated with substance abuse, and a description of drug and alcohol treatment programs available to members of the University community.

Separate from the legal requirements, the University is concerned with the health and well-being of its students. Students may contact the Counseling Center, the Student Health Center, the Dean of Student Affairs office staff, LIFE, and student peer counselors for referrals or information on available and appropriate substance counseling, treatment or rehabilitation programs. Students can obtain substance abuse assessment and treatment from the two licensed Ph.D. counselors and one psychiatrist on staff or may be referred to off-campus treatment centers and programs, including the local Rockbridge Area Prevention Services, the Recovery Choice program at Augusta Medical Center, or other regional or national programs.

## Alcohol and Drug Education

In accordance with the Drug-Free and Communities Act of 1989, alcohol and drug education at Washington and Lee University is coordinated by the Office of Health Promotion as part of the Student Affairs program.

### Goals of Alcohol and Drug Education

- Inform all students at Washington and Lee University about laws of Virginia and University policy regarding the use of alcohol and other controlled substances.
- Involve students directly in a comprehensive multidimensional health promotion programs; including planning, development, implementation and evaluation of awareness programs, speakers, harm reduction information, social norms marketing approach (Universal Prevention).
- Provide assessment and education for students who exhibit problem behaviors related to alcohol and other drug abuse (Indicated Prevention). Students who receive a strike under the University Initiatives on Alcohol and Other Drugs for Individuals will receive an educational assessment through the Office of Health Promotion.
- Provide educational programming, resources and referrals to organizations, Greek students, first-year residence halls and athletic teams (Targeted Prevention).
- Include faculty from various academic disciplines to foster critical thinking both in and outside the classroom about social issues on campus including alcohol and other drugs.
- Promote and foster the development of LIFE peer health educators to provide educational programs and model behaviors that demonstrate low-risk drinking behaviors.
- Collaborate with the Student Health Center, Counseling Center, Athletic Department, Greek life, faculty, alumni, parents and other University stakeholders to establish an environment that promotes low-risk use of alcohol.

## Selective Summary of Laws Governing Alcohol and Drugs of the Commonwealth of Virginia 2011

*(Virginia Code sections referenced)*

### ALCOHOL

The minimum legal age in Virginia for the purchase, possession, or consumption of alcoholic beverages is 21 years of age.

Violation	Possible Penalty
Possession or consumption under 21 (.02 or higher) (4.1-305)	Misdemeanor; mandatory loss of driver's license for six months (up to 1 year) AND mandatory minimum \$500 fine or 50 hours community service
Use of fraudulent driver's license ID to purchase alcoholic beverages (4.1-305)	Misdemeanor; mandatory loss of driver's license for six months (up to 1 year) AND mandatory minimum \$500 fine or 50 hours community service

Drinking in public* (4.1-308)	Misdemeanor; fine not to exceed \$250
*The definition of a public place has recently been amended to include any sidewalk adjoining a public street (4.1-111;4.1-128).	
Drunk in public (18.2-388)	Misdemeanor; fine not to exceed \$250
Purchase of alcoholic beverages for intoxicated individuals (4.1-306)	Misdemeanor; mandatory loss of driver's license for up to 1 year AND fine not to exceed \$2500 and/or jail for up to 12 months
Purchasing, giving, or assisting in providing alcohol to person under 21 (4.1-306)	Misdemeanor; mandatory loss of driver's license for up to 1 year AND fine not to exceed \$2500 and/or jail for up to 12 months
Consuming alcoholic beverages while driving motor vehicle (18.2-323.1)	Misdemeanor; fine not to exceed \$250
Driving after illegally consuming alcohol under age 21--.02% BAC or more constitutes a violation; requires no showing of impaired driving (18.2-266.1, 46.2-391.2)	Misdemeanor; suspension of driver's license for one year AND either a mandatory minimum fine of \$500 or performance of a mandatory minimum of 50 hours of community service
Driving under the influence of alcohol or drugs (DUI); .08% BAC presumes alcohol intoxication, but can be convicted on lower BAC; specified levels of certain drugs also presumes intoxication (18.266/270, 46.2-391.2)	Misdemeanor; fine not to exceed \$2500 (mandatory minimum of \$250 and/or jail for 12 months) and loss of driver's license for 1 year (in addition to automatic, administrative 7-day license suspension upon arrest and immediate vehicle impound)
<b>Additional notes regarding DUI convictions:</b> BAC of .15 or higher carries mandatory minimum 5-10 days jail. Administrative license suspension and mandatory minimum jail time extended for subsequent DUI offenses. Vehicle subject to forfeiture for third DUI offense. <b>Restricted license (even after first offense) may require installation of ignition interlock system that measures BAC and prevents starting vehicle if over .02.</b>	
Driving on restricted permit with BAC of .02 or more (18.2-272, 46.2-389/391)	Misdemeanor; fine not to exceed \$2500 and/or jail for 12 months and loss of driver's license for 1-3 years
Driving under the influence of alcohol with passenger age seventeen (17) or younger (18.2-270)	Misdemeanor; with additional fine of \$500 to \$1000 and mandatory minimum five days in jail, beyond penalties for DUI
Unreasonable refusal to take blood test (18.2-268.3/4)	Loss of driver's license for 12 months
Note: Virginia law now provides for arrest without warrant at any location within three hours of the occurrence of an accident if there is probable cause of driver intoxication (19.2-81).	

## Drugs

Violation	Possible Penalty
Note: All of these violations carry an additional penalty loss of driver's license for 6 months (18.2-259.1).	
<b>MARIJUANA</b>	
Possession	Misdemeanor; 30 days jail and/or (18.2-250.1) \$500 fine. Second offense—12 months jail and/or \$2500 fine
Sale/Distribution	(½ ounce or less ) Misdemeanor; 12 months jail and/or \$2500 fine
	(More than ½ ounce but less than 5 pounds) Felony; 1 to 10 years prison OR 12 months jail and/or \$2500 fine (18.2-248.1)
<b>COCAINE</b>	
Possession	(Small Amount) Felony; 1 to 10 years prison or 12 months jail and/or \$2500 fine
	(Large Amount) Felony; 5 years to life in prison and \$1,000,000 fine (18.2-248)
Sale/Distribution	Felony; 5 years to life in prison and \$1,000,000 fine (18.2-248)
<b>MUSHROOMS (Hallucinogens)</b>	Same as cocaine
<b>CANNABINOIDS (SYNTHETIC)</b>	
Possession	Misdemeanor; 12 months jail and/or \$2500 fine
Possession w/ intent to distribute	Felony; 1-5 years in prison and/or \$2500 fine
Sale/Distribution	Same as above
Sale/Distribution (18.2-248.5)	Felony; 1 to 10 years prison OR 12 months jail and/or \$20,000 fine
<b>GHB (Date Rape Drug) Manufacture/Sale/Gift/Distribution or Possession with Intent to Sell (18.2-251.3)</b>	Felony; 5 to 20 years prison and \$100,000 fine
<b>INHALANTS</b>	
Use	Misdemeanor; 12 months jail and/or \$2500 fine
Inviting/Inducing Use	Misdemeanor; 6 months jail and/or \$1000 fine

### *Summary of Federal Drug Penalties*

Federal law prohibits the unlawful manufacturing, distribution, use, and possession of controlled substances. Penalties depend on various factors, including the type and amount of the drug involved, and whether there is intent to distribute. Penalties under federal law range from less than one year to life imprisonment and/or \$1,000 to \$4 million fines for first offenses. Penalties may

include forfeiture of property, including vehicles used to possess, transport or conceal a controlled substance, and forfeiture of Federal benefits, including student loans. A drug conviction may also result in future denial of professional licenses.

NOTE: A special sanction is provided for distribution and manufacturing near universities. Under federal law any person who distributes, possesses with intent to distribute, or manufactures a controlled substance on or within one thousand feet of a university is subject to double the applicable maximum punishment.

ADDITIONAL NOTE: As indicated, use of a false ID to obtain alcohol is a misdemeanor. Washington and Lee University students should further be aware that the Student Body Executive Committee has in the past found the use of a false ID to have profound implications under the Honor System.

## XII. FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA) STATEMENT ON STUDENT EDUCATIONAL RECORDS

### **Policy Statement**

The Family Educational Rights and Privacy Act of 1974, as amended, ("the Act," commonly referred to as "FERPA" or the "Buckley Amendment") is designed to protect the confidentiality of the records that educational institutions maintain on their students and to give students access to their records to assure the accuracy of their contents. The purposes of W&L's Student Education Records Policy are: to inform students of their rights under the Act; to inform employees, student workers, third-party contractors, and volunteers of the University's responsibilities under the Act; and to describe the circumstances under which the University may disclose student education records. Please visit the University Registrar's website for more information at [go.wlu.edu/FERPA](http://go.wlu.edu/FERPA).

## XIII. 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, 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 the Interim Provost, Robert A. Strong, Washington Hall, (540) 458-8418, 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. Inquiries may also be directed to the Assistant Secretary for Civil Rights, U.S. Department of Education.

Revised July 2011

## XIV. 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, but it likewise has a firm commitment to the ideal embodied in its motto, *non incautus futuri*, and therefore remains responsive to changes and innovations that contribute to the realizations of its aim. As we enter 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.

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*The policies of Washington and Lee University are under continual examination and revision. This Student Handbook is not a contract; it merely presents the policies in effect at the time of publication and in no way guarantees that the policies will not change. For updated policies and information, see [www.wlu.edu](http://www.wlu.edu).*

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