Human Resources
Revised January 2022
ACKNOWLEDGEMENT OF RECEIPT OF HANDBOOK

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

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

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

_____________________________________________ ____________________________
Employee’s Signature Date

______________________________________________
Employee’s Name (Please Print)
Contents

ACKNOWLEDGEMENT OF RECEIPT OF HANDBOOK ........................................................................................................ 2

ABOUT THIS HANDBOOK ....................................................................................................................................................... 10
INTRODUCTION ................................................................................................................................................................. 11
ABOUT WASHINGTON AND LEE UNIVERSITY .................................................................................................................. 12

  Mission Statement ......................................................................................................................................................... 12
  Washington and Lee: A History .................................................................................................................................. 14
  The Honor System at Washington and Lee University .............................................................................................. 15
  Speaking Tradition ......................................................................................................................................................... 15
  Statement of Ethical Principles .................................................................................................................................... 15
  Statement of Commitment to Diversity .......................................................................................................................... 15
  Statement on Response to Bias Incidents ....................................................................................................................... 16
  Non-Discrimination/Equal Employment Opportunity Statement ............................................................................... 16

WORKING AT WASHINGTON AND LEE .................................................................................................................................. 17

  Office of Human Resources ........................................................................................................................................ 17
  Recruitment and Job Postings .................................................................................................................................. 17
  Employment Categories .............................................................................................................................................. 17
  Orientation .................................................................................................................................................................... 18
  University Cards ......................................................................................................................................................... 18
  Work Hours and Meals ................................................................................................................................................ 19
  Flexible Work Schedules ....................................................................................................................................... 19
  Attendance, Punctuality and Dependability .................................................................................................................. 19
  No-Call/No-Show ....................................................................................................................................................... 19
  Length of Service and Reemployment .......................................................................................................................... 20

TOTAL REWARDS .............................................................................................................................................................. 21

  Rewards Philosophy ....................................................................................................................................................... 21

COMPENSATION ................................................................................................................................................................. 22

  Fair Labor Standards Act (FLSA) .................................................................................................................................. 23
  Exempt Staff Positions ............................................................................................................................................... 23
  Non-Exempt Staff (hourly) Positions ............................................................................................................................ 23
  Pay Frequency and Time Reporting .............................................................................................................................. 23
  Direct Deposit of Paychecks ...................................................................................................................................... 24
  Pay When Working a Holiday .................................................................................................................................. 24
  Pay When Working Overtime .................................................................................................................................... 24
  Pay When Attending On-campus Workshops and Seminars ......................................................................................... 24
  Compensatory Time .................................................................................................................................................... 25
  Deductions from Exempt Employees’ Salary ................................................................................................................ 25
  Additional Compensation for Exempt Employees ....................................................................................................... 25
  Optional Payroll Deductions .................................................................................................................................. 26
  Determining Appropriate Pay .................................................................................................................................. 26
PAID TIME OFF/LEAVES ......................................................................................................................................... 45
BENEFITS FOR FACULTY AND STAFF ................................................................................................................ 31
              Benefits Philosophy .................................................................................................................................... 31
              Process for structuring benefits at the University .......................................................................................... 32
              Benefit Categories ........................................................................................................................................ 32
              Domestic Partner Benefits ................................................................................................................................. 33
              Health Insurance ........................................................................................................................................... 33
              Dental Insurance ........................................................................................................................................... 34
              Voluntary Vision Insurance ................................................................................................................................. 35
              Identity Theft Protection ..................................................................................................................................... 35
              COBRA ........................................................................................................................................................... 35
              Flexible Spending Accounts ................................................................................................................................. 36
              Health Advocate ............................................................................................................................................... 36
              Employee Assistance Plan .................................................................................................................................. 37
              Life Insurance .................................................................................................................................................... 37
              Group Long-Term Disability ................................................................................................................................. 38
              Taxation of Health, Dental, Voluntary Vision and Life Insurance Premiums ...................................................... 39
              Tuition Benefits at Washington and Lee ................................................................................................................ 39
              Educational Grants ............................................................................................................................................. 39
              ACS Tuition Exchange ........................................................................................................................................ 40
              Retirement Benefits ........................................................................................................................................... 40
              Home Loan Benefit ............................................................................................................................................ 41
              Computer Purchase Program ................................................................................................................................. 41
              Personal Income Protection Benefits .................................................................................................................... 41
              Long-Term Care Insurance ................................................................................................................................ 41
              Supplemental Life Insurance ............................................................................................................................... 41
              Benefits for Retirees ............................................................................................................................................ 42
              Limited Benefits in Recognition of Longstanding Service .................................................................................... 43
              Benefits for Survivors ........................................................................................................................................ 43

PAID TIME OFF/LEAVES ......................................................................................................................................... 45
              Combined Time Off (CTO) ..................................................................................................................................... 45
              Sick-Leave Reserve (SLR) ...................................................................................................................................... 46
              Short-Term Disability ........................................................................................................................................... 47
              Workers’ Compensation ....................................................................................................................................... 47
              Return to Work .................................................................................................................................................... 47
              Bereavement Leave ............................................................................................................................................ 48
              Family and Medical Leave ................................................................................................................................... 48
Appendix A ................................................................................................................................................................. 97

EMERGENCY MANAGEMENT PLAN: ..................................................................................................................... 97

I. What You Should do in an Emergency and How to Prepare .............................................................................. 97

Appendix B ............................................................................................................................................................... 110

Sexual Discrimination and Misconduct Policy: ...................................................................................................... 110

I. Policy Statement .................................................................................................................................................. 110
II. Applicability ....................................................................................................................................................... 110
III. Definitions ....................................................................................................................................................... 111
A. Advisor(s) ......................................................................................................................................................... 111
B. Advisor of Choice ............................................................................................................................................. 112
C. Appeal Panel .................................................................................................................................................... 112
D. Chair of the Appeal Panel ............................................................................................................................... 113
E. Chair of the HSMB .......................................................................................................................................... 113
F. Co-Chairs ......................................................................................................................................................... 113
G. Coercion .......................................................................................................................................................... 113
H. Complainant .................................................................................................................................................... 114
I. Consent ............................................................................................................................................................ 114
J. Discrimination Policy Advisors ....................................................................................................................... 114
K. Force ............................................................................................................................................................... 115
L. Formal Complaint .......................................................................................................................................... 115
M. Harassment and Sexual Misconduct Board .................................................................................................. 115
N. Hearing Advisor(s) ........................................................................................................................................ 115
O. Incapacitation .................................................................................................................................................. 115
P. Investigation and Review Officers .................................................................................................................. 116
Q. Investigation and Review Panel .................................................................................................................... 116
R. Medical or Counseling Records .................................................................................................................... 116
S. Non-Title IX .................................................................................................................................................... 117
T. Notice of Allegations ....................................................................................................................................... 117
U. Resolution Process .......................................................................................................................................... 117
V. Respondent ...................................................................................................................................................... 117
W. Sexual Misconduct .......................................................................................................................................... 117
X. Student ........................................................................................................................................................... 117
Y. Title IX Coordinator .................................................................................................................................... 117
IV. Notice of Non-Discrimination and Statement of Compliance with Relevant Laws ....................................... 118

Prohibited Discrimination, Harassment, Sexual Misconduct and Retaliation ...................................................... 93
Reporting Convictions ............................................................................................................................................ 94
Smoking Policy ....................................................................................................................................................... 94
Social Media Guidelines ....................................................................................................................................... 94
Use of Recording (Audio or Video) Devices ........................................................................................................ 94
Use of Service Animals on Campus ................................................................................................................... 95
Use of W&L Names, Logos and Other Marks ...................................................................................................... 95
Weapons Policy ..................................................................................................................................................... 95
Whistleblower Policy; Fraudulent or Dishonest Conduct; Violations of Law .......................................................... 96
D. Investigation Report................................................................................................................................... 148
E. Party Responses to Investigation Report.................................................................................................. 148
F. IRP Appointment......................................................................................................................................... 149
G. IRP Review .................................................................................................................................................. 149
H. Co-Chair’s Notice to Parties of Final Decision, Sanctions, and Remedies ............................................. 149
I. Appeals Process........................................................................................................................................ 151
J. Withdrawal of Complaint; Review of Parties’ Proposed Resolution.......................................................... 152
K. Formal Complaint by or against a Co-Chair .............................................................................................. 153
L. Complaint against the President and/or a Trustee...................................................................................... 153
M. Involvement of Assistant Title IX Coordinator for Employment in Formal Complaints ...................... 153
XVI. Emergency Removal of Respondent .................................................................................................... 153
XVII. Review of Timelines for Resolution Processes................................................................................ 154
A. Informal Resolution.................................................................................................................................... 154
B. Resolution Process for Formal Complaints of Title IX Sexual Harassment ........................................ 155
C. Resolution Process for Non-Title IX Complaints Against Students..................................................... 155
D. Resolution Process for Non-Title IX Complaints Against Employees and Other Nonstudents.......... 155
XVIII. Miscellaneous Provisions .................................................................................................................... 156
A. Professional Conduct Rules...................................................................................................................... 156
B. Specific Evidence Rules .............................................................................................................................. 156
C. Transcript Notations ................................................................................................................................... 157
D. Student Advisory Group ............................................................................................................................... 158
E. Disability Accommodations ........................................................................................................................ 158
XIX. Record Keeping ....................................................................................................................................... 158
XX. Policy Review........................................................................................................................................ 159
ABOUT THIS HANDBOOK

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

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

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

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

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

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

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

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

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

Sincerely,

William Dudley
President
ABOUT WASHINGTON AND LEE UNIVERSITY

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

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

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

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

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

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

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

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

**Washington and Lee: A History**

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

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

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

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

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

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

After Lee’s death in 1870, the trustees voted to change the name from Washington College to Washington and Lee University. Once an all-male institution, Washington and Lee first admitted women to its Law School in 1972. The first undergraduate women matriculated in 1985. Since then, Washington and Lee has flourished. The University now boasts a science building, a performing arts center and an indoor tennis facility.
During the 1998-99 academic year, Washington and Lee University observed its 250th anniversary with a year-long, national celebration.

The Honor System at Washington and Lee University
Honor is the moral cornerstone of Washington and Lee University. The commitment to honor is recognized by every student, faculty member, administrator and staff member of the University. Providing the common thread woven through the many aspects of this institution, honor creates a community of trust and respect affecting fundamentally the relationships of all its members.

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

We are more than just fortunate to have received from those who have been here before us the legacy of an honor system, which keeps alive this virtue in our daily affairs. Civility is no less a practiced virtue at Washington and Lee when it is at its best. The speaking tradition calls for the ordinary courtesy of greeting each other in our daily commerce. It is a simple act, but one who’s meaning and value we should not underestimate.

Our daily greetings should reflect the commitment that we will not be strangers to each other; that we will know and care for each other as friends and not as strangers.

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

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

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

Statement of Commitment to Diversity
(As adopted by the Board of Trustees, February 11, 2018)
Washington and Lee affirms that diverse perspectives and backgrounds enhance our community. We are committed to the recruitment, enrichment, and retention of students, faculty, and staff who embody many experiences, cultures, points of view, interests, and identities. As engaged citizens in a global and diverse society, we seek to advance a positive learning and working environment for all through open and substantive dialogue.

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

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

**Non-Discrimination/Equal Employment Opportunity Statement**
In compliance with Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and all other applicable non-discrimination laws, Washington and Lee University does not discriminate on the basis of race, color, religion, national or ethnic origin, sex, gender identity, gender expression, sexual orientation, age, disability, veteran’s status, or genetic information in its educational programs and activities, admissions, and with regard to employment. Inquiries may be directed to Lauren E. Kozak, Title IX Coordinator, Elrod University Commons 212, (540) 458-4055, kozakl@wlu.edu, who is designated by the University to coordinate compliance efforts and carry out its responsibilities under Title IX, as well as those under Section 504 and other applicable non-discrimination laws. The Coordinator has designated the following Title IX Assistant Coordinator: Mary E. Main, Executive Director of Human Resources, Two South Main 109, (540) 458-8920, mmain@wlu.edu. Inquiries may also be directed to the Assistant Secretary for Civil Rights, U.S. Department of Education.
The Office of Human Resources engages with the Washington and Lee community in an inclusive and professional manner providing consultation, guidance and resources to recruit, develop and support diverse and highly skilled employees. Human Resources is committed to providing quality programming and services to promote a workforce that is the foundation of the W&L student experience.

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

Current employees must have satisfactory performance in order to apply for a different position on campus. Hiring managers are responsible for informing internal candidates when they are a finalist for a posted position. At that point, internal candidates are required to inform their current supervisor that they are a finalist for a different position.

Hiring Managers are required to check references on all new hires, job transfers, and promotions when the incumbent works outside their department.

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

Human Resources confirms by letter all benefit eligible non-faculty appointments as well as all promotions, job transfers and changes in employee status. Appointment letters for faculty are prepared by the Provost or Deans’ offices. Before being placed on the payroll, new employees must complete the necessary tax and payroll forms.

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

  Undergraduate faculty in this category teach at least five courses per academic year and have other administrative responsibilities such as advising.

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

- **Part-time with partial benefits** — Employees who work in positions that have been approved for less than full time, but at least 1,000 hours per year. Only certain benefits are provided for employees in these positions.

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

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

- **Part-time** — Employees other than the two categories defined above. Employees in this category cannot exceed 999 hours in each anniversary year and cannot exceed 29 hours of work per week. Only those benefits mandated by law are provided (FICA, workers’ compensation, unemployment insurance).

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

**Orientation**

To support new benefit eligible employees, the University offers three distinct orientation sessions. The first session discusses benefits, university policies and other employment related information. The second session covers the Live Well W&L wellness program and the PATH performance development program. The third session, a full-day orientation held bi-annually, is an opportunity for employees to meet other new employees as well as meet and hear from the university’s senior leadership team, hear about the university’s mission, values and strategic plan. The employee’s offer letter will provide dates for each of the three orientation sessions, and HR will also share these dates with the new employee’s supervisor.

**University Cards**

[https://go.wlu.edu/universitycard](https://go.wlu.edu/universitycard)

A Washington and Lee University Card is issued to each new benefit-eligible employee and to part-time employees who work consistently at least 10 hours per week, 9 months per year. This card allows access to the athletic facilities and the libraries and opens some doors on campus. The University card is not an official identification document outside of the university community.
**Work Hours and Meals**
Most full-time employees are scheduled to work either a 35-hour or 40-hour week. These hours may vary, but the standard schedule for administrative offices is 8:30 a.m.–4:30 p.m. Monday through Friday, with an unpaid hour for lunch. Schedules in other areas of the University vary according to the support function performed. Exempt employees work all hours necessary to complete their assignments.

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

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

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

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

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

**No-Call/No-Show**
Not reporting to work and not calling to report the absence is a no-call/no-show and is a serious matter. The first instance of a no-call/no-show will result in disciplinary action up to and including termination from employment. No corrective actions will be taken without the direct involvement of Human Resources in collaboration with supervisors. A supervisor may consider extenuating circumstances when determining disciplinary action for a no-call/no-show (for instance, if the employee is in a serious accident and is hospitalized) and has the right to exercise discretion in such cases.

In the instance of no-call/no-show on two consecutive days the employee is considered to have resigned from their position.
**Length of Service and Reemployment**

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

Approved paid absences, such as combined time off, sick-leave, short-term disability, parental leave, and military leave, as well as authorized unpaid absences/leaves, do not constitute a break in continuous employment.

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

Rewards Philosophy

At Washington and Lee we believe in:

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

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

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

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

- Amherst College
- Barnard College
- Bates College
- Bowdoin College
- Carleton College
- Claremont McKenna College
- Colby College
- Colgate University
- Colorado College
- Davidson College
- Grinnell College
- Hamilton College
- Harvey Mudd College
- Haverford College
- Macalester College
- Middlebury College
- Pomona College
- Smith College
- Swarthmore College
- University of Richmond
- Vassar College
- Wellesley College
- Wesleyan University
- Williams College
Maintain internal equity by reviewing pay ranges to determine whether or not jobs with comparable skill sets and responsibilities have similar pay opportunities.

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

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

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

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

Complete details of the Compensation Program can be found in the Compensation Program Overview at [http://go.wlu.edu/HR/compensation](http://go.wlu.edu/HR/compensation).

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

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

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

Pay Frequency and Time Reporting
Exempt employees are paid monthly on the last banking day of the month. Non-exempt employees are
paid biweekly on alternate Fridays. There are a few exceptions and they are noted on the payroll schedule posted on the Business Office website http://go.wlu.edu/businessoffice.

Non-exempt employees are required to record all hours worked for each biweekly pay period in Workday. Time sheets must be approved by the supervisor (who should ensure the accuracy of the information) and submitted to Payroll by Monday of the pay week at noon.

**Time sheets must accurately document hours worked.**

Administrators should record absences in Workday. Failure to record time off appropriately may result in non-payment of accrued CTO on separation of employment.

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

**Pay When Working a Holiday**
Benefit-eligible persons in non-exempt positions who are required to work a holiday have a choice, in addition to regular pay, of time-and-one-half pay or time off at a time-and-one-half rate for hours worked, to be taken within the same pay period. Based on staffing needs, a department may require pay rather than time off.

Non-benefit eligible persons in non-exempt positions who are required to work on a holiday will receive time-and-one-half pay.

Exempt employees who are required by their supervisor to work on a holiday may take another day off during the academic year.

Employees who work a primary position for nine months in one department and also work full-time during the summer in another department are eligible for the Juneteenth and Independence Day holidays.

**Pay When Working Overtime**
All employees may be asked to work extra hours as needed. Overtime assignments will be distributed as equitably as practicable to all non-exempt employees qualified to perform the required work.

Non-exempt employees will receive time-and-one-half the regular rate of pay for hours worked over 40 hours per week. All non-exempt employees must receive approval from their supervisors prior to working any hours beyond a regular work week. Non-exempt employees who work overtime without receiving prior authorization will be paid for those hours worked but may be subject to disciplinary action. Paid-time-off hours count toward the 40-hour threshold for overtime eligibility.

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

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

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

Deductions from Exempt Employees’ Salary
The University is committed to complying with the Fair Labor Standards Act, which governs deductions that can be made from the salary of exempt employees other than individually authorized deductions and mandatory federal and state payroll deductions. Employees who believe their pay has been improperly reduced should contact the Executive Director of Human Resources.

Exempt employees are paid on a salary basis and routinely receive their full salary for any workweek in which they perform any work, without regard to the number of days or hours worked, subject to statutorily permitted deductions. Exempt employees do not need to be paid for any workweek in which they perform no work. Deductions from the pay of exempt employees are permissible in the following circumstances, and otherwise as provided by the Fair Labor Standards Act:

1. Absences of one or more full days for personal reasons, other than sickness or disability, when the employee is not eligible for paid leave applicable to the circumstances, has exhausted all available paid time off or the employee has requested leave without pay. Partial days must be paid.
2. Absences of one or more full days due to sickness or disability when the employee has exhausted all applicable paid leave benefits. Partial days must be paid.
3. Unpaid disciplinary suspensions of one or more full days for violations of workplace conduct policies applicable to all employees.
5. Deductions for unpaid leave taken in accordance with a legitimate absence under the Family Medical Leave Act.
6. Deductions for the first and last week of employment, when only part of the week is worked by the employee.

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

Optional Payroll Deductions
From time to time, employees may wish to make charitable contributions. The University will, if desired, process charitable contributions to Washington and Lee University, and to the United Way.

Determining Appropriate Pay
The Assistant Director of Compensation Programs is responsible for managing and overseeing pay decisions, in consultation with the appropriate vice president, dean, department head, manager and/or supervisor, based on available market data and internal equity.

For all positions, managers should consult with the Assistant Director of Compensation Programs for guidance on pay decisions. Communicating pay decisions should not occur until after appropriate approvals have been received.

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

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

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

Annual Salary Increases
Each year, as a part of the annual budget process, the Board of Trustees determines the staff salary
increase pool. The Assistant Director of Compensation Programs then develops increase guidelines to reward employees within the established budget parameters.

All continuing non-faculty benefit-eligible employees are eligible for an annual performance-based increase. Employees who start work at W&L between March 1 and June 30 are not eligible for salary increases until the following year. Managers/supervisors should ensure this is communicated to the employee at the time of hire. Individuals hired after July 1 will be eligible for a prorated increase according to their date of hire.

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

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

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

The second portion of salary increase decision is the merit pool, which typically equates to 25% of the total pool. Employees whose annual PATH review indicates performance not meeting expectations are ineligible for merit funding. Managers have the flexibility to determine an appropriate merit increase as long as the departmental salary budget remains within established budget parameters.

**Market Adjustments**

The salary structure will be reviewed annually to ensure market competitiveness and internal equity. The Assistant Director of Compensation Programs regularly assesses the University’s base salary levels relative to the defined market. Based on these findings, the Assistant Director of Compensation Programs may suggest market adjustments for select jobs and/or incumbents to better align these salaries to the market. This is most common when labor-market pressures force pay rates higher, resulting in new hires entering W&L at pay levels that aren’t necessarily equitable with those of current incumbents, when comparing skills and competencies. These adjustments are typically based on the positioning of the salaries relative to the market and the University’s budget. The Assistant Director of Compensation Programs makes recommendations for market adjustments, which are reviewed with vice presidents and deans and approved as a part of the annual staff-salary-increase process.
Spot Awards
Discretionary spot awards may be given to recognize extreme effort and/or achievement of outstanding results. Spot awards are generally given for performance above and beyond the normal scope of the job. Vice presidents and deans may make requests for spot awards to be reviewed by the Provost, the Executive Director of Human Resources, the Assistant Director of Compensation Programs and the Vice President of Finance and Administration.

Annual Salary Letters
The Assistant Director of Compensation Programs coordinates with the President to send letters to continuing benefit eligible employees notifying them of changes to their pay effective July 1. Letters are typically distributed in early June, contingent on the completion of an annual salary increase process.

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

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

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

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

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

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

Job Reclassification to a Lower Career Stage
Movement to a lower career stage or market reference range typically occurs for one of three reasons, and each would have a different impact on the employee’s salary:

<table>
<thead>
<tr>
<th>Transfer, initiated by staff member, to pursue new interests or to enhance and broaden development opportunities within the University</th>
<th>Current salary may be reduced, because it would be adjusted to the new job’s market reference range.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transfer or demotion occurs due to poor performance or lack of skills in prior job</td>
<td>Salary would be reduced to level appropriate to the employee’s skills, competencies and performance relative to the new job’s expectations and standards.</td>
</tr>
<tr>
<td>Organizational changes (i.e., reorganization)</td>
<td>Treatment of salary adjustments due to an organizational change would be handled on a case-by-case basis</td>
</tr>
</tbody>
</table>

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

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

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

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

Changes to individual capabilities and activities (e.g., learning a new skill, increasing number of staff supervised) do not constitute a promotion (although they may help develop an employee’s skills and competencies to enhance their career) (see “Job Enrichment”).
A promotional increase generally ranges from 5–15% based on an employee’s experience, skill level, market reference range for the new position, and relevant internal salaries. The new salary will be at least at the minimum of the new position’s market reference range. If an employee is promoted to a position requiring greater qualifications or experience than is currently possessed, the promotion increase to the range minimum may be phased in over a set time period to allow for training.

Starting salaries for promotions will be determined in consultation with the Assistant Director of Compensation Programs. No salary adjustment will be made if the employee’s previous salary exceeds the maximum salary range of the new position. Additionally, a promotion may occur when an employee moves to a different position within the same market reference range. In this case, the salary-increase guidelines shown in the “Lateral Transfer” section will apply.

The hiring manager will work with the Assistant Director of Compensation Programs to discuss the options for promotion and to determine the appropriate promotional increase. The Executive Director of Human Resources approves all promotions made without a search. The manager discusses the promotion opportunity and compensation with the employee only after the

Faculty Re-Assignment and Transfer Process

Faculty may be re-assigned or transferred to a department or unit outside of their college, unit, or department, and:

i. Any assignment or transfer shall be based on the best educational interests of students or best interests of the University.

ii. Fair treatment of the faculty in terms of tenure review, promotion consideration, and annual review, will not be jeopardized. The relevant deans and department heads, in consultation with the faculty member, should consider whether modifications should be made concerning tenure, promotion, or merit review in those instances where assignment or transfer will affect the process of tenure, promotion, or merit review.

iii. Consultation with faculty so assigned or transferred is required to ensure that the best educational interests of students are met and that faculty will have adequate time and resources to prepare for new courses or responsibilities. This process should conclude not less than one term before the transfer is to occur although this period of time may be shortened by mutual consent.

iv. After the reassignment or transfer process has concluded, the relevant deans and department heads should promptly notify all faculty in the impacted departments, that a faculty member is being transferred to or from their department.
BENEFITS FOR FACULTY AND STAFF

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

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

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

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

Benefits Philosophy

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

There are five underlying objectives that are considered when constructing the university-provided and university-assisted benefits program at Washington and Lee.

➢ Provide wise defaults for employees.
➢ Protect employees against catastrophic expenses or income interruptions.
➢ Provide a total compensation package that is strongly competitive with those of peer institutions.
➢ Comply with all relevant Federal and State laws.
➢ Manage the benefits package to get the highest total value for premium dollars and to ensure the continued financial soundness of the institution.
Process for structuring benefits at the University

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

Benefit Categories

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

  Undergraduate faculty in this category teach at least five courses per academic year and have other administrative responsibilities such as advising.

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

- **Part-time with partial benefits**—Employees who work in positions that have been approved for less than full time, but at least 1,000 hours per year. Only certain benefits are provided for employees in these positions.

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

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

- **Part-time**—Employees other than the two categories defined above. Employees in this category cannot exceed 999 hours in each anniversary year and cannot exceed 29 hours of work per week. Only those benefits mandated by law are provided (FICA, workers’ compensation, unemployment insurance).
Domestic Partner Benefits
Washington and Lee University extends the same benefits to persons who meet the University’s definition of domestic partner that the University extends to spouses of employees, to the extent permitted by law and by the underwriting guidelines imposed by the insurance companies. The inclusion of domestic partner coverage in W&L’s benefit program is consistent with the University’s dedication to non-discriminatory practices and represents a commitment to remain competitive in the recruiting of new faculty and staff.

A domestic partner is an unrelated adult of the same or opposite sex of the employee with whom the employee is living in an intimate, long-term relationship with an exclusive commitment similar to marriage, in which the partners are jointly responsible for one another’s welfare and share financial obligations. In order to qualify for benefits, the domestic partnership must have been in existence for at least six (6) consecutive months with the expectation that the relationship will continue indefinitely.

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

Health Insurance
http://www.aetna.com
https://www.express-scripts.com/

The University offers eligible employees and their eligible family members’ enrollment in the university health plan. This plan includes both in-network and out-of-network benefits as well as coverage for prescription drugs.

A. Eligibility

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

B. Enrollment Options

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

C. Cost

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

D. When Coverage Begins
Coverage is available on the first day of employment.

E. Timely Enrollment is Necessary

Health insurance coverage is not automatic. New employees have 31 days to enroll and coverage is retroactive to the first day of employment. After the initial enrollment opportunity, coverage may be added only during open enrollment periods (typically held in May with coverage to be effective July 1), or if an employee loses other coverage. A change in dependent coverage may be made only during the open enrollment period, or if there is a change in the employee’s status (marriage, divorce, death of a spouse or child, birth or adoption of a child, and changes in the employment status or benefit eligibility of a spouse).

Dental Insurance
https://www.unitedconcordia.com/dental-insurance/

A. Eligibility

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

B. Membership Options

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

C. Cost

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

D. When Coverage Begins

Coverage is available on the first day of employment.

E. Timely Enrollment is Necessary

Dental insurance coverage is not automatic. New employees have 31 days to enroll and coverage is retroactive to the first day of employment. After the initial enrollment opportunity, coverage may be added only during open enrollment periods (typically held in May with coverage to be effective July 1), or if an employee loses other coverage. A change in dependent coverage may be made only during the open enrollment period, or if there is a change in the employee’s status (marriage, divorce, death of a spouse or child, birth or adoption of a child, and changes in the employment status or benefit eligibility of a spouse).
Voluntary Vision Insurance
http://www.unicare.com

The University offers eligible employees an opportunity to elect voluntary vision coverage. The UniView Voluntary Vision Plan is offered through UniCare, an Anthem BlueCross BlueShield company. You can choose to receive care from a participating doctor (in-network) for the best value; however, you may also receive care from an out-of-network doctor.

A. Eligibility

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

B. Enrollment Options

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

C. Cost

The premium is paid entirely by the employee.

D. When Coverage Begins

Coverage is available on the first day of employment.

E. Timely Enrollment is Necessary

Voluntary Vision coverage is not automatic. New employees have 31 days to enroll and coverage is retroactive to the first day of employment. After the initial enrollment opportunity, coverage may be added only during open enrollment periods (typically held in May with coverage to be effective July 1), or if an employee loses other coverage. A change in dependent coverage may be made only during the open enrollment period, or if there is a change in the employee’s status (marriage, divorce, death of a spouse or child, birth or adoption of a child, and changes in the employment status or benefit eligibility of a spouse).

Identity Theft Protection

The university offers voluntary identity theft protection through payroll deduction through LifeLock. You can choose to purchase protection for you or for yourself and qualifying family members. The premium is paid with post-tax dollars so you can enroll or cancel at any time. (Please note that employees paid over less than 12 months will have their annual premium paid over the months scheduled to work).

COBRA

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

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

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

Benefit-eligible employees are eligible, upon hire, to participate in Health Care and Dependent Care Flexible Spending Accounts that enable an employee to pay for certain health care and dependent care expenses with pre-tax dollars, thus eliminating federal and state income taxes and Social Security (FICA) tax on these expenses. The amounts in each account must be decided at the beginning of each plan year and cannot be changed during the year except in certain circumstances prescribed by law. Up to $550 in a healthcare FSA at the end of the plan year can be carried over to the next year. Funds in excess of $550 are forfeited. In the event of an employee’s death or termination of employment with the University, you may elect continuation coverage of your healthcare spending account through COBRA. This option is only available when the balance in your healthcare spending account on the date of the qualifying event is greater than the cost of continuing contributions to the account for the remainder of the plan year. If you do not elect continuation coverage, you will have 90 days to spend down the balance in the account for charges incurred before or on the date of the qualifying event.

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

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

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

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

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

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

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

A. Eligibility

Full-time and part-time benefit eligible employees.

B. When Coverage Begins

Coverage is available on the first day of employment.

C. Cost

The University pays 50% of the premium.

D. Amount of Insurance

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

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

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

E. Timely Enrollment is Necessary

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

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

A. Eligibility

Benefit eligible employees.

B. When Participation Begins

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

C. Cost

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

D. When Payments Begin

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

E. Amount of Benefit Payments

The plan assures a monthly income benefit equal to 60% of the employee’s pre-disability pay by supplementing disability income, if any, from Social Security or workers’ compensation up to this 60% combined total (with a maximum monthly amount of $7,000). This benefit is taxable unless an employee chooses, upon enrollment, to pay taxes on the premium instead. This income payment may continue to age 65, or to somewhat later if disabled after age 60.

If the employee is receiving university contributions to the defined contribution retirement plan before the onset of a disability, the plan will, from the date disability benefits begin, contribute the lesser of 10% of the employee’s former monthly salary or $1,167 monthly to the retirement annuity plan until the employee’s income payments end. Thus, through the combination of income payments and annuity contributions, the plan provides an income for life.

F. Cost-of-Living Increases

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

G. Other Benefits While Receiving Disability Payments

Health Insurance—a participant may continue on the group COBRA plan for up to 18 months from the date disability benefits begin. COBRA coverage may be extended up to 29 months if the participant is
approved for Social Security Disability. The University will continue to pay its portion of the employee’s premium only.

Life Insurance—If an employee becomes disabled before age 60, they may apply for a disability waiver of premium, which, if approved by the insurance company, continues the employee’s life insurance coverage, up to age 70, at no cost, with the benefit reductions outlined in the plan document.

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

Taxation of Health, Dental, Voluntary Vision and Life Insurance Premiums
The employee’s portion of the premium cost for health, dental, voluntary vision and life insurance under $50,000 is paid with pre-tax dollars. This means that an employee will not pay federal or state income taxes or FICA tax on these premiums, thereby reducing the taxes paid by the employee.

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

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

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

Additional information including eligibility and policy details is located at the website above.

Educational Grants
https://go.wlu.edu/educational-grant-program

After employees have completed five consecutive years of full-time employment, their dependent children are eligible for an educational grant from the University. “Dependent” is defined by the IRS code and is verified from five years’ of employee tax records. The educational grant is awarded for up to four years of post-secondary undergraduate education. Eligible children may receive only one grant, even if both parents work for the University. Grant requests should be directed to the Treasurer’s Office.

Employees who were classified as full-time on or before June 30, 2006 and have remained in that status since June 30, 2006, the University will pay the lesser of 90% of the tuition of the institution that the dependent child is attending, or 90% of Washington and Lee University’s undergraduate tuition. The benefit may be reduced by scholarship and grant assistance that the child receives outside of
Washington and Lee University. There are instances where an outside scholarship would fund room, board and fees where the University would not reduce its tuition-grant benefit. In no case will the other assistance and Washington and Lee University’s grant exceed the value of tuition, room and board of the dependent’s institution. The recipient is eligible for up to four years, or the equivalent, of undergraduate study at an accredited institution of higher education. The recipient must be under the age of 25 in order to receive this grant. In order for a dependent to be eligible for this grant, the employee must have at least five consecutive years of full-time employment and be full time at the time the benefit is to be received.

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

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

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

**Retirement Benefits**

**Social Security**
[http://www.ssa.gov](http://www.ssa.gov)
The mandatory Social Security tax (FICA) deducted from an employee’s paycheck is matched by the University.

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

All employees are eligible, upon employment, to open an account and can contribute as much as they would like (up to the IRS limit). There are a number of attractive features, such as tax deferral for federal and state income tax purposes, and loan, hardship and in-service withdrawals (all subject to qualifications). W&L students employed by the university cannot participate during the academic year but can participate during the summer if employed.
After two consecutive anniversary years of working 1,000 hours or more for Washington and Lee University, employees are eligible for a University contribution in any calendar year in which they work over 1,000 hours. Time worked at another higher educational institution in each of the two twelve-month periods just prior to employment by W&L may count toward this waiting period.

The University contributes an unmatched 5% to the plan and matches an employee’s contribution up to 5% (up to the IRS maximum allowable). Additional catch-up contributions may be available for employees older than 50 and/or those who have more than 15 years of service.

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

Personal Financial Planning is available at no cost to benefit eligible employees. Offered through CAPTRUST, an independent investment advisory firm, advisors provide professional, unbiased investment advice.

**Home Loan Benefit**
[https://go.wlu.edu/employee-home-loans](https://go.wlu.edu/employee-home-loans)

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

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

**Personal Income Protection Benefits**

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

**Long-Term Care Insurance**

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

**Supplemental Life Insurance**
https://www.wlu.edu/human-resources/benefits/life-insurance-and-long-term-care/supplemental-life-insurance

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

**Benefits for Retirees**
An employee is eligible for full retirement benefits when they have attained the age of 59.5 and have a minimum of ten consecutive years of full-time, benefit eligible service immediately before retiring. The eligibility for benefits recognizes the retiree’s contributions to the University and encourages the individual to maintain their connection to the W&L community.

- Recognition at the annual Employee Recognition Banquet
- Gift upon retirement
- University card retention
- Access to University library, gym and recreation facilities
- Ability to maintain their individual University ID card and email account

**Health Insurance**
Individuals who meet the retirement eligibility definition above, may continue participating in the group health insurance plan until age 65. The retiree spouse (until age 65), and children (under the age of 26), are also eligible to continue on the University’s group health insurance plan. Additionally, part-time benefit-eligible employees who retire from the University after age 59.5 and have ten consecutive years of service immediately prior to leaving the University may stay on the University’s health insurance plan until age 65. The University will continue to make contributions consistent with the level provided in the group health plan.

At age 65, the university’s health insurance plan ends, Medicare begins, and the University’s retiree health benefit that is in effect according to their hire date will then be available.

**For full-time benefit eligible employees hired before April 1, 2003 who retire after July 1, 2008,** the University will provide up to a total of $35,000 for you (and an additional $35,000 for your spouse) toward your health care at retirement. The University will make contributions in annual incremental contributions to a TIAA Health Reimbursement Account (HRA) Money Market Fund, until the $35,000 has been exhausted. (Funds are available in annual increments only.) These funds are to be used for reimbursement of premiums paid for Medicare Supplement Plans, Medicare Part D prescription drug premiums, Medicare Part B premiums, and other medical expenses that are incurred in retirement.

The TIAA HRA is a tax-advantaged plan with administrative services provided by TIAA and Optum/ConnectYourCare, a third-party claims processor.

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

The TIAA RHP provides a tax advantaged way to invest and accumulate assets to pay for your insurance premiums and other health expenses in retirement with investment and administrative services provided by TIAA and Optum/ConnectYourCare, a third-party claims processor.

An employee will become 100% vested in the University’s contributions once they become retirement eligible (59.5 with a minimum of ten consecutive years of full-time, benefit eligible service.)

IMPORTANT - Retirees ages 65 and older who return to work at W&L full or part-time will not be able to access their Retiree Health Plan (TIAA RHP/HRA) accounts while reemployed. If applicable, this restriction also applies to your spouse/partner. You cannot be reimbursed for Medicare premiums or request reimbursement for claims while re-employed. Once your employment ends, your RHP/HRA accounts will be reactivated, and reimbursement can be requested for claims incurred after your new separation date. (You will not be able to request reimbursement for any expenses incurred during your time of re-employment, and cannot be reimbursed for Medicare premiums paid during your period of re-employment). Any funds not used in the calendar year will be available for use in the next calendar year. During your period of re-employment, contributions by the university will continue on schedule.

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

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

Limited Benefits in Recognition of Longstanding Service
Employees who retire from the University with 25 years of service, regardless of their age, may receive these benefits:

- Recognition at the annual Employee Recognition Banquet
- Gift upon retirement
- University card retention
- Access to University library, gym and recreation facilities

Benefits for Survivors
To help protect an employee’s family from the sudden loss of earnings, the University provides a comprehensive program of survivor benefits.

Retirement Annuity
The full value of an employee’s retirement annuity accumulation is paid to any named beneficiaries.
Health Insurance Continuation
An employee’s spouse and children may remain in the University health insurance plan through COBRA continuation for up to three years. The University continues to pay its portion of the premium for the first year.
If the employee had met retirement eligibility at the time of death, other benefits may be available to the surviving spouse.

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

Combined Time Off (CTO)
Combined Time Off (CTO) can be used for vacation, personal illness, doctor’s appointments, and other personal reasons, including care of immediate family who are seriously ill and require care at home, and for children’s doctors’ appointments which cannot be scheduled outside of working hours.

Departments establish practices for providing notice of absences from work and for scheduling time away. Some departments whose workload is directly dependent on students being on campus take their time off when students are not in residence. Other departments schedule time off by mutual arrangement based upon the person's need and the department's workload.

- Full-time benefit-eligible staff and administrators accrue CTO each payday. CTO accrual tables are available on the HR website. CTO does not accrue during unpaid leaves or once an employee has reached the maximum accrual.

- Employees who are in the "part-time with partial benefits category receive 30 hours of CTO upon employment and each work anniversary date thereafter. The maximum accrual for this employment category is 45 hours.

- Employees (exempt and non-exempt) who work less than twelve months or have a pro-rated weekly schedule receive the appropriate accrual based on the months/hours scheduled to work; and CTO can only be used during the months in which the employee is scheduled.

- When using CTO, non-exempt employees record hours used. Exempt employees should report CTO in half or full day increments to preserve exempt status.

- To learn more about recording CTO, refer to this page for Workday job aids under Time Entry and Time Off.

- Employees may not elect to take leave unpaid if accrued time exists in their CTO bank without prior approval from Human Resources, and only then for exceptional circumstances.

- Employees who leave the University will be paid for unused CTO up to a maximum of 20 days, as long as CTO has been recorded appropriately throughout their employment.

- Due to the varied schedule required for the Assistant Coach role, these positions do not participate in Combined Time Off (CTO) or the Sick-Leave Reserve (SLR). Assistant Coaches are required to report sick days and schedule all planned absences with their direct supervisor. All University Holidays are available to be taken off by Assistant Coaches, except in the unusual circumstance in which team athletic events are scheduled on a holiday. If an Assistant Coach must work a University Holiday, they may schedule a different day off during the same fiscal year.

- To ensure employees who are at or near their CTO maximum continue to earn CTO each pay period, Workday automatically transfers hours from the CTO plan to the SLR plan when
necessary, provided the SLR plan is not at its maximum accrual of 60 days.

Because both biweekly paid and monthly paid employees participate in the CTO plan, the automatic transfer occurs the first day of each bi-weekly pay period when employees are within these limits:

- For 35 hour/week employees, the transfer occurs when your CTO balance is in excess of 295 hours
- For 40 hour/week employees, the transfer occurs when your CTO balance is in excess of 340 hours

**Payout of CTO upon termination of employment or transfer to another employment category**

**Upon termination of employment**, staff and administrators will be paid for accrued CTO to a maximum of 20 days.

**Upon transfer to a position that is part-time with partial benefits**, staff and administrators will have 90 days to use CTO in excess of 45 hours. On day 90, a balance in excess of 45 hours will be forfeited. Participants will not earn additional CTO (30 hours) until their next anniversary date.

**Upon transfer to a part-time without benefits position**, accrued CTO to a maximum of 20 days will be paid out.

Assistant Coaches, and faculty who serve in appointments or interim assignments as Assistant/Associate dean or Assistant/Associate provost do not participate in the CTO program therefore, there is no payout.

Individuals who serve as President, Provost or Dean and move to the faculty, forfeit their CTO.

**Sick-Leave Reserve (SLR)**

A sick-leave reserve (SLR) is established for each full-time benefit eligible staff or administrative employee. New hires receive a one-time allotment of five days. SLR is used when employees have a legitimate illness, injury or disabling condition, or to care for an ill member of their immediate family. Immediate family includes spouse or domestic partner, parents, grandparents, stepparents, children, grandchildren, siblings, brothers/sisters-in-law, sons/daughters-in-law, and father/mother-in-law.

SLR can also be used to cover the first ten working days of an employee’s absence due to a serious illness or injury. After the first ten working days, the employee will be covered by the University’s Short-Term Disability plan for up to six calendar months. Employees are encouraged to keep enough days in their SLR (or CTO) to cover at least the first ten working days of any extended illness or injury. The number of days in the sick-leave reserve is capped at 60 days to cover the 12 weeks allotted for family and medical leave in circumstances when the University’s Short-Term Disability plan does not apply.
SLR applies for full-time benefit-eligible non-faculty positions only and will have no cash value upon termination or transfer to another employment category.

Short-Term Disability
Employees who are out or who expect to be out for longer than 10 days for an illness or injury should notify Human Resources as soon as the absence or need for absence is known. Human Resources will work with the employee to complete FMLA-related paperwork and will work with the employee and the employee’s physician throughout the absence to assist the employee in returning to work.

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

Workers’ Compensation
http://www.wlu.edu/human-resources/benefits/workplace-injuries-and-incidents
The University pays the entire cost of workers’ compensation insurance covering all employees who sustain compensable work-related accidents or illnesses. If an employee is injured on the job, or if an employee believes they have a work-related illness, regardless of how minor the injury or illness, they must report this immediately to their supervisor. Employees have the right to report work-related injuries or illnesses without retaliation. The University will not tolerate any such retaliation. An employee’s supervisor must report any potentially work-related accidents or injuries to the Director of Environmental Health and Safety (x. 8175) within 24 hours of the occurrence of the accident/injury. The employees should also report the injury directly to the Director of Environmental Health and Safety within 24 hours. Subsequently, if the employee is placed on restricted or limited duty by a doctor, the employee must inform both their supervisor and the Office of Human Resources. Human Resources must also be contacted if an accident/injury results in a loss of work time.

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

Return to Work
Washington and Lee is committed to helping employees remain healthy and on the job. The University and employees should work together to prevent workplace accidents and to rehabilitate injured workers and help them rejoin the workforce. It is our policy that all accidents should be reported promptly and thoroughly investigated, and that appropriate action should be taken to prevent similar events from recurring.
In fulfilling Washington and Lee’s commitment to provide a safe and healthy working environment, a Return-To-Work Program helps employees who sustain workplace injuries and cannot work at full capacity. This program helps the employee and supervisor develop a temporary, modified, less demanding duty assignment in cases where these modifications do not create undue hardship for the university. The program may involve modifying the employee’s regular job temporarily or providing an alternate temporary job, depending on the employee’s physical abilities.

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

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

Human Resources staff will work with an employee and supervisor to evaluate each employee’s injuries and functional limitations on a case-by-case basis to determine if suitable modified-duty work is available temporarily. Such assignments may require a shift change if modified-duty work is only available on an alternate shift.

An individual may participate in the Return-to-Work Program for a maximum of 12 weeks per illness/injury. Exceptions to this time frame may be permitted based on the physician’s estimate of when the employee may return to the regular job or where an employee’s injury qualifies as a disability under the ADA and extension of time does not create an undue hardship for the university.

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

Bereavement Leave
Bereavement leave provides time for grieving the loss of a family member and for the purpose of planning and attending the funeral/memorial of a family member. For purposes of this leave, immediate family includes, spouse, domestic partner, children, father, mother, siblings, mother-in-law, father-in-law, grandparents and stepparents, grandchildren, brothers and sisters in law, sons and daughters in law, nieces and nephews. Paid leave upon the death of an immediate family member is arranged directly with the supervisor. Supervisors should consult Human Resources for requests for extended bereavement leave. Requests for paid leave at the time of a death of a person outside the immediate family are considered on an individual basis.

Family and Medical Leave
Washington and Lee University offers family and medical leave in accordance with the Family and Medical Leave Act of 1993 (FMLA), representing the minimum leave to which each eligible employee is entitled for qualifying circumstances. Consistent with federal law, the employee handbook summarizes the basic provisions of the University FMLA leave policy. This policy applies to all faculty and staff employees of Washington and Lee University, subject to the eligibility requirements contained herein.
Eligibility
To be eligible for leave under this policy, an employee must have been employed by the University for at least twelve-months (which need not be consecutive) and must have actually worked at least 1250 hours during the twelve-month period immediately preceding the beginning of the leave. The University will not consider employment prior to a seven year or longer break in service in counting the twelve months of total employment for eligibility. Periods of time away from work for military service will be counted toward the twelve months of employment, as well as the 1250 hours of work in the previous twelve months (based on the employee’s pre-service work schedule).

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

Standard FMLA Leave Qualifying Circumstances
Eligible employees are allowed up to twelve weeks of unpaid leave in a twelve-month “leave year” period under the following qualifying circumstances:

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

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

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

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

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

When both parents of a newborn, adopted, or foster child are employed by the university, the FMLA entitles the two employees to a combined total of twelve weeks of FMLA leave per “leave year” for circumstances related to the birth, care, or placement of a healthy child (“birth/care/placement leave”), as specified in Section III(C)(1) and (2) of this policy, and/or circumstances related to the care of a parent with a serious health condition (“parental serious health condition leave”), as specified in Section III(C)(3) of this policy. When “combined total” leave is taken by a spouse under this paragraph, they retain the balance of any remaining individual leave entitlement (i.e. the maximum available individual leave, minus any “combined total” leave taken) for the applicable “leave year.”
When both spouses are employed by the University, they may be limited to a combined total of twenty-six weeks of leave per “single twelve-month period” (that period available for military caregiver leave described in Section III(D) of this policy) for birth/care/placement leave, parental serious health condition leave, and/or military caregiver leave (with a maximum of twelve weeks for birth/care/placement and/or parental serious health condition leave). Under the circumstances of this paragraph, neither spouse retains the balance of any remaining individual leave entitlement after the combined total of twenty-six weeks has been taken in the single twelve-month period.

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

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

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

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

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

Intermittent or reduced-schedule leave may also be taken for a qualifying exigency as described in Section III(C) above.
Where leave is for the birth, care or adoption/foster placement of a healthy child, intermittent or reduced-schedule leave may only be taken with the permission of the University.

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

Effect on Insurance Benefits and 403(b) Plan Eligibility
During an approved family/medical leave, the University will maintain an employee’s group health insurance, dental insurance, flexible spending account, and other health benefit coverage (collectively, “health benefits”) as if the employee had not taken FMLA leave and had continued actively working. If an employee has substituted available paid leave for unpaid family and medical leave, the employee’s share of health benefits premiums/account contributions will be handled by payroll deduction. If an employee is taking unpaid leave, Human Resources will notify the employee of the amount and date that the employee’s portion of health benefits premium/account contribution payments are due while on leave. Continuation of other University benefits during leave and payment of premiums for other benefits will be treated as with other forms of leave (paid or unpaid, as appropriate).

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

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

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

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

The University observes the following scheduled holidays: New Year’s Day, Memorial Day (provided that classes are not in session), Juneteenth, Independence Day, the day before Thanksgiving, Thanksgiving Day, the day after Thanksgiving, Christmas Eve, and Christmas. In addition to the usually observed holidays, the University designates the days between Christmas and New Year’s as Employee Appreciation Holidays. Employees in “part-time with partial benefits” positions are eligible for pay for regularly scheduled hours that occur on Employee Appreciation Holidays.

Religious Holiday Observance
The diversity of people who make up our University community requires the recognition of and respect for different religious beliefs, including the celebration of religious holidays. While the operating needs of the department must be met, supervisors should make practical accommodations to work schedules for individuals who request time off in advance for religious holidays. If the time away from work for a religious holiday is approved, an employee may use accrued CTO time. Supervisors may also permit employees to take time off without pay or to rearrange work schedules during the week in which the holiday occurs to make up for missed work time.

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

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

Election Service
Any employee who serves as a member of a local election board, or officer of election is not required to use CTO as a result of absence due to providing this service. Additional information can be found here: https://lis.virginia.gov/cgi-bin/legp604.exe?201+ful+CHAP0838&201+ful+CHAP0838

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

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

If an employee is called to active-duty military service, the University will afford all reemployment rights, compensation and benefits provided for by the Uniformed Services Employment and Rights Act of 1994, (http://webapps.dol.gov/dolfaq/go-dol-faq.asp?faqid=418&faqsub=Employment+Rights%2FUSERRA&faqtop=Veterans&topicid=12) and other
Parental Leave – Faculty

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

This policy applies to employees defined as voting faculty in the faculty handbook. This policy does not apply to visiting faculty and part-time teaching staff. This policy is equally applicable to members of the eligible faculty who are in a domestic partner relationship in accordance with the University’s domestic partner policy.

Except as otherwise provided below, the University will provide eight (8) consecutive weeks of paid parental leave to each birth mother or new adoptive primary parent who is a full-time member of its eligible faculty and who temporarily relinquishes the duties of their position following childbirth or adoption. This parental leave will be provided immediately following the birth or adoption of a child, beginning at the time of arrival of the child and running consecutively, except in extraordinary circumstances (such as, but not limited to, medical complications for the mother or child) where other leave timing is approved by the appropriate Dean. In the case of adoption, eligible faculty may take parental leave before the actual adoption of the child, where approved by the appropriate Dean, for circumstances where the faculty member needs to be away from academic responsibilities for the adoption to proceed (e.g., travel to another country to complete the adoption).

Note: This policy presumes that the mother or newly adoptive parent of a child will be the primary caregiver.

Eligible faculty not assuming primary caregiver responsibilities for their newborn or newly adopted child are eligible for four weeks of paid parental leave to be taken within the first 12 months following the birth or adoption of a child. Time taken in this instance may be intermittent rather than consecutive.

In the event of a childbirth or adoption occurring during the summer months (June, July, August) to an eligible faculty member, this paid primary parental leave benefit will only apply for any balance of the eight (8) weeks that the faculty member would otherwise have been expected to be back to academic term duties (i.e., if the employee gives birth or adopts two weeks before the start of the fall term, they would receive six (6) weeks of paid parental leave beginning at the start of the fall term, but if the employee gives birth or adopts 10 weeks before the start of the fall term, they would not need the benefit of paid parental leave during the term, as they would not otherwise be losing any salary during the eight (8) weeks following the birth or adoption). Eligible faculty members giving birth or adopting during the summer months will also be allowed to relinquish their Fall Term teaching load, but will still be required to maintain their office duties such as advising, committee attendance, course planning, etc.
Interplay between Parental Leave and Other Available Leaves
This policy is independent of the University’s paid sick-leave benefit. However, paid parental leave
will not extend unpaid leave available under the University’s Family and Medical Leave Act (FMLA)
policy. Rather, such paid leave will run concurrently with any FMLA leave available under the
circumstances, as designated by the appropriate Dean. Nothing in this policy precludes the eligible
faculty member from taking any remaining unpaid FMLA leave following the expiration of the
University’s paid parental leave, in accordance with the University’s FMLA policy.

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

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

All employees requesting parental leave must also complete the online Parental Leave Form and
FMLA Request Form (https://my.wlu.edu/human-resources/fmla-extended-leaves-ada-and-workers-
compensation/parental-leave) and make an appointment with the Manager of Employee Leaves at that
time.

Parental Leave – Staff
The University is committed to supporting its staff with parental leave for eligible employees who
temporarily relinquish their duties following childbirth or adoption, in a manner consistent with its
educational mission and the effective operation of the University. This policy is designed to provide a
reasonable and fair period of paid leave to such employees.
This policy is applicable to all full-time and part-time benefit-eligible employees of the University, including those eligible employees who are in a domestic partner relationship in accordance with the University’s domestic partner policy.

Except as otherwise provided below, the University will provide eight (8) consecutive weeks of paid parental leave to each birth mother or newly adoptive primary parent who is a full-time member of its staff and who temporarily relinquishes the duties of their position following childbirth or adoption. This parental leave will be provided immediately following the birth or adoption of a child, beginning at the time of arrival of the child and running consecutively, except in extraordinary circumstances (such as, but not limited to, medical complications for the mother or child) where other leave timing is approved by the Executive Director of Human Resources. In the case of adoption, eligible staff may take parental leave before the actual adoption of the child when approved by the Executive Director of Human Resources, for circumstances where the staff member needs to be away from professional responsibilities for the adoption to proceed (e.g., travel to another country to complete the adoption).

Note: This policy presumes that the birth mother or newly adoptive parent of a child will be the primary caregiver.

Eligible staff not assuming primary caregiver responsibilities for their newborn or newly adopted child are eligible for four weeks of paid parental leave to be taken within the first twelve months following the birth or adoption of a child. Time taken in this instance may be intermittent rather than consecutive.

For an eligible 9-, 10-, or 11-month schedule staff member, in the event of a childbirth or adoption occurring during the time in which a staff member is not normally scheduled to work (i.e., June, July, or August), this paid parental leave will only apply for any balance of the eight (8) weeks that the staff member would otherwise have been scheduled to work (i.e., if the employee gives birth or adopts two weeks before they are normally scheduled to work, they would receive six (6) weeks of paid parental leave beginning at the start of their normal schedule, but if the employee gives birth or adopts 10 weeks before the start of their normal schedule, they would not need the benefit of paid parental leave, as they would not otherwise be losing any salary during the eight (8) weeks following the birth or adoption).

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

Requesting Parental Leave
Eligible staff must request parental leave in writing to their supervisor at least ninety (90) days in advance of the requested leave start date (or as early as possible in the planning phase of an adoption process). The Executive Director of Human Resources approves staff requests for parental leave.
All employees requesting parental leave must also complete the online Parental Leave Form and FMLA Request Form (https://my.wlu.edu/human-resources/fmla-extended-leaves-ada-and-workers-compensation/parental-leave) and make an appointment with the Manager of Employee Leaves at that time.

**Other Unpaid Leaves of Absence**

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

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

Continuous Achievement PATH Program

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

Our Continuous Achievement PATH Program is designed to be:

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

Supervisors are responsible for:

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

Employees are responsible for:

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

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

Employees complete the annual process online and access their individual PATH Program in Workday.

A complete description of the program is found at http://go.wlu.edu/HR/performance and training materials are available at https://my.wlu.edu/its/workday.
Performance Improvement
If the supervisor determines that current employee performance requires improvement, the supervisor should discuss the performance deficiency with the employee and agree on a remedy. In some instances, a performance improvement plan will be written that includes a description of the behavior, performance, or situation that must be changed and the expected level of performance to be achieved.

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

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

Typical levels of progressive discipline include:

- Documented Verbal Warning (this document is retained in the supervisor’s file)
- Written Warning (this document must be uploaded to Workday)
- Suspension without Pay (this document must be uploaded to Workday)
- Termination

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

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

Technology Education
Information Technology Services offers face-to-face training and consultation on most University-licensed software systems, as well as online tutorials for Microsoft Office, Adobe Creative Suite, and other systems. If you are interested in any of these services, please contact the ITS Information Desk in Leyburn Library at x4357, or by sending an email with your request to help@wlu.edu.

On-Campus Workshops
The University offers on-campus classes and seminars throughout the year on a variety of topics including, but not limited to, supervisory skills, communication, retirement planning, computer classes, wellness activities, and University policies. Staff are invited to register for these classes, which
are advertised as they are developed. For professional development classes held during work hours, please discuss with your supervisor before registering.

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

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

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

WORK-LIFE PROGRAMS

The term “work-life” refers to resources and services that help members of the campus community manage and balance their personal lives and obligations with their professional lives and duties. Contact the Manager of Work-Life Programs for additional information about these programs.

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

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

Lactation Resources
Washington and Lee University supports nursing mothers by providing reasonable break time for an employee to express breast milk for her nursing child for one year after the child’s birth.

There are four (4) lactation rooms available on campus in the Early-Fielding Building, Holekamp Hall, Tucker Hall, and in Sidney Lewis Hall. These rooms are furnished to provide nursing mothers with privacy and comfort. The lactation rooms are also equipped with refrigerators for storage of breast milk. Please contact Human Resources to discuss use of lactation facilities.

Nursing mothers are encouraged to discuss their individual needs with their supervisors. Employees may also contact Human Resources to discuss alternatives to the available lactation rooms provided or with questions regarding this policy.

Infant Dependent Care Travel Fund
In order to support employees and their infants, Washington and Lee University offers dependent care travel funds to administrators, tenure-track and tenured faculty for qualified expenses. This fund helps alleviate the financial burden of dependent care incurred by mothers and primary caregivers during the child’s first year of life while traveling on University business.

Eligibility

- Administrators, tenure-track and tenured faculty are eligible when travel is required by the University or deemed beneficial for professional development and is approved in advance by the appropriate Dean or Vice President.
- Recipients must certify that the funds requested for dependent care are due to travel for University business and are above and beyond normal dependent care expenses (for example, normal child care costs).
- Benefit is available to eligible employees with children under the age of 1 year.
- Covered expenses include:
- Cost of transporting the caregiver to a conference or meeting location including travel, meals, and hotel expenses
- Maximum allowance is $500 per fiscal year
- Under IRS regulations, reimbursement for caregiver expenses is considered taxable income for the employee

Eldercare Resources
http://go.wlu.edu/eldercare
Care.com offers resources to support employees with aging parents, including senior care planning services and senior care advising.

Dual Career Resources
http://go.wlu.edu/dualcareer
The decision to accept a new position and relocate is a personal one. Washington and Lee University understands that your decision to relocate, as well as your happiness here, is greatly influenced by opportunities for your spouse or partner.

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

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

Wellness Program (Live Well W&L)
http://go.wlu.edu/HR/wellness
Washington and Lee is committed to a work environment that promotes healthy lifestyles and enhances a culture of wellness on campus. Through health promotion, educational programming, and a full array of athletic and recreational facilities, employees have unique opportunities readily available. Offerings include Weight Watchers @ Work, group exercise classes, use of the fitness center, campus walking map, wellness contests, etc. Incentives are available for benefit-eligible employees and their spouse/partners who participate in various aspects of the wellness program. In order for a spouse/partner to receive the wellness incentive, the employee must participate and meet minimum wellness goals.

Affinity Groups
Newcomers Club
The Newcomers Club holds several activities each year to welcome the newest members of our community and provide opportunities for new faculty and staff to become acquainted. Activities are open to those hired in the last three years. New employees may request to join the W&L Newcomers Group on Facebook. Newcomers receive emails from the Manager of Work-Life Programs with information on Newcomers events and local activities and entertainment.
Office Professionals Network
The Office Professionals Network (OPN) is an employee resource group for the university’s office professionals. The mission of the group is to foster a diverse and inclusive work environment, create opportunities for professional development, and provide a social space for employee to connect, network and share ideas of interest between members.

Professionals of Color
The Professionals of Color Group holds several social gatherings each year to provide opportunities for networking among faculty and staff from underrepresented minorities.

Pride Professionals
The Pride Professionals Group holds social gatherings each year to provide opportunities for networking among faculty and staff who identify as LGBTQ+.

If you identify with any of the groups listed above and would like to receive an invitation, please contact the Manager of Work-Life Programs in Human Resources.
EMPLOYEE RECOGNITION

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

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

Employee Appreciation Picnic (FINALE)
An annual picnic is held to show appreciation to all employees for their contribution to the University’s mission. Family members are invited to join in the festivities, which include food, games, door prizes and other activities.

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

Live Well W&L 5K Fun Run/Walk
Each April, Live Well W&L hosts a 5K for employees and their spouses/partners. This event is free and provides opportunities for employees to run, walk or volunteer at the event.
LEAVING WASHINGTON AND LEE

Resignation Procedures
When an employee resigns from the University, they must notify both Human Resources and the immediate supervisor of the departure must be notified in writing. Non-exempt employees are expected to provide at least two weeks’ notice of their departure. Exempt employees are expected to provide the University with four weeks or more notice whenever possible. Employees who fail to provide the recommended departure notice to their supervisor may be deemed to be ineligible for future employment at the University.

Employees should work with their supervisors to see that any University documents or data stored on personal or University computing equipment or cellular phones may be moved/stored so that it will be accessible as needed for University operations and retention.

An employee’s actual termination day must be the last day worked, and cannot be extended by the use of CTO, SLR, or a holiday. Employees who leave the University are paid for accrued, unused CTO balances as long as CTO has been recorded appropriately throughout your employment. Unused SLR is not paid on termination of employment.

Employees are responsible for returning items in their possession or control that are the property of the University, such as the following: credit cards, equipment and tools, W&L University Card, manuals, cellular phones, pagers, parking tags, protective equipment, computers and audiovisual equipment, tools, uniforms, written materials, CDs and jump drives. All University property must be returned by employees on or before their last day of work. With the employee’s signed authorization consistent with Virginia law, the University may withhold from the employee’s final paycheck the cost of any items that are not returned when required and the balance of outstanding University charge accounts. The University may also take all action deemed appropriate to recover or protect its property. Employees holding a University home loan should contact the Treasurer’s Office.

Information Technology Services disables network accounts and email access on an employee’s last day of work. Any extensions to accounts must be approved by the appropriate dean or vice president.

Retirement
An employee is eligible for full retirement benefits when they have attained the age of 59.5 and have a minimum of ten consecutive years of full-time, benefit eligible service immediately before retiring. Refer to the section, Benefits for Retirees.

Involuntary Termination of Employment
The University may terminate the employment of a staff or administrative employee at any time in accordance with the procedures in this handbook.

The University believes in treating employees fairly. If a serious concern arises, the supervisor should discuss the performance deficiency with the employee and agree on a remedy. If this performance-review session does not result in improved performance, the supervisor should use the written performance-evaluation tool and follow the steps noted in the performance-planning section of that tool and the Performance Improvement section of this handbook. Although the University generally
follows a progressive disciplinary approach, there are occasions and circumstances when W&L terminates an employee immediately. These decisions will be made at the University’s discretion. Before any employee is terminated, the supervisor should consult with the Executive Director of Human Resources, who will consult with the Vice President for Finance and Administration, who will endeavor to notify the President or Provost of the termination. Nothing in this handbook, however, creates any contract of employment. Employment with the University remains at-will, subject to termination by either the employee or the University, at any time and for any reason.

Exit Interview
Supervisors of employees who are leaving are encouraged to conduct exit interviews. Human Resources may also conduct an exit interview. An employee’s candid assessment of W&L’s working conditions is used in our continuous improvement efforts. This information helps us to identify common trends or themes as we continue to look for ways to improve the W&L work experience.

COBRA
The Federal Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA) provides eligible employees and their qualified dependents the opportunity to continue coverage under the University’s health and dental insurance plans and flexible spending account (under some circumstances) when a departure from employment would normally result in loss of benefit. Enrollment may be continued up to 18, 29 or 36 months depending on the qualifying event under federal law. If continued coverage is elected, the employee pays 100% of the group premium rate plus a 2% administration charge.

References
In accordance with the Virginia Reference Immunity Act, W&L supervisors are permitted to provide factual information about a former employee’s job performance or work record to a prospective employer as requested. All requests for references for employees who have worked for or are leaving the University should be referred to the immediate supervisor or anyone in the chain of command. Non-supervisory employees are not permitted to provide references.

In the case of a person whose employment was terminated by the University the supervisor must first consult with the Executive Director of Human Resources before responding to any reference request.

Requests for written verifications of employment (data) must be sent to Human Resources for completion.
CAMPUS RESOURCES

Click here for a campus map: http://campusmap.wlu.edu/

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

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

Art Galleries

Staniar Gallery
http://go.wlu.edu/Staniar

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

Stan Kamen Gallery
http://go.wlu.edu/kamen-gallery

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

Athletic Facilities
http://www.generalssports.com

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

The Washington and Lee Natatorium features a "fast" 25-yard x 39.3-meter pool with all-deep racing course, locker rooms, offices and dry-land training room, high-tech mechanical systems for a clean, healthy and safe swimming experience and great spaces for spectators.

The Duchossois Athletics and Recreation Center (DARC), named for alumnus and generous benefactor, Richard L. Duchossois ’44, is a five-story facility that features two basketball courts, a recreation gym, a wrestling room, team locker rooms, a state-of-the-art athletic training clinic, three racquetball, four squash courts, three multipurpose rooms, indoor putting and driving rooms for golf, an equipment room and an 13,000-square foot fitness center.
The W&L tennis teams train and compete in the Duchossois Tennis Center, a four-court, indoor tennis facility. The W&L tennis teams play their outdoor matches on the William Washburn Courts and the Upper Varsity Courts.

Business Services
http://www.go.wlu.edu/businessoffice

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

Business Office
http://www.go.wlu.edu/businessoffice

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

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

The Office of Communications and Public Affairs is charged with advancing and protecting the reputation of the University with both internal and external audiences, and partnering with clients across campus to achieve their specific communications goals. The office consists of six areas: Content Development and Editorial provides writing, proofreading, editorial, photography and videography services for digital and print publications. They produce W&L, the Washington and Lee Magazine; Discovery, the W&L Law newsletter; and Generally Speaking, the University’s monthly e-newsletter; as well as a providing writing, photography and videography services for the campus community. Digital Strategy provides web support to the entire campus, overseeing the University’s public web presence and web accessibility efforts. News and Media pitches news and feature stories, manages media requests, provides media training and oversees the University’s online calendar, as well as its official social media channels. Publications designs and produces print publications for the University community, including brochures, posters, invitations and stationery, and is charged with enforcing the University’s graphic identity. Athletic Communications provides game day operations and staff for all home athletic events and manages the athletics website, videography and social media. WLUR provides regular programming for the campus radio station and live broadcasting assistance and game-day commentary for over 100 athletics contests each year.

Copy Services
http://printingservices.wlu.edu

The Copying Center offers a wide variety of services to the Washington and Lee community, including:
copying, collating, cutting, folding, large-format printing, spiral binding, Velo binding, hold punching, stapling, transparencies, perforating and numbering, envelopes, mail merges and business cards. Copy Services also maintains nearly 100 multi-function Biz Hub machines all over campus, which serve as color copiers, printers, scanners and fax machines.

**Dining Services**
[https://go.wlu.edu/diningservices](https://go.wlu.edu/diningservices)

Dining Services offers meal plans to employees at a discounted rate and also allows employees to load “Food Flex” onto their account, which gives them access to added savings. Dining locations accept meal plans, food flex, credit cards, or cash. Dining Services offers a wide variety of food-service selections and locations, including six locations that are open to faculty, staff, and the general public:

The Marketplace: an all-you-care-to-eat facility located in Elrod Commons featuring a diverse array of freshly prepared foods from cuisines spanning America and the world. The Marketplace includes a fresh salad and soup bar, deli sandwich station, pizza oven, grill, daily dish, dessert bar, vegetarian and vegan dishes, and an allergy-friendly station, and serves breakfast, lunch, and dinner daily. Look for special-event and themed meals throughout the year!

Café ’77: located on the main floor of Elrod Commons, Café ’77 offers delicious sandwiches, salads, sushi, and sides. It is typically open continuously from early morning through late-night. Café ’77 also offers the adjacent Emporium, a convenience store facility featuring a variety of candy bars, chips, healthy snacks, drinks, and grab-and-go items.

E-Café: located in the Hillel House, the E-Café is a kosher-style facility featuring New York bagels and spreads, sandwiches, snacks, and a fresh smoothie bar. (Breakfast and Lunch only)

The Tea House: located in the Ruscio Center for Global Learning, the Tea House offers gourmet coffees, teas, bubble teas, and specialty drinks, as well as fresh sandwiches, sushi, scones, and gourmet baked goods. (Breakfast and Lunch only)

Fieldside Restaurant and Pub: located just beyond Wilson Field in the Third-Year Housing complex, Fieldside actually offers two restaurants within its facility. Fireside Pub overlooks the football field with scenic views and serves gourmet sandwiches, breakfast all day, locally roasted coffee drinks, and a variety of unique specials. In the other half of the building, Food Side restaurant changes concepts 5 times each year (roughly every 6 weeks during the academic year), featuring fun and flavorful concepts like La Cantina (Mexican) and Ginger and Garlic (Asian Fusion).

Brief Stop: located in the Law School, the Brief Stop is a convenient source for sandwiches, soups, yogurt, snacks, and locally roasted coffee.

**Information Technology Services**
[https://go.wlu.edu/its](https://go.wlu.edu/its)
Information Technology Services (ITS) provides a wide variety of computer services to the Washington and Lee community. Their mission is to provide innovative leadership and excellent support to empower the University community in the successful use of information technology.

University Chapel and Museum
http://leechapel.wlu.edu

University Chapel and Museum serves as a gathering place for some of the University's most important events. Lee is buried in the family crypt below the auditorium, and a museum focused on the contributions of Lee and Washington to higher education is housed in the lower level. The lower level also includes Lee’s office and a museum shop.

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

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

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

Campus Mail Services is located in the Early-Fielding Building. It is open to all customers from 9 a.m. to 4:30 p.m. Monday through Friday. Mail Services picks up and delivers mail to campus departments once daily in the afternoon and coordinates numerous outgoing mailings and shipments via all major carriers.

Public Safety
http://go.wlu.edu/publicsafety

The Department of Public Safety serves to promote a safe and secure environment for students, faculty, staff and visitors to the University community. Accomplishing this requires not just the efforts of the members of the Public Safety staff, but also the cooperation, understanding and support of every member of our community. You can also assist in maintaining a safe and secure campus environment by following the motto, “If You See Something, Say Something”. If you observe a potential crime or policy violation, suspicious activity or individuals, or just have a general safety or security question or concern, please contact the Department of Public Safety immediately at x8999 or (540) 458-8999. Public Safety staff are on-duty and available to assist 24/7/365.

The Department of Public Safety is also responsible for managing parking on campus. Parking for all motor vehicles (including motorcycles) on campus requires a permit, which are issued on an annual basis and are free of charge to all employees. Employees are issued one hangtag parking permit, and can have up to two vehicles registered to their permit at any time. The University utilizes an online parking management system for permits and vehicle registration, as well as for parking enforcement/payments/appeals. The online system, called iParq, can be found online at, https://wlu.thepermitstore.com/
Reeves Center
http://go.wlu.edu/reeves

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

The Reeves Center is located in an 1842 house and in the Watson Pavilion located across the sidewalk. In addition to the ceramics collection, the Reeves Center houses the paintings of Louise Herreshoff Reeves (1876–1967). The Watson Pavilion houses domestic Asian ceramics, changing exhibits and the Japanese Tea Room.

Telecommunications
https://telecommunications.wlu.edu

Washington and Lee’s Telecommunications Office, serves the telephone, Voicemail and cable television needs of the University. The Telecommunications Office is open Monday–Friday. The phone number is x. 4000 from any W&L phone or (540) 458-4000 from outside the University. A directory of telephone extension numbers is available at https://go.wlu.edu/directory. Employees who use Washington and Lee phones for personal, long distance calls are expected to reimburse.

University Libraries
https://library.wlu.edu and http://law.wlu.edu/library

The University Libraries are made up of three physical locations: James G. Leyburn Library, Robert Lee Telford Science Library, and Wilbur C. Hall Law Library.

Leyburn Library and Telford Science Library support the curricular and research needs of W&L’s undergraduate community, and are open 24/7 to the W&L community during the academic year. They provide physical spaces for study, access to technology, and access to print and online research materials. Faculty, staff, and students can check out library materials easily using a university ID card. The library’s faculty and staff are available to help W&L faculty, staff and students find information for teaching, research, or recreational reading purposes. Leyburn Library’s Main Floor Information Desk acts as a portal for circulation services, technology support, and research help. On Leyburn Library’s Lower Level 1, Special Collections & Archives makes available rare books, faculty publications, manuscripts, local history records, genealogical resources, and materials relating to university history.

The Wilbur C. Hall Law Library serves as an integral part of the law school. It supports legal research, scholarship, teaching, and learning. It connects directly to the student carrels, student offices, Powell Archives, classrooms, and the faculty office area. The Wilbur C. Hall Law Library is open 24/7 to the W&L Law Community. Non-Law W&L Community and Public can access the Law Library during normal business hours.
University Store
http://go.wlu.edu/store

The University Store is located in the Elrod Commons. The store interfaces with the faculty to provide course materials and supplies for all undergraduate and law courses. Additionally, it features a wide array of W&L apparel, memorabilia, office supplies, greeting cards, books, and general merchandise. Employees are eligible for a 10% discount on general reading books. The store also offers newspaper subscriptions, quantity discounts, complimentary gift wrapping, and custom merchandise for your department. Contact store@wlu.edu for more information.
Maintaining effective communications with employees is a high priority of the University and Human Resources. Internal communication is important to maintain positive employee morale and to provide feedback to the highest levels of management, and for the University leadership to provide direction and guidance to all staff as they work toward the goals and mission of the University. This handbook is one means of helping to inform employees of University policies and procedures. Department heads are encouraged to conduct regular staff meetings to facilitate communications. The Executive Director of Human Resources periodically meets with employee groups on a wide variety of subjects to keep employees informed of changes in policies and benefits.

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

Employees may also wish to follow the University on Facebook or Twitter. For more information, visit http://go.wlu.edu/social-media.

Newsletter—Campus Connection

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

Broadcast E-Mails

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

Campus Notices

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

Campus Notices are distributed daily and are a means of communicating with groups of e-mail recipients at Washington and Lee. It allows senders to target those students, faculty or staff for whom a message is relevant, without bothering others. To minimize e-mail traffic, it consolidates messages for delivery in one e-mail, sent in the early morning each day.
Emergency Management Plan
The Emergency Management Plan supports W&L’s ongoing risk and threat assessment operations, emergency preparedness provisions, and business continuity and recovery plans to provide prompt and effective response for the protection of W&L students, faculty, staff, and campus visitors in an emergency situation. The Plan establishes procedures and an organized structure to guide the University in responding to significant foreseeable emergencies on the W&L campus or property owned or operated by W&L. While no plan can absolutely prevent any damage during an emergency, this Plan has been developed to coordinate the resources, facilities, and personnel of W&L, and other external agencies as appropriate, for an effective response to any foreseeable emergency. All personnel assigned specific emergency responsibilities under this Plan (including departmental plans) should have a working knowledge of assigned roles, responsibilities, and applicable procedures. Human Resources encourages all W&L faculty and staff to familiarize themselves with this Plan, particularly the guidance in Section I (“What You Should Do in an Emergency and How to Prepare”) and the guidance for particular types of emergencies (Appendix A), and to be vigilant and responsive to actual or threatened emergency situations.

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

Generals Alert System
General Alerts is a notification system that allows Washington and Lee to notify community members of emergencies or other timely information that affects the campus. The system sends text messages to registered mobile devices and email messages to valid email accounts. General Alerts’ messages will provide instructions for taking action if needed. Additionally, information will be posted on the University’s website (wlu.edu), the official Twitter account (@wlunews), and the Washington and Lee Facebook page. General Alerts messages are also transmitted as an alert through the University’s LiveSafe App (see below). When an emergency occurs, authorized senders will instantly notify subscribers to General Alerts, which is a service offered at no charge to users.

All employees are automatically subscribed to the General Alerts system. All wlu.edu email addresses will automatically receive all General Alerts messages. Employees will receive text message alerts to their mobile device listed in the cell phone field of their University directory information. For more information, and to confirm your directory information, visit go.wlu.edu/general-alerts.

LiveSafe App
W&L also offers the LiveSafe app, which provides students, employees and campus visitors fast and easy, mobile friendly access to emergency alerts, campus support resources and emergency procedures, even when you are unable to connect to the Internet. Visit http://go.wlu.edu/livesafe to learn more, or download the free app. This is the best way to have important W&L emergency procedures at your fingertips at all times, and/or to report health/safety concerns you become aware of on campus.
Employee Committees
The administration has created a number of committees to advise and assist it in discharging certain of its responsibilities. For a list of committees, their purpose and members visit this website: https://go.wlu.edu/faculty-committees.
EMPLOYEE RELATIONS

University Grievance Policy for Employees
The Office of Human Resources (“HR”) is a resource for all faculty, staff, and administrators (hereinafter collectively referred to as “Employees”), as well as supervisors and department heads, on all matters arising in the workplace. HR staff are available for discussion about work-related issues at any time. Employees can request to discuss issues concerning their work environment with their supervisor or department head, HR staff, or their academic Dean or the Provost without the discussion being considered part of these grievance procedures.

Purpose and Prohibition Against Retaliation
These grievance procedures are intended to provide a structured framework under which Employees can address grievable work-related matters, as defined in Section II. Inquiries under these procedures are limited to whether the process involved failed to comply substantially with established policy or procedure, or the recommended action or sanction was arbitrary and capricious and thus fundamentally unfair, not with whether the reviewing administrator or committee would have reached a different result on the merits based on their personal judgment. It is not the purpose of these procedures to have an administrator or committee substitute its judgment on the substance of the original recommendation or decision.

For purposes of these procedures, “Faculty” shall be defined as it is in the Faculty Handbook, as it may change.

All steps in these grievance procedures, including contents of grievance documents, communications and deliberations, are to be handled confidentially to the extent possible in accordance with University policy and applicable law. Information should be shared only with those who have a legitimate need to know for University business/operational purposes or in order to address the grievance.

No University employee shall retaliate against a grievant or anyone participating in a grievance matter. Complaints of prohibited retaliation will be investigated by the Executive Director of HR or designee; violations of University policy will result in appropriate discipline.

Scope of Grievable Work-Related Matters for Employees

Note: What constitutes a “grievable work-related matter” under these procedures differs depending on whether an Employee is a member of the faculty or a staff/administrative employee. This recognizes the distinction between at-will and contract employment, as well as the existence of procedures already in place to address certain types of recommendations and decisions impacting faculty.

A “grievable work-related matter” is a complaint regarding the process used in a recommendation or decision directly adverse to the Employee, except that a grievance may not relate to:
1. compensation or benefits;
2. discrimination covered by University policies including but not limited to the Policy on
Prohibited Discrimination, Harassment, and Retaliation Other than Sex or the Interim Sexual Discrimination and Misconduct Policy;

3. For non-Faculty employees: a hiring decision, position classification, work assignment, performance evaluation, transfer within the University, or reduction in force, or termination; and

4. For Faculty: appointment, evaluation, reappointment, tenure, promotion or dismissal (which are covered by other existing procedures).

Informal Resolution

Before bringing a grievance under these procedures, Employees must attempt an informal resolution in good faith, typically beginning with a frank and open discussion with the appropriate person or persons. Such informal resolution discussions could involve the assistance of a mutually agreeable neutral third-party member of the University community, if desired, which could be a member of the HR staff, an academic administrator, or other mutually agreeable person. Employees are encouraged to consult with HR staff or appropriate academic or other administrators to clarify questions of policy, precedent, or possible alternative approaches to resolving the concern(s).

Employees should initiate informal resolution efforts within ten (10) business days following the day the Employee (the “grievant”) became aware of the facts or incident forming the basis of the grievable work-related matter.

Grievance Petition Process

If the matter is not resolved through informal resolution, the Employee may submit a written grievance petition no later than thirty (30) business days after becoming aware of the facts or incident forming the basis of the grievable work-related matter. The grievance processes outlined below provide the different paths for grievances for (a) non-Faculty Employees, staff and administrators and (b) Faculty.

A. Filing of Petition; Determination of Sufficiency; Response to Grievance Petition

The grievant first submits a written grievance petition within thirty (30) days after becoming aware of the facts or incident forming the basis of the grievable work-related matter. Non-Faculty Employees should submit their petition to the Executive Director of HR or designee, and Faculty should submit their petition to the appropriate academic administrator. For Faculty grievances relating to department, department chair, or academic dean recommendations or decisions, the grievance should be submitted to the Provost or designee. For Faculty grievances relating to a recommendation or decision of the Provost, the grievance should be submitted to the President or designee.

The grievant’s written petition must be submitted within thirty (30) days of the grievant becoming aware of the facts or incident forming the basis of the grievable work-related matter. The Executive Director of HR, Provost, President, or their designee(s) may extend this time period in his/her/their sole discretion.

The grievant’s written petition must state against whom the grievance is directed, set forth in detail the
nature of the grievance and the specific process defects claimed, and include any other information that the grievant considers relevant. The grievant should provide all necessary documentation supporting the claims in the petition. The grievant may later amend the petition only to include information newly discovered since the original petition submission, if deemed relevant and approved by the Executive Director of HR, Provost, President, or any of their designees in his/her/their sole discretion, as appropriate.

For non-Faculty Employee grievances, the Executive Director of HR or designee will review the grievance petition to determine whether it will proceed in the grievance process. For Faculty grievances, the Provost, President, or designee will notify the Chair of the Faculty Review Committee (“FRC”) of the grievance and both will review the grievance petition to determine whether it should proceed in the grievance process.

In making the determination on whether the petition will proceed in the grievance process, consideration should be given to whether the grievance petition (a) complains only of matters that are not grievable, as described above, or (b) makes only allegations that, even when taken in the light most favorable to the grievant, would not warrant or require any remedial action or relief, or (c) otherwise has no likelihood of success and does not merit a detailed investigation. If a decision is made that the matter should proceed in the grievance process, it will move forward. For Faculty grievances, if either the Provost or designee/President or designee concludes that the matter should proceed in the grievance process, it will move forward. The grievant will be informed of any decision to dismiss the grievance petition. A determination that the matter may not be grieved is final.

Once a determination has been made that the grievance will proceed, a copy of the grievance petition will be provided to the person against whom the grievance is named (hereinafter, the “respondent”), as well as notice that they are afforded ten (10) business days to provide a written response. If the respondent chooses to submit a response, the response should be submitted to the Executive Director of HR or designee for non-Faculty Employee matters, and the Chair of FRC or designee for Faculty matters. The response should include any information that the respondent considers relevant and any documentation refuting the claims in the petition. Upon receipt, a copy will be provided to the grievant. For Faculty matters, a copy will also be provided to the Provost, President, or designee(s), as appropriate.

B. Mediation

The Executive Director of HR, Provost, President, Chair of FRC, or any of their designees may require the grievant and the respondent to engage in mediation, and assign a neutral mediator for the parties, who will schedule a meeting to help the parties resolve the matter. If mediation is not required, the grievant may move to the next step of the process. Alternatively, if a resolution of the grievance is not achieved through mediation, the mediator will report the impasse, and the grievant may then move to the next step of the grievance process.

C. Grievance Inquiry and Report

If a non-Faculty Employee matter is not resolved through mediation, the grievant may elect to have the Executive Director of HR or designee conduct an inquiry or may request that the Executive Director or designee appoint a grievance committee of three (3) individuals from the Washington and
Lee community to conduct the formal inquiry. Whether to empanel a grievance committee is within the sole discretion of the Executive Director or designee. If either party believes that a designated member of a grievance committee is not able to address the matter impartially, the party may request that the Executive Director or designee substitute another member, which decision is in the sole discretion of the Executive Director of HR or designee. Likewise, any individual may recuse themselves if they believe they cannot be impartial or objective.

If a faculty matter is not resolved through mediation, the FRC will conduct an inquiry into the grievance. The Chair of FRC may, in the Chair’s sole discretion, appoint a subcommittee of three or more FRC members (not including the Chair) to handle an inquiry in lieu of the entire FRC. In this section the term “inquiry committee” refers to whichever group is handling the inquiry. If either party believes that a designated member of the inquiry committee is not able to address the matter impartially, the party may request that the Chair substitute another FRC member, which decision is in the sole discretion of the Chair. Likewise, any member of FRC may recuse themselves if they believe they cannot be impartial and objective.

The inquiry will involve review of the documentation submitted by the parties and may also involve interviewing the parties, interviewing others with relevant information, and reviewing additional relevant documents. Either or both parties may request an opportunity to be heard, to add to or explain the written record. Whether to grant the request for non-Faculty Employees is within the sole discretion of the Executive Director of HR, designee, or grievance committee. Whether to grant the request for Faculty matters will be within the sole discretion of the inquiry committee. The Chair of FRC will be an adviser to the inquiry committee and the parties on matters of process and questions of policy.

At the conclusion of the inquiry, for non-Faculty Employee grievances, the Executive Director of Human Resources or designee or the grievance committee will issue a decision to the partied, and, if appropriate, recommendations. For Faculty grievances, the inquiry committee will issue a decision, and recommendations, if any, and will provide a copy to the Provost, President, or their designee(s), as appropriate.

D. Objection to Decision and Recommendations

An objection to a decision or recommendation may be made only on the following grounds: (1) the process involved failed to comply substantially with established policy or procedure; or (2) the recommended action or sanction was arbitrary and capricious and thus fundamentally unfair. If any party wishes to object to the decision or recommendation, that party must file a detailed objection within ten (10) business days of issuance of the decision, setting out the specific basis supporting the objection, including citations to the record if appropriate, with either the Executive Director of HR or designee, or the Chair of FRC, as appropriate.

After a written objection is received, the written record of the grievance will be provided for review to the Executive Director of HR or designee for non-Faculty Employee matters, or the Provost, President, or designee, as appropriate, for Faculty matters. The Executive Director of HR, Provost, President, or any of their designee(s) also may consult with the grievance or inquiry committee in reviewing the record. The decision on whether to sustain or dismiss the objection is final.
If no party objects to the decision or recommendation, or all objections have been dismissed, the decision and recommendation will become final. For non-Employee Faculty grievances, the Executive Director of HR or designee will oversee follow up on the final decision to resolve the matter. For Faculty grievances, the Provost, President, or designee will oversee follow up to resolve the matter.
UNIVERSITY POLICIES FOR FACULTY AND STAFF

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

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

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

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

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

An employee who disagrees with the decision of the Executive Director of Human Resources (or designee), or who seeks clarification of the decision, may, within three (3) business days of the decision, request an informal meeting with the Executive Director of Human Resources (or designee) for clarification or to request reconsideration of any aspect of the decision. Following the meeting, the Executive Director of Human Resources (or designee) will notify the employee in writing of any change in the decision, preferably within five (5) business days of the informal meeting.

Thereafter, if the employee still disagrees with the decision, they may appeal the decision, in writing, to the Provost or designee (faculty) Vice President for Finance/Treasurer (staff) within five (5) business days of the written notification from the Executive Director of Human Resources (or designee), stating in detail the basis
for the appeal and furnishing all documentation in support of the appeal. The Provost/designee or Vice President for Finance/Treasurer will then review the appeal, the decision of the Executive Director of Human Resources (or designee), and all supporting documentation, may meet with the employee and the Executive Director of Human Resources (or designee), and may obtain any additional information they deem relevant. The Provost/designee or Vice President for Finance/Treasurer will render a written decision to the employee as soon as possible, preferably within two (2) business weeks of receiving the appeal and that decision is final.

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

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

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

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

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

In accordance with the Drug-Free Schools and Communities Act of 1989, the University will distribute annually to employee’s information on applicable legal sanctions and health risks associated with the unlawful possession or distribution of alcohol or illegal drugs, and a description of drug and alcohol treatment programs available to members of the University community. The Annual Notice to Employees is available at http://www.wlu.edu/human-resources/employment/resources-for-current-employees/annual-notices-to-employees. Separate from the legal requirements, the University is concerned with the health and well-being of members of the University community. Employees may contact the Executive Director of Human Resources, in confidence, for referrals or information regarding available and appropriate substance counseling, treatment or rehabilitation programs. In addition, employees may avail themselves of the Employee Assistance Plan (http://www.wlu.edu/human-resources/benefits/other-benefits-and-perks/employee-assistance-program), which provides confidential consultation and resources for issues such
as child care and elder care; alcohol and drug abuse; life improvement; difficulties in relationships; stress and anxiety with work or family; depression; personal achievement; emotional well-being; financial and legal concerns; and grief and loss. The University group health plan offers comprehensive coverage for substance abuse treatment, and patients may make direct contact with the insurer with no physician or employer referral required.

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

Background Checks
Washington and Lee University seeks to provide a safe and productive environment for faculty, staff, students and visitors. To accomplish this goal, the University performs background checks for all employment and some contingents (i.e. volunteers and other visitors performing services for the University). The background checks may include but not be limited to reviews of criminal history, sex offender registry, degree and employment verification, and motor-vehicle-license checks.

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

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

Background checks are administered by Human Resources.

The University participates in the national E-Verify photo matching tool to match the photograph appearing on some permanent resident cards, employment authorization cards, and U.S. passports with the official U.S. government photograph.
Child Abuse/Neglect - Mandatory Reporting
http://go.wlu.edu/OGC/ChildAbuse

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

If you are unable to reach Public Safety, you may alternatively report the suspected abuse to one of the following:

(i) Rockbridge-Buena Vista-Lexington Area Social Services (540) 463-7143
(ii) Virginia Department of Social Services’ toll-free child abuse/neglect hotline: 1-800-552-7096.

If an employee reports to the State or Local Department of Social Services, he/she must also provide the same information to Public Safety as soon as possible. The complete reporting protocol is online at http://go.wlu.edu/OGC/ChildAbuse.

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

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

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

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

- For purposes incompatible with established University policies, procedures, protocols or applicable laws,
- For unauthorized commercial enterprise,
- For harassing, fraudulent or threatening purposes, or
- For pirating software, music or images.
The following activities are nonexclusive examples of those that are not permitted and that may lead to suspension or revocation of use privileges and other penalties or discipline:

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

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

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

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

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

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

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

Faculty and staff who need to access, use or disclose personally identifiable student information in the course of their work duties should review and follow the W&L Student Education Records Policy http://go.wlu.edu/ferpa and contact the University registrar if they have any questions. If employees have any questions or concerns about information-security practices in their offices or elsewhere on campus, they should contact their supervisor, a Human Resources representative or the chair of the University’s Information Security Program Committee, the University Registrar.

Conflicts of Interest http://go.wlu.edu/OGC/CoI-Employee

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

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

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

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

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

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

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

The following activities are prohibited:

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

- Using the name of the University for monetary profit or acting as a private person in a way that could create the impression that an employee is speaking for the University unless the employee's position requires speaking for the University in an official capacity.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Copyright Policy**

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

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

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

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

Document Retention and Disposition Policy
http://go.wlu.edu/OGC/RecordPolicy

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

Emergency Closing

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

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

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

University Status

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

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

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

**Pay Policies during a Closing, Delay or Early Release**

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

**Non-Essential Employees**

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

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

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

**Essential Employees**

Because of the essential nature of their work, Student Health Center nurses, and specified employees in Facilities Management, Public Safety and Dining Services, are expected to report to work as close to schedule as possible or to continue to work their regular schedule, even when the university is closed, unless they are specifically instructed otherwise. Non-benefit eligible employees in these departments, if scheduled to work or called in to work are also considered essential.
The essential employees identified above are eligible for double-time for the hours deemed applicable by Human Resources after the event has ended.

**Employment of Relatives (Nepotism)**
The University seeks to employ and promote the most highly qualified and competent candidates. The University will not prohibit employment of spouses, close relatives or domestic partners in the same department or unit, provided that neither employee participates in making recommendations or decisions specifically affecting the appointment, retention, promotion, demotion, salary or work assignments of the other, and that one family member does not directly supervise another.

It is not appropriate for departments to directly hire children or other relatives of their employees. Employees' relatives should apply for employment through Human Resources. Relatives of employees will not normally be placed in the same department in which the employee works.

**Environmental/Sustainability Commitment**
[https://go.wlu.edu/energy-initiatives](https://go.wlu.edu/energy-initiatives)
Washington and Lee University is committed to excellence in environmental, health and safety stewardship on our campus and in the larger community of which we are a part. The University will exercise responsible stewardship over the resources entrusted to it.

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

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

**Guidelines for Interaction with Minors**
[http://go.wlu.edu/OGC/guidelines-for-minors](http://go.wlu.edu/OGC/guidelines-for-minors)
Washington and Lee University ("W&L") is committed to promoting the safety and protection of children and young people under the age of 18 (referenced in the guidelines, collectively, as minors) on its campus and in University sponsored or affiliated events, programs, and activities off campus. To further that goal, the guidelines establish conduct expectations for University representatives and unaffiliated individuals, as defined in the guidelines, in their interactions with minors in such settings.
The conduct of University representatives and unaffiliated individuals can inspire and motivate those with whom they interact or, alternatively, has the potential to cause harm if inappropriate. When engaging with minors, University representatives and unaffiliated individuals should be particularly aware that they are responsible for maintaining appropriate physical and emotional boundaries at all times. All employees and others interacting with minors in University sponsored or affiliated events, programs, and activities on and off campus should familiarize themselves with the guidelines and conduct themselves accordingly.

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

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

**Immigration Reform and Control Act**
The University, in accordance with the Immigration Reform and Control Act of 1986, is committed to employing only those applicants authorized to work in the United States. As a condition of employment, all new and rehired employees must complete an Employment Eligibility Verification Form, utilizing the national E-Verify program, and provide proof of identity and work authorization as required by the Act within the required timeframe under the Act. If your immigration status changes, and therefore impacts your employability, you must notify Human Resources.

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

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

Employees are prohibited from working at outside employment while on Family Medical Leave or Short-Term Disability.

**Parking**
https://go.wlu.edu/parking-and-vehicle-registration
Upon application, W&L employees will receive a parking tag free of charge by registering their vehicle online at, https://wlu.thepermitstore.com. Once you register a parking tag will be mailed to the employee. Parking in the designated lots on campus is free of charge.
Personnel and Insurance Records
Official employee personnel files are maintained in Human Resources. Additional information on faculty may be located in the relevant dean’s office. Personnel files may contain, but are not limited to, the following types of information:

- Employment letters or contracts
- Payroll data
- Employment application or résumé
- Performance planning and review documents
- Letters of commendation or discipline
- Employee benefit and medical records are maintained separately from personnel files in accordance with applicable laws

Each employee may review the contents of their personnel file in Human Resources by appointment during normal working hours.

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

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

Prohibited Discrimination, Harassment, Sexual Misconduct and Retaliation

Under the University’s Nondiscrimination/Equal Employment Opportunity Statement (go.wlu.edu/OGC/NonDiscrimination), students, faculty, and staff have the right to be free from prohibited discrimination, harassment, and retaliation within the University community. Specifically, the University prohibits discrimination, including harassment, on the basis of race, color, religion, national or ethnic origin, age, disability, veteran’s status, and genetic information in its educational programs and activities and with regard to employment as described and addressed in the University Policy on Prohibited Discrimination, Harassment, and Retaliation Other Than Sex. The University also prohibits discrimination, harassment and retaliation on the basis of sex and gender, including sexual orientation, gender expression, and gender identity, stalking, sexual assault, sexual exploitation, and domestic and dating violence as described and addressed in the separate Interim Sexual Discrimination and Misconduct Policy. Finally, the University prohibits retaliation against any individual who brings a good faith complaint under either policy or is involved in the complaint process. Under the Interim Sexual Discrimination and Misconduct Policy, protection against retaliation also extends to any individual who engages in bystander intervention of sexual misconduct. 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 either policy will be disciplined appropriately, up to and including termination from employment or dismissal from the University.

The University Policy on Prohibited Discrimination, Harassment, and Retaliation Other Than Sex is available at go.wlu.edu/OGC/DiscriminationPolicy.
The Sexual Discrimination and Misconduct Policy is available at [go.wlu.edu/OGC/SexualMisconductPolicy](http://go.wlu.edu/OGC/SexualMisconductPolicy) and is available as Appendix A.

**Reporting Convictions**

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

**Smoking Policy**

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

Smoking, including e-cigarettes/nicotine vapor products and alternative nicotine products, is not permitted inside classroom buildings, administrative buildings, student residential buildings (including Greek and theme housing), dining areas, University Store, athletic facilities, or University owned or rented vehicles or within 25 feet of residential buildings (including Greek and theme housing). Smokers are asked to refrain from smoking in entranceways to buildings, or adjacent to open windows or air intakes, or in other outdoor areas where environmental smoke is not rapidly dispersed. All members of the University community are expected to treat each other with courtesy and respect in honoring this policy.

**Social Media Guidelines**

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

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

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

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

**Use of Recording (Audio or Video) Devices**

Employees are prohibited from recording job-related conversations with other employees (including their supervisors) without the express consent of all parties to the conversation.
Use of Service Animals on Campus
http://go.wlu.edu/OGC/ServiceAnimals

W&L will determine, on a case by case basis, and in accordance with the ADA and Section 504, whether use of a service animal on campus is a reasonable accommodation for a qualified person with a disability. W&L will make inquiries and request supporting documentation only as needed and appropriate to determine whether the animal qualifies as a service animal, in accordance with the law. W&L will endeavor to balance the needs of the requesting individual with the impact of the animal on campus operations and campus constituents, and reserves the right to exclude a service animal from its campus under the circumstances explained in this policy.

Use of W&L Names, Logos and Other Marks
http://go.wlu.edu/OGC/ServiceMarks

Faculty, staff and students may use the University’s names, logos and/or other marks (e.g. W&L, the W&L crest) where necessary to identify themselves on matters of official University business. Use of the University name for private purposes is limited to use purely for identification by a current or former member of the faculty, staff and/or student body (e.g. “John Doe, Professor of Physics, Washington and Lee University,” or “John Doe, Class of ’79, W&L”). W&L names, logos and other marks shall not be used by individuals or entities otherwise in a manner that implies University endorsement or responsibility for particular activities, products or publications involved, or by any individual or group promoting itself, without the express written permission of the provost or designee. Any and all use of the University names, logos and/or other marks for commercial purposes is prohibited unless approved by the Vice President for Finance/Treasurer or designee.

The creation of apparel or merchandise containing the University’s name, logos, likenesses, or other marks (for resale or otherwise) is governed by University Licensing Policies. Please contact store@wlu.edu for assistance with licensing or with questions pertaining to merchandise development.

Weapons Policy
http://go.wlu.edu/OGC/WeaponsPolicy

Washington and Lee University is committed to providing a safe and secure learning and working environment for students, faculty, staff and visitors on all campus properties. The use, possession and storage of all firearms, components of firearms, live ammunition, blowguns, BB guns, air guns, stun weapons, explosives, machetes, electric shock devices, knives (except pocket knives having a folding metal blade of less than three inches) or other dangerous articles are prohibited on all properties owned, leased or otherwise controlled by Washington and Lee University. Law enforcement officers duly authorized to carry such instruments are excepted.

Any person violating this policy will be subject to disciplinary action up to and including suspension or dismissal from the University or termination of employment. Student violations should be reported to the Director of Public Safety and the Vice President for Student Affairs and Dean of Students. Staff and faculty violations should be reported to the Director of Public Safety and the Executive Director of Human Resources. Any other suspected violations should be reported to the Director of Public Safety.
Washington and Lee University’s internal controls and operating policies and procedures are intended to detect and prevent or deter fraudulent or dishonest conduct and other violations of laws and regulations. Fraudulent or dishonest conduct involves a deliberate act or failure to act with the intention of obtaining an unauthorized benefit from the University (e.g., forgery of documents, unauthorized manipulation of computer files, misappropriation of University resources, etc.).

All members of the campus community are encouraged to report such improper conduct to their supervisor/department head. Supervisors and department heads are required to report suspected improper conduct to their vice president, the relevant dean or the Provost. Any whistleblower may use alternate reporting avenues: directly to a vice president or dean or the provost, or in writing in a sealed envelope to the chair of the Audit Committee of the Board of Trustees via the Office of General Counsel. The vice president, dean, Provost or Audit Committee will conduct an investigation and may discipline any individual found to have engaged in misconduct under the policy, up to and including dismissal from the University and referral for prosecution. Knowingly baseless or reckless allegations may be separately disciplined.

Retaliation against whistleblowers is prohibited, and may be the subject of a separate sealed complaint to the chair of the Audit Committee via the Office of General Counsel.
I. What You Should do in an Emergency and How to Prepare

Washington and Lee University ("W&L" or "the University") has developed this Plan to help prepare our campus community to respond to and recover from a range of emergency situations. Creating a culture of preparedness is a team effort involving staff, faculty, and students. The first step in being prepared for an emergency is to learn how you would be notified of and updated about a significant emergency, and then to learn and remember key actions you may be directed to take by University officials.

Emergency Communications Systems and Methods
W&L uses several different systems and methods of communication to alert students, faculty, staff, and others of a significant emergency. It is important that you become familiar with these communication tools and ensure that your contact information is kept current so that the University can stay in touch with you. These include, as appropriate to the type and scope of emergency:
- Mass emails to wlu.edu accounts
- Text alerts to mobile phones through the "Generals Alerts" system (be sure to log in at http://go.wlu.edu/general-alerts at least annually to check that your contact information is accurate, and to update your account when any of your contact information changes)
- Posting information to the W&L Emergency Website (http://emergency.wlu.edu) and main W&L Website (www.wlu.edu)
- Social media: Facebook (http://www.facebook.com/washingtonandlee) and Twitter (https://twitter.com/wlunews)
- LiveSafe App (http://go.wlu.edu/livesafe)
- Broadcast media: TV stations (WDBJ-7, WSLS-10, WSET-13), Radio stations (WREL- 1450 AM, WWZW- 96.7 FM, WMRA- 89.9 FM, WKDW- 900 AM, WLUR- 91.5 FM)

Other possible alternative methods (bullhorns, flyers, building runners, personal emails, phone calls)
In case of a significant emergency, some or all of these systems will provide information about the nature of the emergency, what to do, and where to get additional details. Emergency updates and further information will be provided by postings to the listed websites, emails or texts to the campus community, and other methods as needed. Also, be sure to develop an emergency communications plan with your family, roommates and friends to keep them informed of your situation during an emergency.

Actions to Take
When a significant emergency occurs, there are typically two immediate strategies that are used to protect people: Evacuate and Shelter in Place.
Evacuate means to immediately leave a potentially hazardous location (building, area of campus, entire campus, City of Lexington, etc.) due to an imminent or impending threat to life or health.

Shelter in Place generally means to go and/or stay indoors when a situation occurs that may be a threat to life or health. In most cases, this means you will be instructed to go and/or stay indoors, lock doors/windows, and stay away from doors and windows. Remain there until you are notified by Public Safety or University emergency communications systems that it is safe to leave. This Plan provides more details on these strategies in Appendices B and C. In the event of an emergency, further details will be provided at the time by University officials, including specific instructions on what Evacuate or Shelter in Place means for individuals in particular locations and situations.

People Requiring Additional/Special Assistance
People who have certain disabilities or impairments (specifically including, but not limited to, those limiting hearing, visual, and mobility functions) may require special or additional assistance during an emergency. These individuals are encouraged to inform University administrators designated to respond to requests for disability accommodations, and/or Resident Advisers/Assistants, roommates, classmates, co-workers, friends, faculty, and supervisors, of what special assistance they may require to receive effective emergency communications notices and to respond to emergency situations, so that interactive, advance planning can be done to see that such individuals receive emergency communications and to provide special or additional assistance in an emergency. University administrators designated to address disability accommodations requests by those individuals who self-identify should include consideration of effective emergency communications and emergency response assistance in the accommodations process as relevant to the disability.

In an emergency situation, all members of the University community should help those around them who may need additional assistance, whether by virtue of a disability, impairment, or otherwise. Members of the University community should report to University personnel or emergency responders the condition and location of any person unable to leave a building or area being evacuated. More specific guidance on evacuation and other emergency responses for persons needing special assistance can be found in Appendices B and C.

II. Plan Overview

Purpose
The purpose of this Plan is to establish general operational guidance, assign roles and responsibilities, and promote campus awareness for responding to emergencies that may affect the W&L community. Additionally, the Plan includes specific guidance for responding to particular types of emergency situations.

Scope
The guidance in this Plan applies to all members of the University community, visitors to the campus at the time of an emergency, and to the buildings and grounds that are owned and operated by W&L. It is intended to help protect life and property, minimize damage caused by emergency situations, minimize disruptions to University operations, and move promptly to resume operations following emergency situations.

Assumptions
An emergency or a disaster may occur at any time of the day or night, during a weekend, or on a holiday, with little or no warning. The events in an emergency cannot be predicted. Consequently, a plan of this type serves only as a general guide and checklist and will undoubtedly require modification, and more specific guidance and direction, as an emergency unfolds. In certain emergency situations, W&L may need to coordinate its response to the situation with one or more outside agencies, including but not limited to local, state, and federal government agencies, and disaster relief organizations. The specific role for any outside agency(ies) will depend on the emergency situation; however, W&L will retain ultimate authority for decisions involving its facilities, campus, and community.

**Phases of Emergency Management**

Generally, an emergency will have three basic phases.

**Preparation**: This includes developing readiness for emergencies based on education, organization, and communication. Ongoing threat assessment is a major factor in effective preparation and is designed to reduce risk either by mitigation (reducing the seriousness of an event) or prevention (eliminating the risk of an event). W&L engages in ongoing threat assessment and risk reduction measures and processes that are part of the University’s regular campus operations and risk management programs.

**Response**: This involves procedures for responding to situations in a prompt and effective manner, including immediate actions to try and save lives, protect property and the environment, and meet basic human needs. Response also includes the implementation of mitigation activities designed to limit adverse health effects, personal injury, loss of life, property damage, system disruptions, etc. Guidance on specific responses to a variety of potential emergencies is set forth in Appendix A to this document. This Plan document primarily addresses the Response phase of campus emergencies.

**Recovery (including Business Continuity)**: This phase includes the development, coordination, and execution of service, operations, and site restoration plans, as well as other short-term and long-term plans for recovery. Recovery also includes a thorough review of the emergency and a careful discussion of plans for future events, including initiatives to mitigate the effects of future similar emergencies.

Some emergency situations may cause the campus to shut down some or all University operations. In such a case, the first step to recovery is to see that the campus is safe and secure. The second step will be to restore critical infrastructures and campus facilities/grounds to a level that will support critical functions. The third step will be to determine if and how to return to normal campus operations. Business continuity begins shortly after an emergency has occurred (or, in some cases, while an emergency is occurring). After an assessment of damage or impact of the emergency has been completed, efforts will be taken to restore normal operations as quickly as possible. Business continuity is carried out at the University, departmental, building, or function level, as appropriate to the particular emergency. Department specific plans for W&L, which are in the process of being updated as of the date of adoption of this Plan, will separately address business continuity measures. In the case of a large, area-wide disaster, business continuity will be carried out on a community level, as such a disaster will likely involve damages to infrastructure, utilities, access to campus, etc.

**III. Range and Scope of Covered Emergency Situations**
An emergency addressed by this Plan includes any significant, unplanned event with the real potential to cause death or significant injury to students, faculty, staff, or visitors, or that can significantly disrupt University operations, causing physical or environmental damage or presenting other threats to University’s facilities.
Examples (list not exhaustive):
Active shooter
Bomb threat
Civil Disturbance
Death of a Student, Faculty or Staff Member
Earthquake/Aftershocks
Explosion
Fire
Flooding
Food-borne Illnesses or Incidents
Hazardous Materials Incident
Infrastructure Failure
Pandemics and Infectious Diseases
Snow or Ice Storm
Suspicious Packages/Mail
Tornado/Derecho/High Winds
Violent campus intruder

Range of Severity and Scope of Emergencies
Emergencies can range from those impacting a single office or building to a large-scale catastrophe impacting the entire campus and surrounding communities. The larger the scale and scope of the emergency, the more campus and community resources required to manage it.
On the low end of the scale are department or building incidents that can be resolved with existing University resources or limited outside help. These typically are of limited duration and have little impact on the campus community beyond those people using the space/building at the time of the incident. A few illustrative examples are minor chemical or fuel spills, a minor fire confined to a single room not involving hazardous chemicals, or loss of heat or electricity to a building for a few hours not jeopardizing health or safety.
Other more serious emergencies are those which impact a significant portion of the campus and/or outside community, including events that may develop into major campus or community disasters. These often require coordination with local and state authorities. A few illustrative examples would be an extended power outage, a severe storm or other weather event, a major fire, an active shooter, or contamination of the water supply.
Some emergencies may be catastrophic, involving the entire campus and surrounding community. These are often multi-hazard events beyond the emergency-response capabilities of campus and local resources. They likely will call for coordination with multiple state or federal agencies. A few illustrative examples include a flood, earthquake, major hazardous chemical spill, or act of terrorism. Emergencies may not unfold all at once. There can be situations that primarily involve people, rather than infrastructure, which begin with a single incident but have the potential to quickly evolve into a multi-faceted campus crisis. A few illustrative examples of this could include a communicable disease, a death on campus, an off-campus accident impacting multiple members of the campus community, a civil disturbance or riot, a hazing incident, or a hate crime.
IV. Emergency Management Authority

During an emergency, the President (or in his absence, by designation specifically for purposes of this Emergency Management Plan, the Vice President for Student Affairs and Dean of Students, and thereafter, the Provost, and thereafter, the Vice President for Finance/Treasurer, and thereafter, the next most-senior available administrator on the Emergency Management Executive Team) has ultimate emergency responsibility and authority under this Plan, to the extent activation is deemed necessary under Section V, and is responsible for designating a single appropriate Incident Commander to oversee the management of all emergency activities, including development, implementation, and review of strategic decisions, and post-event review. The President (or surrogate/designee) is assisted and advised by the Emergency Management Executive Team (EMET). When designated, the Incident Commander will assemble and direct an Emergency Operations Group (EOG) to manage that specific emergency situation, some or all of the members of which may be drawn from the EMET.

The following list of personnel contains the actual titles of the team members and, in some cases, abbreviated titles for subsequent use throughout this document.

Emergency Management Executive Team (EMET)

The Emergency Management Executive Team provides executive leadership, advice and counsel to the President or his surrogate/designee on high level emergency management and recovery decisions for the University. Depending on the nature and scope of a particular emergency situation, some or all of the members of the EMET (or their designees) may be involved in tactical management of the response and recovery under the leadership of the designated Incident Commander, and may be designated as the Emergency Operations Group (EOG) for that emergency situation.

President
Vice President for Student Affairs and Dean of Students
Vice President for Finance/Treasurer
Provost
General Counsel
Assistant Dean, Law Student Affairs
Director of Public Safety
Chief Communications Officer
Executive Director of University Facilities
Chief Technology Officer
Director of Student Health/Counseling
Director of Environmental Health and Safety
Executive Director of Human Resources

V. Activation of the Plan

Initial Notification

Any member of the W&L community who witnesses or receives information regarding an emergency or impending emergency situation should contact the Office of Public Safety at extension 8999, or (540) 458-8999 from off-campus, or dial 911. The University may receive initial notification of an emergency or impending emergency from a number of sources, including campus constituents, the National Weather Service, and/or local/state/federal emergency officials.
If the incident is a low-level office or building incident that can be readily resolved, Public Safety or the appropriate department will take steps to remedy the situation and advise the appropriate member(s) of the EMET.

If the incident involves a more serious emergency, Public Safety will notify one or more of the appropriate senior staff members of the EMET, usually the Vice President for Student Affairs and Dean of Students. Senior staff will review the situation, consult with the President (or surrogate/designee) and other internal and external sources, as appropriate to the nature of the situation and the potential for threat to life and property, and designate a single Incident Commander, or implement other appropriate measures to address the situation. As emergency situations can be fluid and call for immediate action, senior staff members of the EMET may review a situation, decide on the appropriate course of action, and then notify the President (or surrogate/designee) of the planned course of action. However, in all cases, the President (or surrogate/designee) will be briefed and kept up to date.

**Designation and Authority of Incident Commander; Convening Emergency Operations Group**

If the Plan has been activated, a single Incident Commander will be designated as provided above and s/he will assemble an Emergency Operations Group (EOG). The Incident Commander will, in many cases, be the Director of Public Safety. In other cases, the Incident Commander may be another member of the EMET. Depending on the nature and circumstances of the emergency, the EOG may be made up of members of the EMET and/or may include other University administrators as appropriate. The Incident Commander will oversee the EOG and the management of all emergency activities, including development, implementation, and review of strategic decisions, and post-event review. The Incident Commander is the ultimate internal authority for all emergency response efforts involving the University in a particular emergency situation. S/he will lead a coordinated response effort, with members of the EOG charged with particular duties and leadership roles based on their areas of expertise.

**Emergency Operations Center (EOC)**

When needed in a particular emergency, the Board Room in Davis Hall (#206) will be the primary location for the initial meeting of the EOG. If the Davis Hall Board Room is inoperable or inaccessible, the University Facilities Office will be the secondary location for the EOG to gather. Should neither of these sites be feasible, another site will be designated after a campus status assessment.

In the event of a widespread emergency that involves the broader community, law enforcement, and/or other external agencies, the location for the EOG to meet may be changed to coordinate with the other entities or agencies involved in the emergency response, as appropriate.

**Emergency Response Priorities**

General priorities for emergency response at W&L are as follows:

**Protection of Life**
Humans
Animals (service animals, animals used in research)

**Stabilization of the Situation**
Prevent the situation from expanding
Isolate the scene and control ingress/egress
Determine course of action
Protect the Environment
Confine, contain or neutralize hazardous materials

Protect University Property
Facilities necessary for shelter and care of campus community
Critical University records and collections
Research
Facilities used for education and operations

Restoration of Critical Services, Education, and Research Programs
Services critical to the basic operating environment (power, water, communications, etc.)
Services critical to the well-being of students
Services critical to the integrity of research projects
Services critical to educational programs
Services critical to support infrastructure and operations

First-Aid Centers
The Student Health Center will be the primary first-aid center. However, in a widespread campus emergency, the decision of whether and where to set up another campus location for first response, triage, and stabilization will be made by the Incident Commander and the EOG in consultation with area emergency services providers. Serious injuries will be transported to Carilion Stonewall Jackson Memorial Hospital.

Temporary Shelter
Should the emergency call for extensive temporary shelter, the Elrod Commons and/or Evans Dining Hall will be the facilities most likely designated to serve that purpose. The backup temporary shelter will likely be Doremus Gymnasium. If none of these sites is viable, the University will take steps to identify other available community resources for temporary shelter, including, but not limited to, coordinating with the City of Lexington, Rockbridge County, and/or other resources, as appropriate.

Emergency Communications
Upon confirmation of a significant emergency or dangerous situation involving an immediate or impending 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 surrogate/designee), the President (or surrogate/designee) or the Incident Commander will, without delay, and taking into account the safety of the community, work to determine the content of an emergency notification and will instruct the Chief Communications Officer to provide notice of the emergency using the Emergency Communications Systems, unless issuing the notification would compromise efforts to respond to the emergency. The University will take steps to see that Emergency Communications Systems provide information to individuals with disabilities, including vision or hearing disabilities, as effectively as they are provided to others.

The President (or surrogate/designee) or the Incident Commander will continue to work with the Chief Communications Officer to provide content of relevant directions and updates to the campus community throughout the emergency situation, using the best and most effective means possible under the circumstances.
In certain emergency situations, when time does not permit consultation, the Chief Communications Officer, upon notification from the Director of Public Safety or the Vice President for Student Affairs and Dean of Students, may independently determine to issue a campus alert using one or more of the following components of the emergency communications systems and methods.

**Emergency Communications Tools for On-Campus Constituents**
(some or all of which may be used, as appropriate to the type and scope of emergency):
- Mass emails to wlu.edu accounts
- Text alerts to mobile phones through the "Generals Alerts" system (be sure to log in at [go.wlu.edu/general-alerts](http://go.wlu.edu/general-alerts) at least annually to check that your contact information is accurate, and to update your account when any of your contact information changes)
- Posting information to the W&L Emergency Website ([http://emergency.wlu.edu](http://emergency.wlu.edu)) and main W&L Website ([www.wlu.edu](http://www.wlu.edu))
- LiveSafe App ([http://go.wlu.edu/livesafe](http://go.wlu.edu/livesafe))
- Broadcast media: TV stations (WDBJ-7, WSLS-10, WSET-13), Radio stations (WREL-1450 AM, WWZW-96.7 FM, WMRA-89.9 FM, WKDW-900 AM, WLUR-91.5 FM)
- Other possible alternative methods (bullhorns, flyers, building runners, personal emails, phone calls)

**Emergency Communications Tools for Families and the General Public**
- Posting information to the W&L Emergency Website ([http://emergency.wlu.edu](http://emergency.wlu.edu)) and main W&L Website ([www.wlu.edu](http://www.wlu.edu))
- Text alerts to mobile phones through the "Generals Alerts" system (family members may subscribe at [go.wlu.edu/general-alerts](http://go.wlu.edu/general-alerts) and are responsible for keeping their contact information up to date)
- Broadcast media: TV stations (WDBJ-7, WSLS-10, WSET-13), Radio stations (WREL-1450 AM, WWZW-96.7 FM, WMRA-89.9 FM, WKDW-900 AM, WLUR-91.5 FM)
- Personal emails and phone calls
- The Incident Commander and the EOG will communicate and coordinate with community partners (other institutions of higher education, K-12 school systems, transportation providers, health care providers, local law enforcement, and City of Lexington government officials) as well as local/regional/state/federal emergency response officials and networks as necessary and appropriate in a particular emergency situation. The University will work to develop information sharing agreements as needed with such community partners to facilitate a prompt response in an emergency.
- The Chief Communications Officer or designee will be the principal media contact and University spokesperson with external audiences.

**Search of Open Buildings for Individuals Sheltered, Entrapped, or Injured**
- If and when the Incident Commander believes it prudent and safe to do so, depending on the nature of a particular campus emergency, Public Safety, with the assistance of other designated individuals, as needed, shall conduct a search of all accessible University buildings to determine if any individuals are sheltered, entrapped, or injured inside.
Assessment of Campus Property and Facilities Damage
The Executive Director of University Facilities and his/her staff will assess campus property and facilities damage as soon as possible and communicate their findings to the Incident Commander. In an emergency involving multiple facilities, they and the Incident Commander should first evaluate medical facilities and student residences. University Facilities will work to mitigate any damage to facilities and grounds to restore them to a functional level. The Executive Director of University Facilities, working with the Engineer, has the temporary emergency authority to evacuate or close a site they deem an immediate threat to life or safety, with the assistance of Public Safety, as appropriate, and subject to review by the Incident Commander. The Executive Director of University Facilities will also coordinate a survey of gas, electric, steam, water and sewer utilities, and, together with Public Safety, will also assist law enforcement and/or other external agencies with creating a safety perimeter at the site of the emergency, in consultation with the Incident Commander as appropriate. The Chemical Hygiene Officer, Radiation Safety Officer, and/or Director of Environmental Health and Safety may assist in providing information and/or on-site response in emergencies involving hazardous substances, including assessing damage or vulnerability to supplies of such substances from emergencies impacting storage sites. If an emergency situation calls for water or utility rationing, the Incident Commander, in consultation with the Executive Director of University Facilities, Public Safety, and/or external agencies, will direct that the campus community be notified of the specifics of such rationing and will oversee compliance, as needed.

Order for Evacuation of Campus
If it is necessary to evacuate the campus because of extensive failure of any critical system (sewer, water, electricity, etc.) or other danger present on campus, the Incident Commander, in consultation with the EOG and the President (or surrogate/designee), may order an evacuation. In that case, the University will communicate all evacuation details through the Emergency Communications Systems. See Appendix B for detailed information on campus evacuations.

Coordination with Local Officials
The Chief Communications Officer will distribute this Plan to local officials (see Record of Distribution on page two of this Plan document). During a campus emergency with impact beyond the campus and requiring coordination/assistance from outside agencies, the Incident Commander, assisted by the Chief Communications Officer and other members of the EOG as necessary, will coordinate with government officials and external agencies as appropriate to the emergency situation. W&L will conduct an integrated response to such emergencies using a joint or unified command structure. Decisions directly impacting W&L will be made by the Incident Commander, in consultation with the EOG and the President (or surrogate/designee). Contact information for all essential Lexington and Rockbridge emergency personnel, and key state and federal agencies likely to be involved with large-scale emergencies, is in Appendix F.

Key Roles
The Incident Commander and the EOG may request the following University offices to assume various roles during an emergency, sometimes outside the normal scope of their duties. If a department does not have specific emergency roles for its personnel, those personnel will become part of a pool of reserve personnel to assist as assigned by the Incident Commander and the EOG coordinating the specific emergency.
<table>
<thead>
<tr>
<th>University Office</th>
<th>Role</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Academic Deans and Chairs</strong></td>
<td>Identify and address instructional and research issues, including feasibility of continuing class schedule. Coordinate necessary faculty resources.</td>
</tr>
<tr>
<td><strong>Athletics</strong></td>
<td>Coordinate use of the Doremus Gym as a possible staging area, backup first-aid center, open bay temporary shelter, and/or temporary morgue.</td>
</tr>
<tr>
<td><strong>Student Health Center</strong></td>
<td>Provide medical support and mental health counseling. Assist in providing services to those with minor injuries and provide trauma support. Coordinate with first-aid services, community emergency services providers, and local medical providers. May be asked to assist/provide onsite medical triage.</td>
</tr>
<tr>
<td><strong>Print &amp; Mail Center</strong></td>
<td>Provide courier services as directed. Provide printed material as directed (letters to parents, posters, temporary procedures, signage, etc.)</td>
</tr>
<tr>
<td><strong>University Facilities</strong></td>
<td>Mitigate facility and grounds damages and work to restore functionality. Set up temporary quarters for displaced units. Evaluate structures and estimate repairs. Have temporary emergency authority to evacuate or close a site deemed to present a threat to life or well-being. Provide site and building information to the Incident Commander. Coordinate a survey of gas, electric, steam, water, and sewer utilities, as appropriate. Assist Public Safety and law enforcement with creating a safety perimeter at the site of the emergency.</td>
</tr>
<tr>
<td><strong>Director of Public Safety</strong></td>
<td>Provide site security, crowd control, evacuation, mobile communications, and investigation of incidents, as appropriate. Serve as liaison with on-site law enforcement, fire, and medical command personnel. Oversee periodic inventory and necessary testing of emergency supplies and equipment.</td>
</tr>
<tr>
<td><strong>Chemical Hygiene Officer, Radiation Safety Officer, and/or Director of Environmental Health and Safety</strong></td>
<td>Assist in providing information and/or on-site response in emergencies involving hazardous substances. Assess damage or vulnerability to supplies of such substances from emergencies impacting storage sites.</td>
</tr>
<tr>
<td><strong>University Veterinarian and/or Chair of Institutional Animal Care and Use Committee (IACUC)</strong></td>
<td>Provide for pre-emergency care/transport of laboratory animals when practical. Provide post-emergency response to assess and address health and safety threats to laboratory animals and/or take appropriate measures to dispose of deceased animals.</td>
</tr>
<tr>
<td>University Office</td>
<td>Role</td>
</tr>
<tr>
<td>------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Center for International Education</td>
<td>Serve as resource for Student Affairs Division and Provost in emergencies involving international students or scholars. Serve as primary contact with State Department and embassies, immigration authorities, and overseas resources. Assist as needed in liaison with overseas family members and/or local providers in emergencies calling for special religious or cultural customs (such as death of an international student or scholar).</td>
</tr>
<tr>
<td>Student Affairs Division</td>
<td>Coordination of non-academic needs of students, including shelter, food, health care, and transportation services. Serve as liaison with families. Coordinate Resident Assistants/Resident Advisors and other staff or student resources as building runners for communication with students in on- and off-campus housing, when other means of communication are unavailable.</td>
</tr>
<tr>
<td>Information Technology</td>
<td>Assure availability of key/critical systems (onsite restoration if required or offsite/disaster recovery options). Facilitate and support emergency technology offerings (devices and connectivity as possible, including laptops, tablets, telephones [plus phone bank and 800 number if feasible and beneficial], cellular broadband, etc.) at Emergency Operations Center.</td>
</tr>
<tr>
<td>Transportation (Business Office)</td>
<td>Provide or arrange for transportation services, as required.</td>
</tr>
<tr>
<td>Communications and Public Affairs</td>
<td>Media coordination, campus communications, community liaison, and spokesperson.</td>
</tr>
<tr>
<td>Secretary of the University</td>
<td>Staff the President's office, communicate with trustees, and gather EMET and other personnel on call of the President.</td>
</tr>
<tr>
<td>University Dining Services</td>
<td>Provide dining services for students, displaced personnel, and emergency workers. Oversee procurement and stockpiling of emergency food and water supplies.</td>
</tr>
<tr>
<td>Human Resources</td>
<td>Coordination of emergency needs of employees on campus, including shelter, food, health care, and transportation services, as appropriate. Serve as liaison with families.</td>
</tr>
</tbody>
</table>

**Emergency Equipment and Supplies**
The University will stock emergency supplies and equipment in a location centrally available to the campus and inform key campus emergency personnel of the location.

**Termination of State of Emergency**
The President (or surrogate/designee), in consultation with the Incident Commander and the EOG, has the sole authority to declare an end to any state of emergency. The Chief Communications Officer will send follow-up information to the campus community via Emergency Communications Systems as necessary.

**Departmental Emergency Management Plans**
At the time of publication of this Plan document, the offices listed above that have particular roles under this Plan are currently preparing or updating departmental emergency management plans to provide for carrying out those roles and responsibilities, and such departmental plans will be appended to this Plan document when finalized. In addition, certain other departments, in order to protect invaluable and irreplaceable University assets, have or are developing emergency management plans to provide for their particular and unique university records and/or assets:
- Athletics
- Business and Treasurer's Office
- Chemical Hygiene Officer
- Communications
- Development Office
- Human Resources
- Institutional Animal Care and Use Committee (IACUC)
- Law School
- Libraries (Leyburn, Law, and Science)
- Registrar's Office
- Special Collections
- Undergraduate Admissions Office
- University Collections of Art and History

**Training and Tests**
The EMET or a subgroup of that team, as directed by the President, will annually review this Plan. Members of the EMET and departments having particular roles and responsibilities under this Plan will receive training on their roles and responsibilities. The Plan will be tested at least annually using tabletop and/or other tests/exercises, including local government and emergency response officials, and other resources, as appropriate. The University, through the Vice President for Student Affairs and Dean of Students, will document tests and exercises of the Plan, including date, time, and specifics of each test/exercise, and whether it was announced or unannounced. In conjunction with such annual tests of the Plan, and otherwise as required by applicable law, the University will publicize the Plan and emergency guidance and resources.

**VI. Adoption, History of Prior Plan Documents, and Record of Distribution**
**Adoption**
The Washington and Lee University Emergency Management Plan ("the Plan" or "this Plan") is adopted effective October 2, 2019. It replaces the prior Emergency Management Plan, which was adopted September 29, 2017.
Approved by: William C. Dudley, President

A formal review of this Plan will occur annually by the Emergency Management Executive Team, or a subgroup of that Team, as designated by the President. In addition, the Plan will be revisited, and updated as necessary, based on issues or concerns identified by drills, exercises, actual emergency situations, and/or changes necessitated by regulatory developments, agency guidance, organizational structure, technological changes, etc.
As changes are made to the Plan, they will be approved by the President of the University and recorded by date and description below to provide a record of the Plan’s modification.

History of Prior Plan Documents and Amendments
Washington and Lee University Emergency Management Plan, adopted September 2017
Campus Crisis Communications Plan, adopted September 2004, updated February 2007

Record of Distribution
Copies of this Plan document have been distributed by the University’s Chief Communications Officer to the Commandant of the Virginia Military Institute, the Chiefs of the Fire and Police Departments of the City of Lexington, the Emergency Manager for the City of Lexington, the Sheriff of Rockbridge County, the Coordinator for Emergency Management for Rockbridge County, and the Chief Executive Officer of the Carilion Stonewall Jackson Hospital. The Vice President for Student Affairs and Dean of Students or designee has provided a copy of this Plan document to each member of the Emergency Management Executive Team and has placed a copy in each location designated herein as an Emergency Operations Center. Notice of the adoption of this Plan has been provided to the Washington and Lee University campus community by mass email, and postings in Campus Notices and the Human Resources Newsletter. This Plan has also been made available to the campus community and the general public by posting on the University’s main website (www.wlu.edu) and emergency website (http://emergency.wlu.edu).

VII. Acknowledgements
The following institutional plan documents and guidance information served as valuable resources in the development of this Plan document:
Boston College Comprehensive Emergency Management Plan
Kenyon College Emergency Operations Plan
Randolph Macon College Emergency Response Overview
Stanford University Guide for Assisting Individuals with Disabilities in an Emergency
University of Miami Emergency Preparedness Information
Appendix B

Sexual Discrimination and Misconduct Policy:

I. Policy Statement

All forms of sexual misconduct are an affront to human dignity and fundamentally at odds with the values of Washington and Lee University (“W&L” or “University”).

The University is committed to fostering a climate free from sexual misconduct through clear and effective policies, a coordinated education and prevention program, and prompt and equitable procedures for resolution of complaints that are accessible to all. The University encourages all members of its community to participate in creating a safe, welcoming, and respectful environment on campus. Ultimately, all members of the community are expected to assume responsibility for their conduct. All members of the community are also encouraged to report behaviors that may violate this policy and to take reasonable and prudent actions to prevent acts of sexual misconduct. The University will not tolerate retaliation against any individual who makes a report, participates or refuses to participate in a resolution process, or assists as a bystander to prevent sexual misconduct.

This policy addresses all forms of sexual misconduct (as defined in Section III below). This policy also prohibits retaliation. It prohibits these behaviors against individuals of any sex, gender identity, gender expression, or sexual orientation. This policy also prohibits failure to provide equal opportunity on the basis of sex in athletics; reports of this type of discrimination should also be brought to the attention of a Title IX Coordinator and will be addressed as appropriate.

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

II. Applicability

This policy applies to all members of the Washington and Lee community, including students, faculty, and staff, as well as consultants, volunteers, vendors, and others engaged in business with the University. Visitors to and guests of Washington and Lee University are also subject to this policy’s prohibitions.

The University is subject to Title IX of the Educational Amendments of 1972 (“Title IX”), 20 U.S.C. §§1681, et seq., which states that “[n]o person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”
The University does not discriminate on the basis of sex and will not tolerate sexual misconduct in any form. Alleged sexual misconduct subject to this policy includes both Title IX sexual harassment (which is defined by law) and non-Title IX sexual misconduct (which includes allegations that do not meet the definitions under Title IX, but nonetheless violate the University’s community standards), as discussed further in the Prohibited Conduct Definitions (Section V) below. There are certain distinctions between the procedures applicable to Title IX sexual harassment and non-Title IX sexual misconduct, as discussed further in this policy.

While the process for reporting allegations of sexual misconduct is the same regardless of the type of sexual misconduct reported, different resolution procedures apply based on the underlying alleged misconduct and/or the classification of the respondent as either a student or employee/non-student. If Title IX applies, regardless of the classification of the respondent, the procedures set forth in Section XIV apply. If Title IX does not apply and the matter involves allegations of sexual misconduct made against a student, the procedures set forth in Section XIV also apply.¹ If Title IX does not apply and the matter involves allegations of sexual misconduct made against an employee or other nonstudent, the procedures set forth in Section XV apply. For additional information on how to determine which resolution process will apply, see Section XI.B.

To the extent permitted by law, the procedures set forth in this policy will be used to address all formal complaints made on or after the effective date of this policy, regardless of when the incident(s) occurred.

III. Definitions

A. Advisor(s)

Throughout the applicable resolution process, the complainant and respondent have the right to Advisor(s) as follows:

1. In the Title IX complaint resolution process, both parties have the right to an Advisor of Choice.
2. In the non-Title IX resolution process for complaints against students, the complainant and respondent will each be provided with one (1) or two (2) Hearing Advisors or one (1) Discrimination Policy Advisor (DPA). The parties may choose whether they wish to use a DPA or Hearing Advisor(s), but a party cannot use both a DPA and Hearing Advisor(s). In addition to the Hearing Advisor(s) or a DPA, both parties also have the right to an Advisor of Choice.
3. In the non-Title IX resolution process for complaints against employees or other nonstudents, both parties have the right to a Discrimination Policy Advisor (DPA). In addition to a DPA, when a formal complaint of nonconsensual sexual penetration, nonconsensual sexual contact, domestic or dating violence, or stalking has been filed, both the complainant and the respondent have the right to an Advisor of Choice.

The role of Advisors is to advise the complainant or respondent of applicable procedures. Advisors are also available to offer support and to provide information on additional resources. In the case of matters subject to the Title IX resolution process, Advisors are responsible for conducting cross-examination of the other party and any witnesses (see Section XIV.B.3).

In all cases, Advisors may accompany the party they are advising to any meeting, interview, or hearing in connection with a formal complaint of sexual misconduct. While Advisors may
accompany the complainant and respondent at meetings, interviews, and hearings, they may not present evidence, and with the exception of cross-examination during the Title IX resolution process (see Section XIV.B.3), may not otherwise participate. Parties may request a brief recess to consult with their Advisor(s) during meetings, interviews, and hearings, which will be granted at the discretion of the investigator(s), Chair of the HSMB or Appeal Panel, Co-Chair, IROs, or individual(s) facilitating informal resolution, as applicable.

Advisors must follow the University’s policies, procedures, and practices. Any Advisor who does not follow the University’s policies, procedures, and/or practices, including the rules relating to professional conduct and the role of Advisor(s), will be warned once. If the Advisor continues to violate the University’s policies, procedures, and/or practices, such Advisor will be asked to leave the meeting, interview, or hearing at the discretion of the investigator(s), Chair of the HSMB or Appeal Panel, Co-Chair, IROs, or individuals facilitating informal resolution, as applicable. When an Advisor is removed from a meeting, interview, or hearing, it will continue without the Advisor’s presence, with the exception of a Title IX HSMB hearing. If removal takes place at a Title IX HSMB hearing, the University will provide an advisor for the purposes of conducting cross-examination. A short continuance or recess may be needed for this purpose.

The University expects all Advisors to adjust their schedule to allow them to attend meetings, interviews, and hearings held in connection with a formal complaint when scheduled. While the University will consider rescheduling to reasonably accommodate an Advisor’s unavoidable conflict, whether to grant such a request is in the sole discretion of the investigator(s), Chair of the HSMB or Appeal Panel, Co-Chair, IROs, or individual(s) facilitating informal resolution, as applicable.

B. Advisor of Choice

An Advisor of Choice is a person chosen by a party to advise such party and may be a friend, mentor, family member, attorney, University-trained advisor, University employee, or any other individual a party chooses to advise them. The University will provide a Hearing Advisor or Discrimination Policy Advisor to serve as the Advisor of Choice at no cost to a party, but any other individual whom a party selects to serve as such party’s Advisor of Choice will be obtained at the party’s own expense, if any fee is charged. Advisors of Choice must follow the rules applicable to Advisors set forth in Section III.A above.

C. Appeal Panel

The Appeal Panel is the body that receives and adjudicates appeals of decisions of the Harassment and Sexual Misconduct Board or an Investigation Review Panel. For Title IX complaints and non-Title IX complaints against students, the Appeal Panel is made up of three (3) members of the HSMB selected by the Chair of the Appeal Panel who did not serve on the original panel. For non-Title IX complaints against employees or other nonstudents, an Appeal Panel is made up of three (3) IROs who were not involved in the original investigation or panel and who are appointed by the other Co-Chair who was not involved in the original review or sanctioning process. Each member of the Appeal Panel must be impartial and free of any conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. The Chair of the Appeal Panel or Co-Chair (as applicable) has discretion to address any conflicts that may arise with members constituting the panel. Appeal Panel members who have reason to believe they cannot be impartial, free of any conflict of
interest or bias for or against complainants or respondents generally or an individual complainant or respondent, or make an objective determination must recuse themselves from the process.

D. Chair of the Appeal Panel

For Title IX complaints and non-Title IX complaints against students, the Chair of the Appeal Panel will be a Chair of the HSMB who was not involved in the original hearing. The Chair of the Appeal Panel will determine the proper composition of the panel, oversee and organize the appeal process, and enforce the rules of professional conduct as outlined in Section XVIII.A, but does not have a vote in the appeal process. The Chair of the Appeal Panel must be impartial and free of any conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. The Chair of the Appeal Panel shall exercise reasonable discretion in dealing with all matters not expressly covered under this policy relating to the appeal process and shall have the authority to make the final determination as to all procedural questions or issues that may arise relating to the appeal process.

E. Chair of the HSMB

For complaints of Title IX sexual harassment and complaints of non-Title IX sexual misconduct against students, the Chair of the HSMB is an individual designated to serve as Chair of the HSMB hearing panel. The Chair of the HSMB appoints the HSMB panel members, communicates with the parties at various stages in a resolution process, makes evidentiary rulings and other decisions as set forth in this policy, organizes and runs the hearing process, and enforces the rules of professional conduct as outlined in Section XVIII.A, but does not vote on responsibility or sanction. The Chair of the HSMB shall exercise reasonable discretion in dealing with all matters not expressly covered under this policy and shall have the authority to make the final determination as to all procedural questions or issues that may arise.

F. Co-Chairs

For complaints of non-Title IX sexual misconduct against employees or other nonstudents, the Treasurer/Vice-President for Finance and Administration and the Provost will serve as Co-Chairs of the Investigation and Review Officers (“IROs”). The Co-Chairs, who are specially trained to carry out these procedures, receive formal complaints, appoint the investigator(s), Investigation and Review Panel, and the Appeal Panel (as needed), communicate with the parties at various stages in a resolution process, and determine the sanction when a policy violation is found. The Co-Chairs serve as advisors to the IROs on procedural matters.

G. Coercion

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

H. Complainant

The term complainant refers to the individual who is alleged to be the victim of conduct that could constitute sexual misconduct, regardless of whether that individual makes a report or seeks formal disciplinary action.

I. Consent

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

Additional Guidance about Consent:

- Consent to one form of sexual activity does not, by itself, constitute consent to engage in all forms of sexual activity.
- Consent consists of an outward demonstration indicating that an individual has freely chosen to engage in sexual activity. Consent may not be inferred from silence, passivity, lack of resistance, or lack of an active response alone. A person who does not physically resist or verbally refuse sexual activity is not necessarily giving consent.
- A verbal “no” is a clear demonstration of the lack of consent, but is not the sole way to demonstrate a lack of consent.
- Individuals with a previous or current intimate relationship do not automatically give either initial or continued consent to sexual activity. Even in the context of a relationship, there must be mutually understandable communication that clearly indicates a willingness to engage in sexual activity.
- Either party may withdraw consent at any time. Withdrawal of consent should be outwardly demonstrated by words or actions that clearly indicate a desire to end sexual activity. Once withdrawal of consent has been expressed, sexual activity must cease.
- Being intoxicated or impaired by drugs or alcohol is never an excuse for sexual misconduct, and does not diminish one's responsibility to obtain consent.
- Consent is not effective if it results from the use or threat of physical force, intimidation, or coercion, or any other factor that would eliminate an individual's ability to exercise free will to choose whether or not to have sexual contact. See the definitions of Force and Coercion in this Section for further discussion.
- An individual who is physically incapacitated from alcohol or other drug consumption (voluntarily or involuntarily) or is asleep, unconscious, unaware, or otherwise physically helpless is considered unable to give consent. See the definition of Incapacitation in this Section for further discussion.

J. Discrimination Policy Advisors

Discrimination Policy Advisors (DPAs) are University faculty or staff members who have been trained to provide support and advice to complainants and respondents. Discrimination Policy Advisors must follow the rules applicable to Advisors set forth in Section III.A above.
K. Force

Force is the use or threat of physical violence or intimidation to overcome an individual’s freedom of will to choose whether or not to participate in sexual activity.

L. Formal Complaint

A formal complaint is a written or electronic document filed by a complainant or signed by the Title IX Coordinator alleging sexual misconduct against a respondent and requesting that the University investigate the allegations of sexual misconduct.

M. Harassment and Sexual Misconduct Board

The Harassment and Sexual Misconduct Board (HSMB) is the body that determines responsibility and, if warranted, administers sanctions against any respondent for complaints of Title IX sexual harassment and complaints of non-Title IX sexual misconduct made against students.

The HSMB is made up of individuals that may serve in the role of Chair of a HSMB hearing panel and/or Appeal Panel and administrators and faculty who may serve as members of a HSMB hearing panel or Appeal Panel. All members of the HSMB are specially trained to adjudicate cases of sexual misconduct.

The Chair of the HSMB and each member of the HSMB panel for a particular matter must be impartial and free of any conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. HSMB members who have reason to believe they cannot be impartial, free of any conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent, or make an objective determination must recuse themselves from the process.

N. Hearing Advisor(s)

Hearing Advisors are law and undergraduate students who have been trained by the University to provide support and advice to complainants and respondents. Hearing Advisors must follow the rules applicable to Advisors set forth in Section III.A above.

O. Incapacitation

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

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

In evaluating whether consent was present in cases of alleged incapacitation, the University asks three questions: (1) Was complainant incapacitated? (2) If so, did the respondent know that the complainant was incapacitated?, and (3) If not, would a sober, reasonable person in the same situation have known that the complainant was incapacitated based on objectively and reasonably apparent indications of incapacitation.
Where alcohol or other drugs are involved, incapacitation is a state beyond drunkenness or intoxication. The impact of alcohol and other drugs varies from person to person; however, common warning signs that a person may be incapacitated or approaching incapacitation as a result of alcohol or drug use or consumption may include, but are not limited to, slurred speech, vomiting, unsteady gait, odor of alcohol, incontinence, combativeness, or emotional volatility.

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

**P. Investigation and Review Officers**

Investigation and Review Officers (IROs) are a group of University administrators who are specially trained to investigate and review complaints of non-Title IX sexual misconduct against employees and other non-students. When a formal complaint of non-Title IX sexual misconduct is filed against a member of the faculty, staff, or other non-student under this policy, the relevant Co-Chair selects the investigator(s), an Investigation and Review Panel ("IRP"), and (if needed) an Appeal Panel from the pool of the available IROs. The IROs consist of the following administrators:

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

**Q. Investigation and Review Panel**

The Investigation and Review Panel (IRP) is the body that determines responsibility and, if warranted, recommends sanctions and/or discipline against a respondent for complaints of non-Title IX sexual misconduct against employees and other nonstudents. The IRP is made up of three (3) IROs selected by the Co-Chair.

**R. Medical or Counseling Records**

The term medical or counseling records means records of an individual that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in a professional’s or paraprofessional’s capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to that individual.
S. Non-Title IX

The term non-Title IX means not covered by Title IX of the Education Amendments of 1972 and its implementing regulations.

T. Notice of Allegations

Notice of allegations refers to the official notice of the allegations provided to the parties upon the receipt of a formal complaint. This notice will provide sufficient details known at the time and be provided with sufficient time to prepare a response before any initial interview.

U. Resolution Process

The term resolution process refers to the process that governs the investigation, hearing or other adjudication, and appeal (if applicable) of a formal complaint. This policy includes four different resolution processes: (1) informal resolution; (2) the resolution process for Title IX complaints; (3) the resolution process for non-Title IX complaints against students; and (4) the resolution process for non-Title IX complaints against employees and other nonstudents.

V. Respondent

For allegations of Title IX sexual harassment, the term respondent refers to the individual who has been reported to be the perpetrator of conduct that could constitute Title IX sexual harassment under this policy. For allegations of non-Title IX sexual misconduct, the term respondent refers to the individual(s) or group who has/have been accused of conduct that could constitute non-Title IX sexual misconduct under this policy.

W. Sexual Misconduct

The term sexual misconduct refers to Title IX sexual harassment and non-Title IX sexual misconduct, each as defined in Section V.

X. Student

For purposes of this policy, an individual is considered to be a student from the time that individual enrolls at the University and continues until the student withdraws or graduates, including academic term breaks and periods between terms and semesters.

Y. Title IX Coordinator

The University’s Title IX Coordinator is Lauren E. Kozak. The Title IX Coordinator receives reports of sexual misconduct and oversees the University’s review, investigation, and resolution of those reports to ensure the University’s compliance with Title IX and other applicable laws, and the effective implementation of this policy.

The Title IX Coordinator is:

- Responsible for the oversight of the resolution of all reports of sexual misconduct involving students, staff, and faculty as well as volunteers and third parties;
• Knowledgeable and trained in University policies and procedures, relevant state and federal laws, and all other topics required by Title IX and other relevant laws;
• Available to advise any individual, including a complainant, a respondent, or a third party, about the resolution options available at the University;
• Available to provide assistance to any University employee regarding how to respond appropriately to a report of sexual misconduct;
• Responsible for monitoring compliance with all procedural requirements, record keeping and time frames outlined in this policy;
• Responsible for overseeing training efforts, and reviews of climate and culture and patterns of sexual misconduct;
• Responsible for conducting or overseeing investigations of formal complaints;
• Responsible for the oversight of the resolution of complaints involving gender equity in athletics, admissions, and employment; and
• Responsible for the implementation of supportive measures upon a report of misconduct and any remedies imposed as a result.

The Title IX Coordinator is supported in these responsibilities by Mary E. Main, the Executive Director of Human Resources, who serves as the Assistant Title IX Coordinator for Employment.

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

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

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

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

U.S. Department of Education
Washington DC (Metro)
Office for Civil Rights
400 Maryland Avenue, SW
Washington, D.C. 20202-1475
Telephone: 202-453-6020
FAX: 202-453-6021; TDD: 800-877-8339
Email: OCR.DC@ed.gov
V. Prohibited Conduct and Jurisdiction

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

Title IX of the Education Amendments of 1972 (Title IX) covers conduct that meets a federally prescribed definition of sexual harassment, which this policy refers to as Title IX sexual harassment (see Section V.A below for definition). If alleged prohibited conduct does not fall under the definition or jurisdiction of Title IX sexual harassment, this policy will still apply to such prohibited conduct as Non-Title IX sexual misconduct in the following circumstances:

- The conduct occurs on the campus of or other property owned or controlled by the University;
- The conduct occurs during or in connection with a University education program or activity, including in the course of University-related business, travel or off-campus programs. This may include, but is not limited to, domestic or international academic programs, field trips, spring term coursework, study-abroad programs, internship programs, work-related conferences, etc.;
- The conduct has a continuing adverse effect for a complainant while on campus or other property owned or controlled by the University or in any University employment or education program or activity; and/or
- The conduct is committed by a student and occurs in the City of Lexington, the City of Buena Vista, or the County of Rockbridge.

For ease of reference, prohibited conduct that is not covered by Title IX will be referred to as non-Title IX sexual misconduct throughout this policy (see Section V.B below for definition). The University will review all reports of alleged misconduct, regardless of where the conduct occurred, to determine whether jurisdiction exists.

A. Title IX Sexual Harassment

Title IX sexual harassment means conduct on the basis of sex that occurs in a University education program or activity, against a person in the United States, and satisfies one or more of the following:

- A University employee conditioning the provision of an aid, benefit, or service of the University on an individual’s participation in unwelcome sexual conduct;
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University’s education program or activity;
- Nonconsensual Sexual Penetration;
- Nonconsensual Sexual Contact;
- Incest;
- Statutory Nonconsensual Sexual Penetration;
- Dating violence;
- Domestic violence; and/or
- Stalking.
A University education program or activity is defined as locations, events, or circumstances over which the University exercises substantial control over both the respondent and the context in which the conduct occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the University.

B. Non-Title IX Sexual Misconduct

Non-Title IX sexual misconduct means conduct that does not constitute Title IX sexual harassment, but that meets the jurisdictional requirements for non-Title IX sexual misconduct set forth above and satisfies one or more of the following:

- Nonconsensual Sexual Penetration;
- Nonconsensual Sexual Contact;
- Sexual Discrimination;
- Non-Title IX Sexual Harassment;
- Sexual Exploitation;
- Dating violence;
- Domestic violence; and/or
- Stalking.

C. Nonconsensual Sexual Penetration

Nonconsensual sexual penetration means penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without consent.

D. Nonconsensual Sexual Contact

Nonconsensual sexual contact means the touching of the private body parts of another person, either under or over clothing, for the purpose of sexual gratification without consent. Private body parts include breasts, genitals, mouth, and buttocks.

E. Incest

Incest means non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

F. Statutory Nonconsensual Sexual Penetration

Statutory nonconsensual sexual penetration means non-forcible sexual intercourse with a person who is under the statutory age of consent.

G. Sexual Discrimination

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

Non-Title IX sexual harassment means any unwelcome conduct of a sexual nature (e.g., sexual advances, request for sexual favors, or other unwanted verbal or physical conduct of a sexual nature) or unwelcome conduct based on sex, sexual orientation, gender identity, or gender expression, when one or more of the following conditions are present:

- Submission to the unwelcome conduct is an expressed or implied condition of an individual's employment, evaluation of academic work, or any aspect of a University program or activity;
- Refusal to submit to unwelcome conduct resulted in a tangible academic or employment detriment; and/or
- The unwelcome conduct is so severe, persistent, or pervasive that it unreasonably interferes with an individual's work or academic performance, or creates an intimidating or hostile academic or work environment under both an objective (a reasonable person's view) and subjective (the complainant's view) standard.

Conduct is unwelcome if the individual did not request or invite it and regarded the conduct as undesirable or offensive. Acquiescence in the conduct or the failure to complain does not always mean that the conduct was welcome.

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

- The degree to which the conduct affected one or more person's education or employment;
- The type, frequency, and duration of the conduct;
- The nature and severity of the conduct;
- The relationship between the respondent and the complainant;
- Whether the conduct was physically threatening;
- Whether the conduct was directed at more than one person;
- Whether the conduct arose in the context of other discriminatory conduct; and/or
- Whether the conduct deserves the protections of academic freedom.

I. Sexual Exploitation

Sexual exploitation means taking advantage of the sexuality of another person without consent. Examples of sexual exploitation include, but are not limited to, the following:

- Observing another individual's nudity or sexual activity or allowing another to observe nudity or sexual activity without the consent of all parties involved in a place where the individual being observed would have a reasonable expectation of privacy;
- Recording, streaming, or photographing private sexual activity and/or a person's nudity, or distribution of such without the consent of all parties involved;
- Prostituting another individual;
- Disrobing or exposing another without their consent; and/or
• Inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

J. Domestic and Dating Violence

Domestic violence means violence committed by:

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

Domestic and/or dating violence includes sexual or physical violence or the threat of that violence.\footnote{4}

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

K. Stalking

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

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

Course of conduct means two or more acts, including, but not limited to, acts in which the alleged stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.

Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Reasonable person means a reasonable person under similar circumstances and with similar identities to the complainant.
L. Retaliation

Retaliation means to intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or granted under or exercised pursuant to this policy, or because the individual has made a report or complaint; assisted, participated, or refused to participate in any manner in an investigation, proceeding, or hearing under this policy; or engaged in bystander intervention of sexual misconduct.

The good faith reporting of an alleged violation of this policy does not constitute retaliation. Additionally, reporting an individual for making a materially false statement in bad faith in the course of an investigation, proceeding, or hearing does not constitute retaliation, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith. An individual may be found responsible for retaliation even when there is no finding of responsibility for the original alleged policy violation for which the individual has retaliated.

For employees, discipline for retaliation may be handled by the Executive Director of Human Resources, the Provost’s office, or a department head, or may be addressed by an HSMB or IRO panel. For students, the Vice President for Student Affairs and Dean of Students has the discretion to address retaliation by taking administrative actions, disciplinary or otherwise, or referring the matter for a formal conduct charge. Notwithstanding the foregoing, and regardless of the manner in which any alleged retaliation is addressed, before any discipline is imposed, the person accused of retaliation will receive notice and an opportunity to be heard, as appropriate under the circumstances.

VI. Resources

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

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

The University recognizes that deciding whether to make a report and choosing how to proceed can be difficult decisions. The University encourages any individual who has questions or concerns to seek the support of campus and community resources, including the confidential and nonconfidential resources listed below. These professionals can provide information about available resources and procedural options and other assistance to either party in the event that a report and/or disciplinary proceedings are pursued. Individuals are encouraged to use available resources, regardless of when or where the incident occurred.
Complainants are strongly encouraged to take immediate steps to preserve all evidence that might support a future report to the University, a protective order, or an investigation by law enforcement.

A. Confidential Resources

Confidential resources do not involve notifying any other individual at the University of the incident unless the complainant requests such action. These resources keep information confidential, which means that the information cannot be revealed to any other person without express permission of the disclosing individual. Confidential resources include medical providers, mental health care providers, ordained clergy, and off-campus rape crisis counselors, all of whom have privileged confidentiality recognized by law. These individuals are prohibited from breaking confidentiality unless there is an imminent threat of harm to self or others, the conduct involves suspected abuse of a minor under the age of 18, or as otherwise authorized by state and federal law.

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

It is important to understand that any University employee who is not designated as a confidential resource cannot guarantee the confidentiality of a report or information concerning an alleged violation of this policy. All employees are encouraged to share any report of sexual misconduct with a Title IX Coordinator, and some employees are considered Authorized Employees or Mandatory Reporters. More information about these designations and how to report to campus authorities can be found in Section VIII.B.

1. Medical Care

Medical care is important to treat any injuries, screen for and treat sexually transmitted infections (STIs), provide emergency contraception, and pursue evidence collection.

- W&L Student Health Center Phone: 540-458-8401 Location: Lower Level of Davis Hall
- Carilion Stonewall Jackson Hospital: Phone: 540-458-3300 Location: 1 Health Cir. Lexington, VA 24450
- Augusta Health: Phone: (800) 932-0262 Location: 78 Medical Center Dr. Fishersville, VA 22939

(This is the closest hospital that can conduct a forensic exam by a Sexual Assault Nurse Examiner. The purpose of a forensic exam is to document and collect evidence of sexual contact and/or physical trauma. When there is suspicion or concern that an assault may have been facilitated by the use of drugs, the forensic exam may also include the collection of urine and blood samples for toxicology testing. Individuals are not required to report an incident to law enforcement or the University in order to receive a forensic exam. Both Project Horizon and W&L Public Safety can assist with transportation. An individual can coordinate transport from Public Safety through the Student Health Center.)
2. Counseling/Professional Support Resources

- W&L Student Counseling Center: Phone: (540) 458-8590 Location: Early Fielding Building
- Project Horizon: Phone: (540) 463-2594 Location: 120 Varner Lane
- Employee Assistance Program (EAP): (800) 992-1931

3. Hotlines

- **Virginia State Domestic & Sexual Violence Hotline (VSDS)**
  (800) 838-8238 (24-hour hotline)
- **National Domestic Violence Hotline (NDV)**
  (800) 799-7233 (SAFE)
  [www.thehotline.org](http://www.thehotline.org)
- **Rape, Abuse and Incest National Network (RAINN)**
  (800) 656-4673
  [www.rainn.org](http://www.rainn.org)

B. Nonconfidential Resources

Nonconfidential resources can provide support, information about University or other resolution options, and referrals to resources. These resources include Public Safety, local law enforcement, the Title IX office, the Dean of Student’s Office, and Human Resources.

- 911
- Lexington Police Department: (540) 462-3705
- Rockbridge County Sheriff’s Office: (540) 463-7328
- W&L Public Safety: (540) 458-8999
- Dean of Students Office: (540) 458-8754
- Dean on Call 24/7 by calling Campus Public Safety: (540) 458-8999
- Title IX Coordinator: (540) 458-4055
- Executive Director of Human Resources: (540) 458-8250

University nonconfidential resources will maintain the privacy of the information shared.

VII. Privacy and Confidentiality

The University is committed to protecting the privacy of all individuals involved in a report of sexual misconduct. University officials will maintain the privacy of the information shared. Information will be shared only with a limited circle of individuals: those University employees who have a legitimate need to know in order to assist in the active review, investigation, or resolution of the report pursuant to the Family Education Rights and Privacy Act (FERPA) and applicable federal and state laws. After resolution of a matter, the University may also notify appropriate University employees, as necessary to implement the outcome, sanctions, and/or remedies.
No information shall be released from proceedings under this policy, including the identity of any individual who has made a report, any complainant, any respondent, and any witness, except as required or permitted by law or required to carry out the provisions of this policy.

Pursuant to and as required by the Clery Act, if a report of misconduct indicates a serious and continuing threat to the campus community, the University will issue a timely notification to the community to protect its health or safety. Additionally, anonymous statistical information of certain reports must be shared with Public Safety. Annual Clery reporting to the U.S. Department of Education is required of educational institutions for certain offenses that have been reported at campus locations or certain off-campus locations controlled by the institution. The information contained in the Clery report tracks the number of Clery-reportable offenses occurring at such locations and does not include the names or any other identifying information about the persons involved in the incident.

The University may also share non-personally identifying information about reports received in aggregate form, including data about outcomes and sanctions. For formal complaints against students, at the end of each term, a public notice will be posted that includes the nature of the conduct and each charge for which a student respondent was found "Responsible" or "Not Responsible." If there is a finding of responsibility, the public notice will include the sanction imposed for the charge. The Public Notice will not include names or any other personally identifiable information.

To protect the interests of all involved, the following privacy and confidentiality restrictions apply in a resolution process:

- While a resolution process is still pending, parties may share the evidence the party received access to as part of the resolution process with their Advisor(s) and may discuss the allegations with others to the extent necessary to gather and present relevant evidence. However, parties may not otherwise share the information and documents the party received access to as part of the resolution process with third parties, disclose the documents publicly, or use the documents for purposes not explicitly authorized by the University or by applicable law.
- Advisors are expected to maintain the privacy and confidentiality of any information and/or documents shared with them and may not share any such information and/or documents with third parties, disclose the any such information or documents publicly, or use any such information or documents for purposes not explicitly authorized by the University or by the applicable law. The University may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by the University’s privacy and confidentiality expectations.
- After the University’s resolution process has concluded, complainants, respondents, witnesses, and Advisors are prohibited from disclosing, describing, or publishing any and all documents the University provided during the resolution process (including but not limited to documents provided during or as a result of the investigation, hearing, and appeal processes), unless the disclosure is required or expressly permitted by law. While this provision prohibits dissemination of the University’s investigation, hearing, and appeal materials and information an individual learns from these materials, it does not prohibit the sharing of information about which individuals have independent knowledge as long as they do not engage in retaliation as defined by this policy or violate any other University policies. The parties are also not prohibited from sharing the results of a case, including any violation found to have been committed, and any sanction imposed.
The University may notify a student’s parents or guardians of outcomes under this policy only to the extent permitted by law and consistent with University policies, procedures, and practices.

VIII. Reporting

A. Reporting to Law Enforcement

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

Local law enforcement information:

- Lexington Police Department: (540) 462-3705
- Rockbridge County Sheriff's Office: (540) 463-7328
- Virginia State Police: (804) 674-2000

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

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

Pursuant to and as required by Virginia law, the University must disclose information regarding a report of sexual misconduct to law enforcement if (1) it is a report of sexual violence, which means physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent; (2) the sexual violence is alleged to have been committed against a student attending the University, or may have occurred on certain locations as defined by Virginia law; and (3) disclosure of the information is deemed necessary to protect the health or safety of the student or other individuals by the three-person University Review Committee (the Review Committee is composed of the Title IX Coordinator, a representative from Student Affairs, and a representative from Public Safety). If the alleged act of sexual violence is a felony crime of sexual violence under Virginia law, disclosure must, under applicable law, also be made to the Commonwealth’s Attorney without the release of any personally identifiable information.
(unless such information was deemed necessary by the Review Committee to be disclosed to law enforcement in accordance with the applicable law). See Va. Code § 23.1-806. In the event of a disclosure, complainants retain the right to decline to participate in any investigation or to request that a criminal investigation not proceed.

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

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

B. University Reporting Resources

Making a report to the University means notifying the Title IX Coordinator or another University employee with the authority to institute corrective measures regarding complaints of sexual misconduct of an incident of sexual misconduct in person, by telephone, in writing, by email, or through an online report. A report may be accompanied by a request:

- for supportive measures,
- to file a formal complaint to initiate a formal resolution process; or
- for no further action.

At the time a report is made, a complainant does not have to decide how to proceed. Deciding how to proceed can be a process that unfolds over time. The University provides support that can assist in making these important decisions, and to the extent possible (based on the factors in the policy at Section IX), will respect an individual's autonomy in deciding how to proceed.

All W&L community members are encouraged to report all incidents of sexual misconduct or retaliation directly to the Title IX Coordinator or Assistant Title IX Coordinator for Employment, or, if after hours, to Public Safety.

- Lauren E. Kozak, Title IX Coordinator
  Elrod University Commons 212
  Phone: 540.458.4055
  Email: kozakl@wlu.edu
  Online Report: go.wlu.edu/sexualmisconductreport
The University recognizes that a student or employee may choose to disclose an allegation of sexual misconduct to any employee of the University. For example, a student may choose to confide in an associate dean, a resident adviser, a faculty member, a director, or a coach. Similarly, an employee may choose to confide in a supervisor or a colleague. No W&L employee may promise confidentiality (except certain employees in Student Health and Counseling), and all W&L employees are encouraged to share such information with the Title IX Coordinator or Assistant Title IX Coordinator for Employment to ensure consistent application of the policy to all individuals.

W&L has identified certain groups of employees as Authorized Employees and Mandatory Reporters for purposes of complaints of sexual misconduct. Both Authorized Employees and Mandatory Reporters are required to report to a Title IX Coordinator all relevant details (obtained directly or indirectly) about an alleged incident of sexual misconduct, including dates, times, locations, and names of parties and witnesses.

The following Authorized Employees have the authority to institute corrective measures regarding complaints of sexual misconduct. A report to one of these individuals constitutes actual notice to the University of a report of sexual misconduct:

- Title IX Coordinator
- Assistant Title IX Coordinator for Employment
- Vice President for Student Affairs and Dean of Students
- Assistant Dean of Law Student Affairs
- Provost
- Associate Provost
- Dean of the School of Law
- Associate Dean of the School of Law
- Dean of the College
- Associate Deans of the College
- Dean of the Williams School
- Associate Dean of the Williams School
- Director of Athletics
- Director of Public Safety
- Assistant/Associate Director of Public Safety
- Vice President for Finance/Treasurer
The following additional Mandatory Reporters must report complaints of sexual misconduct to a Title IX Coordinator (Note: a report to the individuals below does not constitute actual notice to the University):

- Associate and Assistant Athletic Directors
- Athletic Team Coaches, Assistant Coaches, and Athletic Trainers
- Directors of Legal Clinics
- Faculty and staff accompanying students on off-campus programs or other University-related trips, within and outside the United States
- Undergraduate Faculty Department Chairs and Program Chairs
- Resident Advisers and Community Assistants
- Shepherd Program-Associate Director and Assistant Directors
- Officers of Public Safety
- Dean of Student Life
- Student Affairs Class Deans
- Director of Sustainability Initiatives and Education
- Associate Director for International Education
- Director of Residence Life
- Dean of Career and Professional Development
- Director of Student Activities
- Director of Outdoor Education
- Dean for Diversity, Inclusion and Student Engagement
- Assistant Dean, Office of Career Strategy, Law School
- Associate Director of Intramurals and Adventure Programs
- Asst. Director, Leadership Development & Student Engagement
- Chief Technology Officer
- Executive Director of Facilities

C. Anonymous Reporting

With the exceptions of Authorized Employees and Mandatory Reporters, any individual may make an anonymous report concerning incidents of sexual misconduct. An individual may report the incident without disclosing their name, identifying the respondent, or requesting any action. Depending on the extent of information available about the incident or the individuals involved, however, the University’s ability to respond to an anonymous report may be limited. The Anonymous Sexual Misconduct Reporting Form can be found at: go.wlu.edu/sexualmisconductreport.

The Title IX Coordinator will receive the anonymous report and will determine how to proceed, as appropriate and in compliance with all federal and state legal obligations.

D. Steps upon Receipt of Report

Upon receipt of a report of sexual misconduct, the Title IX Coordinator or Assistant Title IX Coordinator for Employment will promptly contact the complainant, if known, to discuss resolution options, including the availability of supportive measures (Section X) with or without the filing of a formal complaint and the option and the process to file a formal complaint to begin a resolution process. The Title IX Coordinator or Assistant Title IX Coordinator for
Employment will ensure that the complainant receives a written explanation of available resources and options.

After speaking with the complainant, if the complainant has expressed a desire to proceed with a formal complaint, the University will begin the formal complaint process. If the complainant has requested not to proceed with a formal complaint, the Title IX Coordinator or Assistant Title IX Coordinator for Employment, in coordination with others as necessary, will determine the appropriate manner of resolution for the particular report following the guidelines in Section IX, which may include supportive measures or the initiation of a formal complaint.

### E. Reporting Considerations

#### 1. Timeliness of Report, Location of Incident

Complainants and third-party witnesses are encouraged to report incidents of sexual misconduct as soon as possible in order to maximize the University’s ability to respond promptly and effectively. However, there is no time limit on reporting violations of this policy. If the respondent is no longer a student or employee, the University may not be able to proceed with a resolution process and/or take disciplinary action against the respondent, but it will offer and provide supportive measures to a complainant.

An incident does not have to occur on campus to be reported to the University. Off-campus conduct may be covered, including conduct that occurs in the City of Lexington, City of Buena Vista, and County of Rockbridge, conduct that occurs in connection with University programs or events, and conduct that results in a continuing adverse effect while on campus or other property owned or controlled by the University or in any University employment or education program or activity. The University will process all complaints regardless of where the conduct occurred to determine whether Title IX or other University conduct provisions contained in this policy may apply.

#### 2. Amnesty for Personal Use of Alcohol or Other Drugs for Students

The University seeks to remove any barriers to reporting. It is in the best interest of this community that all individuals who have been the subject of sexual misconduct report the behavior to the University, and that witnesses share what they know. To encourage reporting, student complainants, student witnesses, and student respondents will not be subject to disciplinary action by the University for their own personal consumption of alcohol or drugs at or near the time of the incident. While this provision applies to students, nothing in this section precludes the use of amnesty for employees in the University’s sole discretion.

#### 3. False Reporting

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

**IX. Complainant Autonomy Regarding Manner of Resolution**

After receipt of a report of sexual misconduct, the University will act consistent with a complainant’s request where possible.

If the complainant files a formal complaint, the University will always proceed pursuant to the relevant resolution process. If a complainant files a formal complaint and requests informal resolution instead of an investigation and/or hearing process, the University will determine whether informal resolution is appropriate.

Where a complainant makes a report but declines to file a formal complaint, the Title IX Coordinator will determine, based on the available information, whether to file a formal complaint.

In determining whether the Title IX Coordinator will file a formal complaint, the Title IX Coordinator will consider a range of factors, including, but not limited to:

- The severity and impact of the conduct, including whether a weapon was used;
- Whether the complainant is a minor under the age of 18;
- Whether other reports of sexual misconduct have been made against the respondent;
- Whether the respondent threatened further violence or other violence against the complainant or others;
- Whether the respondent is an employee;
- Whether the university possesses other means to obtain relevant evidence of the alleged sexual misconduct (security cameras, video recordings, photographs or other evidence); and
- The extent of prior remedial methods taken with the respondent.

The presence of one or more of these factors could lead the Title IX Coordinator to file a formal complaint. In considering the factors, the Title IX Coordinator will consider whether specific circumstances would prevent the University from gathering evidence sufficient to reach a determination as to the formal complaint. If so, then even if factors are met, the Title IX Coordinator may decide not to file a formal complaint.

In considering an individual’s request not to proceed with a formal complaint, the Title IX Coordinator or Assistant Title IX Coordinator for Employment may consult with the University’s Threat Assessment Team, other University personnel, and/or law enforcement authorities, as appropriate.

Where the Title IX Coordinator has decided to file a formal complaint, the Title IX Coordinator will notify the complainant. The University will not require a complainant to participate in any investigation or disciplinary proceeding.
A complainant who initially decides not to file a formal complaint may later decide to file a formal complaint. Additionally, the Title IX Coordinator, after deciding not to file a formal complaint, may file a formal complaint if any new or additional information becomes available.

By filing a formal complaint, the Title IX Coordinator is not determining that the allegations have merit or the policy has been violated, but is merely deciding that, based on the allegations, an investigation must be conducted. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party.

X. Supportive Measures

A. Overview

At any time after the receipt of a report of sexual misconduct, the University may impose supportive measures designed to restore or preserve equal access to the University’s education programs or activities for a complainant or respondent. Supportive measures are non-disciplinary, non-punitive, individualized services offered as appropriate, as reasonably available, and without fee or charge. Supportive measures may not unreasonably burden the other party.

Supportive measures may be provided or implemented regardless of whether a formal complaint has been filed by the complainant or the Title IX Coordinator, and regardless of whether the complainant chooses to report to local law enforcement. Upon receipt of a report of sexual misconduct, the University will promptly contact the complainant to discuss the availability of supportive measures. The imposition of a supportive measure assumes no determination of responsibility and is not a form of discipline.

A complainant or respondent may request supportive measures, or the University may choose to impose supportive measures at its discretion to ensure the safety of all parties, the broader University community, and/or the integrity of the investigatory and/or resolution process. In determining appropriate and reasonably available supportive measures, the Title IX Coordinator will consider the wishes of the party requesting the measures. Supportive measures may be temporary or permanent and may be modified by the University as circumstances change.

The University will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures.

B. Range of Supportive Measures

Potential supportive measures, which may be provided to the complainant and/or the respondent to the extent reasonably available and appropriate under the circumstances, include but are not limited to:

- Access to counseling services and assistance in setting up initial appointments, both on and off-campus;
- Imposition of a mutual no-contact directive;
- Extensions of deadlines or other course-related adjustments;
• Providing alternative course-completion options or work arrangements;
• Change in class schedule, including the ability to transfer course sections or withdraw from a course without penalty;
• Change in work schedule or job assignment;
• Change in student's University-sponsored or University-controlled housing;
• Assistance from University support staff in completing housing relocation;
• Limit of an individual's or organization's access to certain University facilities or activities;
• Voluntary leave of absence;
• Providing an escort to ensure safe movement between classes and activities;
• Arranging a meeting with law enforcement or W&L Public Safety;
• Providing medical services; and/or
• Any other measure that can be tailored to the involved individuals to achieve the goals of this policy.

All individuals are encouraged to report concerns about the failure of another individual to abide by the terms of any implemented supportive measure. The University can impose disciplinary sanctions for failing to abide by a University-imposed supportive measure, such as a mutual no contact directive. For employees or volunteers, discipline will be handled by the Executive Director of Human Resources, the Provost's office, or a department head. For students, the Vice President for Student Affairs and Dean of Students has the discretion to address alleged violations of supportive measures by taking administrative actions, disciplinary or otherwise, or referring the matter for a formal conduct charge.

XI. Initiation of a Resolution Process

A. Filing a Formal Complaint

The University’s resolution processes under this policy are initiated by the filing of a formal complaint. A complainant may submit a formal complaint by providing a written or electronic document to the Title IX Coordinator alleging sexual misconduct against a respondent and requesting that the University investigate the allegation. A formal complaint can be submitted to the Title IX Coordinator in person, by mail (212 Elrod Commons, Washington and Lee University, Lexington, VA 24450, email (kozakl@wlu.edu), or by submitting an online report. (go.wlu.edu/sexualmisconductreport). The document must include the complainant’s physical or digital signature, or in some way indicate that the complainant is the person filing the formal complaint.

The Title IX Coordinator can file a formal complaint by submitting a signed writing. The Title IX Coordinator will only file a formal complaint after evaluating the factors in Section IX.

B. Decision Regarding Appropriate Resolution Process

Upon receipt of the formal complaint the Title IX Coordinator will determine whether, if proved, the sexual misconduct alleged in the formal complaint would constitute Title IX sexual harassment, as defined in Section V.A. If so, the formal complaint will proceed according to the procedures in Section XIV. If not, the Title IX Coordinator will dismiss the formal complaint for purposes of any form of Title IX sexual harassment and the complaint may proceed under other
applicable procedures outlined in this policy (see Sections XIV and XV). Informal resolution may also be available for appropriate cases as described in Section XIII.

A formal complaint will not proceed as Title IX sexual harassment in the following circumstances:

- The complainant, at the time of the formal complaint, is not participating in or attempting to participate in a University program or activity;
- The conduct alleged in the formal complaint, even if proved, would not constitute Title IX sexual harassment as defined in Section V.A
- The conduct alleged in the formal complaint did not occur in the University’s education program or activity;
- The conduct alleged did not occur against a person in the United States; or
- The respondent(s) is/are an organization or group rather than an individual or individuals.

If the Title IX Coordinator determines that Title IX does not apply to the formal complaint, the Title IX Coordinator will promptly send written notice of the Title IX dismissal and reasons for the dismissal to the complainant and respondent. The notice will notify the parties whether the complaint will proceed as Non-Title IX sexual misconduct. Both parties have the option to appeal the initial decision that Title IX does not apply to the formal complaint by following the procedures outlined in Section XII.

If Title IX does not apply, the appropriate procedures will be determined based on the identity of the respondent at the time of the report. If the respondent is a student at the time of the report the student resolution procedures will be used (Section XIV). If the respondent is an employee or other nonstudent at the time of the report the nonstudent resolution procedures will be used (Section XV). If the respondent is both a student and an employee:

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

Regardless of which process the formal complaint will be proceeding under, the Title IX Coordinator will send a written notice of allegations to the known parties.

XII. Dismissal of Complaint Under Title IX

If at any time during the resolution process it becomes apparent that: (1) the complainant was not participating in or attempting to participate in a University program or activity at the time the formal complaint was filed; (2) the conduct alleged in the formal complaint would not constitute Title IX Sexual Harassment, even if proved; (3) the conduct alleged in the formal complaint did not occur in the University’s education program or activity; (4) the conduct alleged in the formal complaint did not occur against a person in the United States; or (5) the respondent is a group rather than an individual, then the formal complaint will be dismissed.
A formal complaint may be dismissed by the Title IX Coordinator if at any time during the investigation or hearing: (1) a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; (2) the respondent is no longer enrolled or employed by the University; or (3) specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

For purposes of clarification, a dismissal as described in this section means that the formal complaint will no longer proceed in accordance with the resolution process for Title IX sexual harassment matters. If a formal complaint is dismissed for purposes of Title IX sexual harassment, the formal complaint may still proceed as non-Title IX sexual misconduct in accordance with another resolution process under this policy, at the discretion of the Title IX Coordinator.

Any dismissal decision under this Section applies prospectively, meaning that from the date of the dismissal forward, other resolution procedures may apply. In most cases, the University will not go back to repeat or modify steps in the resolution process that have already been completed. The procedural protections available for each of the different resolution processes provide adequate safeguards to ensure a thorough, fair, and equitable process. The differences in the resolution processes under this policy simply reflect requirements necessary for compliance with federal and state legal requirements and/or the University’s recognition of the difference in relationships between the University and its students, employees, and other nonstudents.

Whenever a formal complaint is dismissed under Title IX, the Title IX Coordinator or the HSMB panel, as applicable, will send written notice of the dismissal and the reason for the dismissal to both parties simultaneously. If the complaint is dismissed under this section prior to a determination by the HSMB, the notice will notify the parties whether the complaint will proceed according to another resolution process set forth in this policy.

Prior to a determination by the HSMB after a hearing, both parties have the option to appeal a decision related to whether Title IX applies to the formal complaint by submitting a written appeal to the Title IX Coordinator within three (3) calendar days after receiving written notice of the dismissal decision. The Title IX Coordinator will then appoint one member of the HSMB to review and determine the appeal. Either party can appeal on the following bases: (1) procedural irregularity that affected the outcome of the matter; (2) new evidence that was not reasonably available at the time of the determination regarding dismissal that could affect the outcome of the matter; (3) the Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter, and/or (4) the decision regarding the lack of Title IX jurisdiction lacked reasonable basis. After a determination of the HSMB, appeals shall be made pursuant to Section XIV.C.

Upon receipt of an appeal of the Title IX dismissal decision, the parties will be notified and offered the opportunity to submit a written statement in support of or challenging the dismissal decision within three (3) calendar days of notification of the appeal. The appeal documents will be reviewed and a written decision, including the rationale, will be sent to both parties simultaneously.
XIII. Informal Resolution

A. Informal Resolution for Complaints of Title IX Sexual Harassment and Complaints of Non-Title IX Sexual Misconduct Against Students

After a formal complaint has been filed, the University may offer informal resolution for appropriate cases. Informal resolution is a method to resolve a report of sexual misconduct without a full investigation and adjudication. Depending on the circumstances and conduct at issue, it may encompass a broad range of conflict resolution strategies, including, but not limited to, mediation or shuttle diplomacy.

Participation in informal resolution is voluntary and the University will not compel either party to engage in informal resolution. Either party can request to end informal resolution at any time prior to agreeing in writing to a final resolution and proceed with the applicable resolution process. Likewise, the parties may request to begin informal resolution at any time prior to a decision of the HSMB hearing panel or Investigation and Review Panel (as applicable). Informal resolution, even if voluntary, cannot be used in cases involving allegations that an employee engaged in Title IX sexual harassment against a student.

During informal resolution the parties may reach agreements, facilitated by the University, that may include disciplinary or punitive measures agreed to by a respondent.

In cases where informal resolution is utilized, the informal resolution will typically be completed within forty-five (45) calendar days of the beginning of informal resolution.

B. Informal Resolution for non-Title IX Complaints Against Employees or Other Nonstudents

When a report of non-Title IX sexual misconduct is made against an employee or other nonstudent, the University may take immediate and corrective action even without the initiation of a formal complaint.

A Human Resources staff member (including the Assistant Title IX Coordinator for Employment), a staff supervisor or Dean (in his/her role as faculty supervisor), and/or the Title IX Coordinator may informally resolve concerns themselves or may bring in others (with the consent of the parties), as appropriate, to assist with resolution. Any of the individuals listed above may also refer the matter for informal resolution to another individual given authority to assist with informal resolution. Once a matter has been informally resolved, referred, or the complainant decides to continue with a separate resolution process (other than informal resolution), the individual involved with the informal resolution will submit a written summary to the Title IX Coordinator for review.

XIV. Resolution Process for Title IX Complaints and Non-Title IX Complaints Against Students

A. Investigation

When a formal complaint of allegations potentially constituting Title IX sexual harassment or non-Title IX sexual misconduct against a student is filed, unless informal resolution is in process, the University will designate trained investigator(s) to conduct an investigation. The University may use a single investigator or a team of two (2) investigators. Any investigator must be impartial and free of any conflict of interest. A party may raise an objection to the
appointment of any investigator(s) on the basis that the investigator is not impartial or has a conflict of interest. Such an objection must be made in writing, specify the basis for the objection, and be submitted to the Title IX Coordinator within three (3) calendar days of the party being informed of the name(s) of the investigator(s). The Title IX Coordinator will make the final determination on an investigator’s ability to serve.

For complaints constituting potential Title IX sexual harassment, the Title IX Coordinator may consolidate formal complaints against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other, where the allegations of Title IX sexual harassment arise out of the same facts or circumstances. For complaints of non-Title IX sexual misconduct against students, the Title IX Coordinator may consolidate multiple reports against a single respondent or group of respondents into one investigation if the evidence related to each incident would be relevant and probative in reaching a determination on the other incident(s).

During the pendency of any resolution process, a complainant and respondent may each have their Advisor(s) (see Section III.A) present at any meeting or proceeding related to the resolution process.

After a notice of allegations has been provided to the parties, the investigator(s) will conduct the investigation in a manner appropriate in light of the circumstances of the case. The investigator(s) will coordinate the gathering of information from the complainant, the respondent, and any other individuals who may have information relevant to the determination. The investigator(s) will also gather any available physical evidence, including documents, communications between the parties, and other electronic records as appropriate. The complainant and respondent will have an equal opportunity to be heard, to submit information and evidence (both inculpatory and exculpatory), and to identify witnesses who may have relevant information.

The investigation is a neutral fact-gathering process. The respondent is presumed to be not responsible; this presumption may be overcome only where a Harassment and Sexual Misconduct Board hearing panel concludes that there is sufficient evidence, by a preponderance of the evidence, to support a finding that the respondent violated the policy.

The investigator(s) will ensure that the burden of proof and the burden of gathering evidence rests on the University and not on the parties.

Although all witnesses, the complainant, and the respondent are encouraged to participate in the investigative process, no party or witness is required to participate in the investigation or any form of resolution under this policy. If a party chooses not to participate in an investigation, the resolution process may still proceed. Parties who are invited or expected to participate in a hearing, investigative interview, or other meeting related to the resolution process will receive written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings with sufficient time to prepare to participate.
1. Review of Evidence and Investigation Report for Complaints of Title IX Sexual Harassment

For formal complaints of Title IX sexual harassment, upon conclusion of the investigation, but before completion of the investigation report, the investigator(s) will provide to each party and the party’s Advisor, if any, all the evidence obtained as part of the investigation that is directly related to the allegations in the formal complaint. This will generally occur within thirty (30) calendar days after a formal complaint is filed. The parties and their Advisors will be able to view the evidence, but are prohibited from downloading, printing, or in any way copying the documents and evidence, and must adhere to the privacy and confidentiality requirements as outlined in Section VII.

The parties will have ten (10) calendar days from their receipt of the evidence to submit a written response to the evidence, if desired. Any written responses, or portions thereof, to the evidence may be shared with the other party at the discretion of the investigator(s). The written response can include requests for follow-up interview(s) with existing witnesses, clarifying or providing any additional information that a party believes is relevant to the investigation, identifying any new witnesses who should be interviewed, and/or explaining any additional evidentiary materials that should be collected and reviewed to the extent that such items are reasonably available.

The investigator(s) will consider all written responses received and conduct any appropriate further investigation in response, at the sole discretion of the investigator(s).

Upon completion of the ten (10) calendar day review period, the investigator(s) will then have ten (10) calendar days to prepare a written investigation report that fairly summarizes the relevant evidence and synthesizes the areas of agreement and disagreement between the parties and any supporting information. The report will include as appendices all of the relevant evidence gathered during the investigation (and reviewed pursuant to the above requirements), except that irrelevant evidence may be removed and evidence outlined in Section XVIII.B will be removed.

The investigation report will be shared with the parties and their Advisors, if any. The parties will have ten (10) calendar days from receipt of the investigation report to submit a written response to the report. Any written responses, or portions thereof, to the investigation report may be shared with the other party at the discretion of the investigator(s). In addition to comments about the investigation report itself, this written response can include arguments why evidence removed from the appendices is in fact relevant, as well as why additional evidence is irrelevant and should be removed. The investigator(s) may make changes to the investigation report based on those written comments at the discretion of the investigator(s).

The investigator(s) will then submit the report to the designated Chair of the Harassment and Sexual Misconduct Board for the specific matter.
2. Review of Evidence and Investigation Report for Complaints of Non-Title IX Sexual Misconduct Against Students

For investigations of complaints of non-Title IX sexual misconduct against students, upon conclusion of the investigation, the investigator(s) will prepare a written report that summarizes the relevant evidence and synthesizes the areas of agreement and disagreement between the parties and any supporting information. This will generally occur within thirty (30) calendar days after a formal complaint is filed.

Before the investigation report is finalized, the investigator(s) will give the complainant and respondent the opportunity to review the investigation report. The complainant and respondent may submit any additional comments, request changes, or request further investigation from the investigation team. The investigator(s) will consider the parties’ responses, conduct any further investigation in response, and incorporate the parties’ comments as appropriate into the investigative report.

The investigator(s) will then submit the report to the designated Chair of the Harassment and Sexual Misconduct Board for the specific matter.

B. Harassment and Sexual Misconduct Board (HSMB)

1. Empaneling the HSMB

From the pool of individuals appointed to serve as Chairs of the HSMB, one of them will be designated to serve as the Chair for a particular HSMB panel. The Chair of the HSMB will select and convene a hearing panel of the HSMB. Three (3) members of the HSMB will be chosen to serve as a hearing panel for each matter. In cases against students, faculty will not serve on the hearing panel.

The Chair of the HSMB will inform the parties of the composition of the proposed HSMB hearing panel. Either party can object to the appointment of any of the HSMB panel members by providing articulable grounds of suspected bias, conflict of interest, an inability to be fair and impartial, or an inability to make an objective determination. This objection should be directed to the Chair of the HSMB. The Chair of the HSMB will make the final determination on an HSMB panel member’s ability to serve.

2. Additional Procedures Applicable to Complaints of Non-Title IX Sexual Misconduct Against Students

For complaints of non-Title IX sexual misconduct against students only, within two (2) calendar days after receiving the investigation report, the Chair of the HSMB will determine whether to formally charge the respondent and will notify the parties of this decision. A charge will be issued if, based on the investigation report, it is plausible and more than a sheer possibility that the complainant’s factual allegations could constitute a violation of this policy.

The formal charge(s) will state the subject matter of the complaint, the name of the complainant, and the approximate date and/or timeframe of the alleged misconduct. Additionally, a charge of
"Conduct Unbecoming of a Washington and Lee Student" may accompany any charge. The Chair of the HSMB will deliver notice of the charge to both parties.

Once a formal charge has been issued, the respondent will answer the charge as "Responsible," "No Contest," or "Not Responsible." If the respondent answers "Responsible" or "No Contest," the charge goes to a HSMB hearing panel to determine an appropriate sanction. The respondent must answer the charge before or during the Pre-Hearing Conference.

Upon the issuance of a formal charge, the investigation report and all evidence obtained during the investigation that directly relates to the conduct being investigated will be made available to the parties for their review. The parties and their Advisor(s) will be able to view the investigation report and evidence, but are prohibited from downloading, printing, in anyway copying the report and evidence, and must adhere to the privacy and confidentiality requirements as outlined in Section VII.

The Chair of the HSMB will hold separate Pre-Hearing Conferences with the parties and their Advisors to address evidentiary or other matters before the investigation report is presented to the HSMB hearing panel. The Pre-Hearing Conference will generally be held within seven (7) calendar days after the formal charge.

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

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

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

If either party wishes to call witnesses at the hearing, the following must be submitted to the Chair of the HSMB in writing at the Pre-Hearing Conference:

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

The Chair of the HSMB will determine whether there is sufficient justification for asking a witness to appear live or whether the information can be adequately summarized by the witness statement.
3. Hearing Procedures

All hearings are closed to the public and are private to protect the privacy interests of all involved. Hearings on complaints of Title IX sexual harassment will be audio or video recorded. Hearings on complaints of non-Title IX sexual misconduct against students will not be audio or video recorded.

Hearings will be live and may be conducted with all parties physically present in the same geographic location, or, upon request of either party, all parties will appear at the hearing virtually with technology enabling the parties to simultaneously see and hear each other. For complaints of non-Title IX sexual misconduct against students, a privacy screen for hearings where the parties are physically present or a virtual privacy screen for virtual hearings will be utilized, unless both parties request otherwise. Witnesses appearing live may be physically present at the hearing or may appear virtually with technology enabling all parties and the witness to simultaneously see and hear each other. Hearings will generally take place within twenty (20) calendar days after the submission of the investigation report to the Chair of the HSMB for formal complaints of Title IX sexual harassment or fourteen (14) days after a formal charge is issued for formal complaints of non-Title IX sexual misconduct against students.

The HSMB hearing panel will review the investigation report and appendices prior to the hearing and will have access to these materials during the hearing. During the hearing, the HSMB hearing panel may question the complainant, the respondent, any witnesses, and/or the investigator(s). The HSMB hearing panel shall restrict their questions to matters that the Chair of the HSMB deems relevant to the specific case.

All parties and their advisors will have electronic access to the investigation report, and all other evidence provided to the parties for review pursuant to Section XIV.A.1. throughout the hearing. Both parties have the option to provide an opening and closing statement to the hearing panel. Both parties also have the option to ask the other party and any witnesses all relevant questions and follow-up questions, in the manner specifically discussed below (i.e., through advisors for hearings involving Title IX sexual harassment and in writing for hearings involving non-Title IX sexual misconduct).

For hearings involving complaints of Title IX sexual harassment, such cross-examination will be conducted directly, orally, and in real time by the party’s Advisor of Choice. Only relevant cross-examination questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the Chair of the HSMB must first inform the parties whether the question is relevant. If the Chair of the HSMB informs the parties that the questions is not relevant, the Chair will explain the decision to exclude a question as not relevant. Questions, even if relevant, may be excluded if in violation of the provisions in Section XVIII.B. Additionally, repetition of the same question may be deemed irrelevant.

For hearings involving complaints of non-Title IX sexual misconduct against students, the parties cannot orally pose questions directly to each other or to witnesses. However, the parties may submit written questions to the Chair of the HSMB to ask on their behalf to the relevant party or witness. The Chair of the HSMB will screen the questions and will not ask questions that violate University policy, prior evidentiary decisions made by the Chair of the HSMB, or questions that are irrelevant or repetitive. Additionally, the Chair of the HSMB has discretion to
change the wording of the question, provided that the substance of the question remains the same. The Chair of the HSMB will explain to the party any decision to exclude a question or change the wording of the question.

The complainant and the respondent have the right to be present during the hearing. Neither parties nor witnesses are required to attend a hearing or submit to cross examination. If either party or a witness is not in attendance, the hearing may still proceed, findings may still be made, and sanctions may still be imposed. The HSMB hearing panel cannot draw an inference about the determination regarding responsibility based solely on a party’s or witness’s absence from the hearing or refusal to answer cross examination or other questions.

Both a complainant and respondent have the right to provide relevant information during the hearing. Parties are expected to produce relevant information during the investigation, however, if new, relevant information is presented for the first time at the hearing, the Chair of the HSMB shall determine how to proceed in his or her sole discretion.

For complaints of Title IX sexual harassment, if a party or witness does not submit to cross-examination at the live hearing, the HSMB hearing panel must not rely on any statement of that party or witness in reaching a determination regarding responsibility for Title IX sexual harassment. For purposes of this Section, the term “statement” includes not only statements made during the hearing, but any verbal or written statement of the party or witness made at any time. Statements can be considered by the hearing panel in situations where the statement itself constitutes the alleged policy violation.

The HSMB will objectively evaluate all relevant evidence and will not make credibility determinations based on a person’s status as a complainant, respondent, or witness. After evaluating the evidence, the HSMB hearing panel members will deliberate and make a finding by a preponderance of the evidence as to whether the respondent is responsible for conduct in violation of this policy. At least two (2) members must vote “responsible” for a finding of responsibility.

For complaints of Title IX sexual harassment, if the HSMB determines that the conduct does not constitute Title IX sexual harassment, the HSMB will make a determination as to whether the allegations constitute non-Title IX sexual misconduct. For purposes of clarification, if the HSMB determines after a hearing that Title IX does not apply, but that the alleged conduct violates other provisions of this policy, the HSMB will find the respondent responsible for such violation.

4. Imposition of Sanction and Remedies

If the respondent is found "Responsible,” the HSMB hearing panel will determine what sanction is appropriate and whether remedies are necessary to restore or preserve the complainant’s equal access to one or more of the University’s education programs or activities.

The complainant and respondent, and other affected parties, as appropriate, will each have the opportunity to present a statement about the impact of the violation and/or requested sanctions. The HSMB hearing panel will review these statements only if the HSMB hearing panel finds that the respondent responsible for one or more violations of this policy.
The HSMB hearing panel shall determine the appropriate sanction (or combination of sanctions) in accordance with the Sanction Guideline Matrix. At least two (2) panel members must vote in favor of the imposition of each sanction or combination of sanctions.

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

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

In addition to sanctions, remedies may also be available to the complainant at any time after a finding of responsibility against the respondent. The Title IX Coordinator, in consultation with others as necessary, will determine any appropriate additional remedies. Examples of potential remedies are provided in Section X, but remedies are not limited to those supportive measures and do not need to avoid burdening the respondent.

a. Sanction Guideline Matrix for Complaints Against Students

In cases involving nonconsensual sexual penetration as defined in Section V, including both Title IX sexual harassment involving nonconsensual sexual penetration and non-Title IX sexual misconduct involving nonconsensual sexual penetration, there is a mandatory sanction of dismissal if the HSMB hearing panel determines responsibility beyond a reasonable doubt. If the HSMB hearing panel determines responsibility by preponderance of the evidence standard of proof, the HSMB hearing panel may, but is not required to, dismiss after considering the factors set forth above.

<table>
<thead>
<tr>
<th>Prohibited Behavior</th>
<th>Range of Sanctions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title IX Sexual Harassment involving Nonconsensual Sexual Penetration or Non-Title IX Sexual Misconduct involving Nonconsensual Sexual Penetration (if found responsible beyond a reasonable doubt)</td>
<td>Dismissal (Mandatory)</td>
</tr>
<tr>
<td>Title IX Sexual Harassment involving Nonconsensual Sexual Penetration or Non-Title IX Sexual Misconduct</td>
<td>Dismissal; Suspension; Probation; Community Service; Educational/Counseling Consultation; Loss of Privileges (denial of the use of certain University resources)</td>
</tr>
</tbody>
</table>
### Sanction Guideline Matrix

<table>
<thead>
<tr>
<th>Prohibited Behavior</th>
<th>Range of Sanctions</th>
</tr>
</thead>
<tbody>
<tr>
<td>involving Nonconsensual Sexual Penetration (if found responsible by preponderance of the evidence); all other Title IX Sexual Harassment and Non-Title IX Sexual Misconduct; Retaliation</td>
<td>facilities or the right to participate in certain activities or to exercise certain privileges for a designated period of time; On Campus Residential Relocation; Changing Academic Schedule; trespassing respondent from the University</td>
</tr>
</tbody>
</table>

#### b. Sanction Guidelines for Complaints Against Non-Students

If the respondent is an employee, the potential sanctions may include:

- Verbal or written warning;
- Requirement to utilize the Employee Assistance Program or other mandatory conditions, which may include training, or some other professional development;
- A no contact directive;
- Loss of privilege;
- Modified employment duties;
- Suspension with pay;
- Suspension without pay;
- Nonrenewal or non-reappointment;
- Demotion in rank or pay;
- Loss of rank;
- Denial of salary increase;
- Transfer to another position;
- Relocation of office;
- Dismissal from academic course if respondent is taking a course at the University;
- Termination or referral/recommendation for dismissal under the Faculty Dismissal Procedures; and/or
- Trespassing respondent from the University.

If the respondent is a non-employee, the potential sanctions may include:

- Verbal or written warning;
- Trespassing the respondent from the University;
- Dismissal from academic course if respondent is taking a course at the University; and/or
- Modification or termination of the non-employee's relationship with the University.

Sanctions may be imposed in combination with one another. If a tenured or tenure-line member of the faculty is found responsible and the HSMB determines that removal is the appropriate sanction, the matter will proceed in accordance with the Faculty Dismissal Proceedings set forth in the Faculty Handbook where applicable.
5. Notice of Outcome

Within three (3) calendar days of the decision, the Chair of the HSMB shall simultaneously provide to the parties a copy of the written report of the HSMB hearing panel decision.

The written report will note whether remedies will be provided to the complainant, but the specific remedies will not be shared with the respondent unless needed to be disclosed to effectively implement the remedy.

C. Appeal

Either party may appeal the finding of a policy violation/non-violation, and/or a sanction by the HSMB within three (3) calendar days of receipt of the written HSMB hearing report form. During the three (3) calendar day period between the written HSMB hearing report and the appeal deadline, the recording of the hearing, if any, will be made available to the parties and the parties’ Advisor(s) for inspection and review subject to the privacy and confidentiality requirements of Section VII. Appeals must be submitted to the Title IX Coordinator in writing and must specify in detail the basis for the appeal.

Either party can appeal on the following bases: (1) procedural irregularity that affected the outcome of the matter; (2) new evidence that was not reasonably available at the time the determination was made that could affect the outcome of the matter; (3) the Title IX Coordinator, decision-maker(s), or investigator(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter; (4) the sanction lacked reasonable basis; and/or (5) extraordinary circumstances that affected the outcome of the matter.

Upon receipt of an appeal by the Title IX Coordinator, an Appeal Panel will be appointed to review the matter by the Chair of the Appeal Panel.

In cases involving Title IX sexual harassment, the parties will be notified of the appeal and offered the opportunity to submit a written statement in support of or against the appeal within three (3) calendar days.

The Appeal Panel will review the parties’ written request(s) for appeal, the parties’ written statement(s) in support of or against the appeal(s) (if any), the entire written record, and any other documents or evidence (including any recording) that it deems relevant. In making its decision, the Appeal Panel may decide the case based solely upon the written appeal and other documents or evidence it reviews, or the Appeal Panel may seek additional information from: (1) any person who provided information to the HSMB hearing panel; (2) any person who may have new, relevant information; (3) the Title IX Coordinator; (4) the investigator(s), and/or (5) the original Chair of the HSMB. In seeking additional information, the Appeal Panel may, but is not required to, hold a hearing. The Appeal Panel will defer to decisions of the HSMB hearing panel unless one or more of the appeal bases are satisfied.

The Appeal Panel has the option to affirm the decision of the HSMB hearing panel or remand the case to the original HSMB hearing panel to evaluate new evidence, correct a procedural error, or where there were extraordinary circumstances. Moreover, the Appeal Panel may remand the case to the original HSMB hearing panel in cases where the Appeal Panel determines that the sanction lacked a reasonable basis. Instead of remanding to the original
HSMB panel, the Appeal Panel may recommend that a new HSMB hearing panel be convened if the Appeal Panel believes doing so is necessary for fundamental fairness, or if the appeal was granted due to a conflict of interest or bias of one or more of the original HSMB panel members.

At least two (2) members of the Appeal Panel must vote in favor of the appeal decision.

The Appeal Panel will draft a written notice of its decision and rationale and provide it simultaneously to both parties for cases involving Title IX sexual harassment, or to the appealing party only for cases involving non-Title IX sexual misconduct (unless the Appeal Panel and/or Title IX Coordinator determine that the non-appealing party should be notified), within fifteen (15) calendar days from the submission of a written request for appeal.

D. Group Infractions

For complaints of non-Title IX sexual misconduct against students, when members of an organization, team, or other group of individuals acting collusively (a “group”) act in concert in violation of this policy, they may be charged as a group, as individuals, or in both capacities, and an investigation may proceed against the group and/or against one or more involved individuals, as appropriate given the available information and the circumstances. The determination as to whether to investigate and/or charge those involved as individuals and/or as a group may be made by the Title IX Coordinator or the Chair of the HSMB, as appropriate under the circumstances.

Leaders or officers, members of a group, and/or the group as a whole may be held collectively and/or individually responsible when violations of this policy by the group or its members take place at an group-sponsored event, have received the consent or encouragement of the group or of the group’s leaders or officers, were known or reasonably should have been known to the group’s membership or its leaders or officers, or involve five (5) or more members of a particular group.

In any such action, determinations as to responsibility will be made and sanctions may be assigned collectively to those involved, individually in proportion to the involvement of each individual, and/or to the group as a whole. Notwithstanding the foregoing, no determination(s) made and/or sanction(s) issued under this policy to any individual or group shall preclude or prohibit any other administrative action from being taken, disciplinary or otherwise, or any other conduct body from making a determination and/or imposing sanctions consistent with its own policies, procedures, or practices.

XV. Resolution Process for Non-Title IX Complaints against Employees and other Nonstudents

Because the relationship of students, staff, and faculty to the University differ in nature, the procedures that apply when seeking disciplinary action necessarily differ in some respects. Each of the procedures, however, is guided by the same principles of fundamental fairness and respect for all parties, which require notice, an equitable opportunity to be heard, and an equitable opportunity to respond to a report.

A. Process Upon Receipt of Formal Complaint

Upon receipt of a formal complaint of non-Title IX sexual misconduct against an employee or other nonstudent, the relevant Co-Chair will promptly (within two (2) business days after being
provided the complaint, if practicable) notify the respondent that a formal complaint has been
initiated and make arrangements to meet with the respondent to provide the respondent with a
verbal summary of the complaint and outline the complaint process. The Co-Chair will provide
the respondent the opportunity to submit to the investigator(s), if desired, a written statement
regarding the complaint to be included in the record. If the respondent chooses to submit a
written statement, the respondent should do so within business (5) business days after being
given notice of allegations.

B. 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 (2) investigators as the Co-Chair deems
appropriate. The Co-Chair will then make a preliminary selection of three (3) IROs to serve as
the Investigation and Review Panel. If an IRO is the respondent or the complainant, the process
operates as otherwise set forth in this policy, except that the IRO who is the respondent or
complainant will not be involved in any capacity other than as a party.

C. Investigation

The investigation is conducted solely by the appointed investigator(s), who will interview the
parties and other witnesses as necessary. The complainant and respondent will have an equal
opportunity to be heard, to submit information, and to identify witnesses who may have
relevant information. In most cases, absent unusual circumstances, the investigation should be
completed within thirty (30) business days after the formal complaint is received by the
investigator(s).

During the pendency of an investigation, the parties may have their Advisors (see Section III.A)
present at any meeting or proceeding during the complaint resolution process.

The investigation is a neutral fact-gathering process. The respondent is presumed to be not
responsible; this presumption may be overcome only where the Investigation and Review Panel
conclude that there is sufficient evidence, by a preponderance of the evidence, to support a
finding that the respondent violated the policy.

D. Investigation Report

Upon conclusion of the investigation, the investigator(s) will prepare and submit to the
appropriate Co-Chair a written investigation report, reaching an assessment on whether the
facts present conduct that would constitute a violation of this policy by a preponderance of the
evidence, or other University policies. The complainant and respondent will each be provided
with a version of the report (the University reserves the right to redact witness names and
personally identifiable witness statements), not to be copied or distributed, but which the party
may share with the party’s Advisor(s).

E. Party Responses to Investigation Report

The parties will each have five (5) business days from receipt of the investigation report to
prepare and submit a written response to the appropriate Co-Chair for the record.
F. 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 such 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 Investigation and Review Panel. Note: see Section XV.M below regarding participation of Executive Director of Human Resources/Assistant Title IX Coordinator for Employment when s/he has had any substantive role in efforts to informally resolve the complaint or the formal complaint process.

G. IRP Review

The IRP will review the investigation report and the related record regardless of whether the investigator(s) concluded a violation occurred. In most cases, absent unusual circumstances, the IRP review should be completed within ten (10) business days of the date the IRP members receive the record from the Co-Chair.

The IRP may decide the case based on a thorough review of the entire record of the case including the investigation report and any written comments provided by either party. If the IRP has any questions, it may meet with the investigator(s) and/or may request that the parties and their Advisors 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 investigation report, which will be sent to the IRP. In such instances, the parties will be given an opportunity to review the addendum, consistent with the parties’ opportunity to review the original investigation report.

Once the IRP has determined that it has sufficient information to make a decision, it will discuss the matter outside the presence of the investigator(s), the parties, and the parties’ Advisors. The IRP will then reach a decision on whether this policy was violated by a preponderance of the evidence, and, if so, will make a written recommendation of sanctions to the appropriate Co-Chair. The IRP may also make recommendations to the Co-Chair for appropriate follow up actions (including, but not limited to, training, counseling, or other educational opportunities) in the absence of a finding of a violation of this policy.

H. Co-Chair’s Notice to Parties of Final Decision, Sanctions, and Remedies

The IRP’s decision about whether this policy was violated is binding on the Co-Chair, but subject to appeal by either party. However, the Co-Chair has the discretion to determine the final sanction(s) if the IRP has found a violation of this policy or to impose follow up actions in the absence of such a violation. The potential sanctions include:

- Verbal or written warning;
- Referral to the Employee Assistance Program or other mandatory conditions, which may include training, or some other professional development;
- A no contact directive;
- Modified employment duties;
- Suspension with pay;
- Suspension without pay;
- Nonrenewal or non-reappointment;
- Demotion in rank or pay;
- Loss of rank;
- Denial of salary increase;
- Transfer to another position;
- Relocation of office;
- Dismissal from academic course if respondent is taking a course at the University;
- Termination or referral/recommendation for dismissal under the Faculty Dismissal Procedures; and/or
- Trespassing respondent from the University.

If the respondent is a non-employee, sanctions include:

- Verbal or written warning;
- Trespassing the respondent from the University;
- Dismissal from academic course if respondent is taking a course at the University; and/or
- Modification or termination of the non-employee's relationship with the University.

Sanctions may be imposed in combination with one another. If the individual found to have violated this policy is a faculty member and the Co-Chair concurs with an IRP sanction referral for or recommendation of termination, the case will proceed in accordance with the Faculty Dismissal Proceedings set forth in the Faculty Handbook where applicable. In such a case, the Co-Chair (Provost) is ineligible to serve as the President's designee under the "for cause" dismissal process.

Upon a finding of responsibility, additional remedies, in addition to the issued sanction, may be available to a complainant. Non-exhaustive examples of potential remedies are provided in Section X). The Title IX Coordinator, in consultation with others as necessary, will determine any appropriate additional remedies.

Within two (2) business days of the decision, the Co-Chair will provide simultaneous notification to the parties of the two (2) page IRP report in the following manner: the first page (which contains the findings on the allegations of a policy violation) will be provided to each party; the second page (which contains the IRP-recommended sanction(s) or follow up actions and the Co-Chair's decision on sanction(s) or follow up actions) will be provided solely to the respondent, unless the sanctions or follow up actions are such that they directly involve the complainant (e.g. a "no contact" directive) or where required by federal law to be disclosed to the complainant in the case of certain criminal sexual offenses covered by the Clery Act. Additionally, the Co-Chair will provide each party with an outcome letter. The outcome letter will review the prohibition against retaliation and the appeal process.

If, through informal resolution or Co-Chair decision upon a finding of no violation, a respondent has been advised to receive training, counseling, or some other professional development, or to take some other follow up action(s), the Co-Chair or other individual charged with facilitating the informal resolution process (as applicable) will oversee fulfillment
of this obligation, though such oversight may be delegated to respondent’s supervisor. If a respondent has been sanctioned for a violation of this policy, the appropriate Co-Chair or Human Resources, as appropriate, will oversee fulfillment of the sanction.

I. Appeals Process

Either the complainant or respondent may appeal a finding of a violation or no violation of this policy and/or a sanction/follow up action of which they have been informed. Appeals must be in writing, specifying in detail why the IRP’s decision on the appealed aspect(s) of the decision lack a reasonable basis, and must be filed with the Co-Chair who issued the original decision within five (5) business days of receipt of that decision. The Appeal Panel’s 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 the appealed aspect(s) of the decision. In making such a determination, the Appeal Panel may speak with the Investigator(s), the appropriate Co-Chair, or the parties as the Appeal Panel deems necessary.

If the Appeal Panel fully affirms a “no-violation” finding made by the IRP with or without recommended follow up actions, or affirms a finding of a violation and/or the sanction, the Appeal Panel will issue a brief written decision to that effect using part one of the Appeal Panel Report and will submit it to the Co-Chair who issued the original decision, who will then promptly advise the parties of the Appeal Panel’s decision, which is final.

If the Appeal Panel affirms a “no-violation” finding made by the IRP, but does not affirm recommended follow up actions (or absence of such actions), the Appeal Panel will explain the facts and analysis supporting its findings and recommendations in part two of the Appeal Panel Report. The Co-Chair issuing the original decision will then review the recommendations regarding any follow up actions and issue the final decision on such measures. The Co-Chair will then promptly advise the parties of the Appeal Panel’s decision, which is final. The Co-Chair will advise only the respondent of any decision regarding follow up action(s) and will share part two of the Appeal Panel Report only with the respondent, except for any part of such action(s) that directly involve(s) the complainant or unless required by federal law to be disclosed to the complainant in the case of certain criminal sexual offenses covered by the Clery 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 promptly advise the parties and share the two-part Appeal Panel Report. The first part (which contains the basis for the overturning of the “no-violation” finding) will be provided to both parties; the second part (which contains the Co-Chair’s decision on sanction) will be provided only to the respondent, unless some part of the sanction directly involves the complainant or unless required by federal law to be disclosed to the complainant in the case of certain criminal sexual offenses covered by the Clery Act. The Co-Chair’s decision on sanction is appealable by respondent and complainant (if complainant was made aware of the sanction because it directly involved the complainant or required to be disclosed to the complainant in cases of certain sexual offenses) within three (3) business days of receipt of the sanction decision. Such an appeal
must be in writing, filed with the Co-Chair who issued the decision, and must specify in detail the basis for the appeal.

If the Appeal Panel concurs with a violation finding but finds a sanction is without reasonable basis, the Appeal Panel should first consult the appropriate Co-Chair to review the sanction. If no consensus decision can be reached, both the Appeal Panel and the appropriate Co-Chair will submit their separate recommendations in writing to the President, who will make the final determination by accepting one of the two recommendations and signing off on that recommended sanction. Thereafter, the Co-Chair will promptly advise the respondent of the President's decision on the sanction(s) and will also advise the complainant when the sanction involves the complainant or when required by federal law in the case of certain criminal sexual offenses covered by the Clery Act. The President's decision on the sanction(s) is final.

If the Appeal Panel overturns a violation finding, the matter is sent back to the appropriate Co-Chair for the original review proceeding, who will then remove the sanction(s) issued, decide any appropriate follow up action(s), and promptly share the two-part Appeal Panel decision with the parties. The first part (which contains the basis for the overturning of the violation finding) will be provided to both parties; the second part (which contains the Co-Chair's removal of sanction and decision on any follow up actions) will be provided only to the respondent, unless some part of the sanction directly involves the complainant or unless required by federal law to be disclosed to the Complainant in the case of certain criminal sexual offenses covered by the Clery Act.

J. Withdrawal of Complaint; Review of Parties' Proposed Resolution

1. Withdrawal of Complaint

At any time during the formal complaint process, the complainant may request of the Co-Chair to withdraw the complainant’s formal complaint. Before approving a withdrawal of the complaint, the Co-Chair will meet with the complainant and the complainant’s Advisor(s) to discuss the request. The Co-Chair retains the discretion to reject the request for withdrawal and to proceed with the formal process, with or without the further participation of the complainant, if the Co-Chair believes it prudent and appropriate to do so in the best interest of the University community, based on all relevant information. The Co-Chair will consider factors including: the severity and impact of the conduct, including whether a weapon was used; whether the complainant is a minor under the age of 18; whether the respondent has a pattern of similar conduct; whether there is a real or perceived power differential between the complainant and respondent; whether the respondent threatened further violence or other violence against the victim or others; whether the university possesses other means to obtain relevant evidence of the alleged sexual misconduct (security cameras, video recordings, photographs or other evidence); and the extent of prior remedial methods taken with the respondent. Regardless of the Co-Chair's decision, a complainant is not required to participate in an investigation or hearing.

2. Review of Parties' Proposed Resolution

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

K. Formal Complaint by or against a Co-Chair

If one of the Co-Chairs is the respondent or complainant, the President will serve in the role of that Co-Chair and the process will operate as otherwise set forth in this policy. In this situation, any appeal would go to the Chair of the Audit Subcommittee of the Finance Committee of the Board of Trustees (“Audit Subcommittee”).

L. Complaint against the President and/or a Trustee

If the respondent is the President or a member of the Board of Trustees, a complaint must be filed directly with the Audit Subcommittee by delivery of a sealed written complaint to the Secretary of the University, Washington Hall 203, labeled “Complaint to the Audit Subcommittee under the Interim Sexual Discrimination and Misconduct Policy.” The Secretary of the University will deliver the sealed written complaint intact to the Chair of the Audit Subcommittee and the Audit Subcommittee will handle or direct all further proceedings.

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

The Assistant Title IX Coordinator for Employment will be available to serve as a resource for the Co-Chairs, the investigator(s), the DPAs, and/or the parties to a formal complaint, in order to address issues that arise during the complaint process. In the event that the Assistant Title IX Coordinator for Employment has had a substantive role in informal complaint resolution efforts prior to the initiation of the formal complaint, or acts as a resource beyond the resolution of purely procedural questions during the formal complaint process, the Assistant Title IX Coordinator will be disqualified from serving on any Investigation Review Panel or Appeal Panel in that case thereafter.

XVI. Emergency Removal of Respondent

At any point after a report of sexual misconduct has been made, the Title IX Coordinator has the discretion to request that an individualized safety and risk analysis be conducted to determine whether a respondent poses an immediate threat to the physical health or safety of any student or other individual arising from sexual misconduct allegations. The individualized safety and risk assessment will be conducted by the University’s Student Threat Assessment and Response Team for student respondents and by the Director of Human Resources in conjunction with other University personnel, as appropriate, for non-student respondents. If, after the individualized safety and risk assessment, it is determined that the respondent poses an immediate threat to the physical health or safety of a student or another individual and such threat justifies removal, the respondent may be removed from one or more University programs or activities, including being placed on administrative leave of absence. Emergency removal under this Section assumes no determination of responsibility.
During an emergency removal, a respondent may be denied access to University housing, and/or the University’s campus or programs. This restriction may include classes, office space, and/or all other University activities or privileges for which the respondent might otherwise be eligible.

At the discretion of the Title IX Coordinator, and with the approval of and in collaboration with the appropriate Dean(s), instructors, administrators, or supervisors, alternative coursework options and/or working arrangements may be pursued to ensure as minimal an impact as possible on the respondent.

Upon removal, a student or faculty respondent may challenge the removal decision by submitting a written appeal to the Provost. Staff and other non-employee respondents may challenge a removal decision by submitting a written appeal to the Vice President for Finance. All appeals must be delivered to the appropriate administrator within three (3) business days of receipt of the removal decision. The written appeal must state specifically why the respondent believes the removal decision is not warranted under the circumstances. The removal will remain in effect during the appeal.

After reviewing the written appeal, the Provost or Vice President for Finance may meet with the respondent and consult with the appropriate University officials as he or she deems appropriate, before reaching a decision. The decision of the Provost or the Vice President for Finance is final.

Notwithstanding any other provision of this Section, if at any point after a report against an employee is made, the Title IX Coordinator and/or Co-Chair believes that an employee who is accused of violating this policy represents a danger to individuals or disruption to campus operations, the Title IX Coordinator and/or Co-Chair may request that the employee be placed on administrative leave pending the outcome of the complaint and any appeals. Such leave will be structured at the University’s discretion.

XVII. Review of Timelines for Resolution Processes

The University will use its best efforts to resolve all formal complaints of Title IX sexual harassment promptly according to the timelines in this policy while balancing principles of thoroughness and fundamental fairness with promptness. Circumstances may arise that require the extension of time frames. Such circumstances may include, but are not limited to, the complexity of the allegations, the number of witnesses involved, the availability of the parties or witnesses, the effect of a concurrent criminal investigation, any intervening school break or vacation, the need for accommodation of disabilities, or other unforeseen circumstances. If the investigation and resolution exceed any of these time frames, the University will notify all parties in writing of the reason for the delay. If requested, all parties involved are entitled to periodic status updates on the progress of the formal complaint and/or resolution process.

A. Informal Resolution

If informal resolution is being used, it will typically be completed within forty-five (45) calendar days of the beginning of informal resolution.
B. Resolution Process for Formal Complaints of Title IX Sexual Harassment

In general, a complainant and respondent can expect that the resolution process for formal complaints of Title IX sexual harassment will proceed according to the following time frames:

- Within thirty (30) calendar days after a formal complaint is filed, the investigator(s) will provide to the parties all evidence obtained related to the allegations.
- The parties will have ten (10) calendar days to submit a written response to the evidence.
- Upon completion of the ten (10) day review period, the investigator(s) will draft and provide the investigation report to the parties and Chair of the HSMB within ten (10) calendar days.
- The parties will have ten (10) calendar days to submit a written response to the investigation report.
- The hearing will be held within twenty (20) calendar days after the submission of the investigation report to the Chair of the HSMB.
- Notice of outcome will be provided within three (3) calendar days of the HSMB hearing panel decision.
- Upon receipt of the HSMB hearing panel decision, the parties have three (3) calendar days to submit a written request for an appeal.
- If there is a request for appeal, the parties will have three (3) calendar days to respond to the appeal.
- The appeal will be decided within fifteen (15) calendar days from the time of the request for appeal.

C. Resolution Process for Non-Title IX Complaints Against Students

In general, a complainant and respondent can expect that the resolution process for formal complaints of non-Title IX sexual misconduct against students will proceed according to these time frames:

- The investigation will be completed within thirty (30) calendar days after the formal complaint is filed.
- The Chair of the HSMB will decide whether to charge the respondent within two (2) calendar days after receiving the investigation report.
- The Pre-Hearing Conference will be held within seven (7) calendar days after the formal charge.
- The HSMB hearing will be held within fourteen (14) calendar days after the formal charge.
- Notice of outcome will be provided within three (3) calendar days of the HSMB hearing panel decision.
- Upon receipt of the HSMB hearing panel decision, the parties have three (3) calendar days to submit a written request for an appeal.
- If there is a request for appeal, the appeal will be resolved within fifteen (15) calendar days from the time the Appeal Panel received the written appeal.

D. Resolution Process for Non-Title IX Complaints Against Employees and Other Nonstudents

In general, a complainant and respondent can expect that the resolution process for formal complaints of non-Title IX sexual misconduct against employees or other nonstudents will proceed according to these time frames:
The respondent may submit a written statement to the Co-Chair in response to the formal complaint within five (5) business days after the respondent was notified of the formal complaint.

The investigation should be completed within thirty (30) business days after the investigator receives the formal complaint.

The parties will have five (5) business days after receipt of the investigation report to prepare and submit a written response to the Co-Chair.

The IRP will review the investigation report and related record within ten (10) business days of the date on which the IRP receives the investigation report and related record from the Co-Chair.

The IRP report will be provided within two (2) business days of the IRP decision.

Upon receipt of the IRP report, the parties have five (5) calendar days to submit a written request for an appeal.

The appeal will be decided within ten (10) calendar days from the date the Appeal Panel receives the record from the Co-Chair.

XVIII. Miscellaneous Provisions

A. Professional Conduct Rules

The following rules of decorum and professionalism apply to all hearings and meetings during any resolution process governed by this policy. These rules apply equally to all parties, witnesses, and advisors.

- Any person present at any meeting or hearing must treat others at the meeting or hearing with courtesy and respect. This rule does not prohibit good faith expressions of dissent or criticism;
- During any cross-examination permitted under the Title IX resolution process, questions only are permitted; an Advisor of Choice may not give any statements, speeches, or objections to relevance decisions;
- Any cross-examination questions or techniques must not be for the purpose to harass or intimidate others;
- Disruptive behavior that hinders the orderly conduct of the meeting or hearing is prohibited;
- Interruptions, sarcasm, cursing, yelling, and insults are prohibited.

The investigator(s), Co-Chair, Chair of the HSMB or Appeal Panel, or any individual charged with facilitating any part of the informal resolution process has the authority to enforce these rules and to take steps necessary to ensure they are being followed.

Any person who does not follow these rules of decorum will be warned once. If the person continues to disregard the rules, such person may be asked to leave the meeting, interview, or hearing at the discretion of the person with authority to enforce the rules.

B. Specific Evidence Rules

1. Prior Sexual History

In general, questions and evidence about the sexual predisposition or prior sexual behavior of the complainant are not relevant and will not be admitted as evidence during an investigation and/or hearing, except under the following circumstances: (1) where the sexual behavior is used
to show that someone other than the respondent committed the conduct alleged by the complainant; or (2) where if the questions and evidence concern a specific incident of the Complainant’s prior sexual behavior with respect to the Respondent and are offered to prove consent. As otherwise noted in this policy, however, the mere fact of a current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent.

2. Pattern Evidence

For formal complaints of non-Title IX sexual misconduct only, where there is evidence of a pattern of sexual misconduct, either prior to or subsequent to the conduct in question, regardless of whether there has been an investigation or finding of responsibility, this information may be deemed relevant and probative to the HSMB hearing panel’s or IRP’s determination of responsibility and/or sanction. The determination of admissibility will be based on an assessment of whether (1) the previous incident was substantially similar to the present allegation; and (2) indicates a pattern of behavior and substantial conformity with that pattern by a respondent. Where there is a prior finding of responsibility for a similar act of sexual misconduct, there is a presumption of admissibility. The Chair of the HSMB or the Co-Chair (as applicable) will make the determination as to whether or not the relevant hearing panel will consider the pattern evidence and in doing so will carefully review the relevancy and reliability of the alleged similar conduct.

3. Medical or Counseling Records Evidence

The University will not access, consider, disclose, or otherwise use any individual’s medical or counseling records (as defined in Section III.Q) for purposes of the investigation, adjudication, or resolution of any allegation or complaint made under this policy absent such individual’s written consent. An individual may disclose his or her medical and/or counseling records voluntarily, but the University will not request consent for the release of any medical or counseling records, nor will the University require any individual involved in the processes set forth in this policy to release any such medical and/or counseling records.

4. Other Privileged Information

The University will not require, allow, rely upon, or otherwise use questions or evidence that constitute or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege in writing.

C. Transcript Notations

Pursuant to and as required by Virginia law, for each student who has been suspended for, permanently dismissed for, or withdraws from the University while under investigation for an offense involving sexual violence (defined as physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent), the University will make or cause to be made a prominent notation on the academic transcript of each student. In cases of suspension and dismissal this transcript notation will read: "[Suspended or Dismissed] for a violation of W&L’s set of standards.” In cases of withdrawal, the notation will read: "Withdraw while under
investigation for a violation of W&L’s set of standards. This withdrawal as noted does not constitute a finding or admission of responsibility on the part of the student.”

The University shall remove from a student’s academic transcript any notation placed on such transcript due to a student’s suspension if the student (1) completed the term of the suspension and (2) the student is eligible to apply for reinstatement.

The University shall remove from a student’s academic transcript any notation placed on such transcript due to a student’s dismissal after a period of three (3) years and good cause shown. Good cause will be determined by the Title IX Coordinator.

D. Student Advisory Group

The Student Advisory Group is made up of six (6) student advisors (four (4) undergraduate students and two (2) law students) who are appointed by the Executive Committee to serve one (1) year terms. In appointing the members of the Student Advisory Group, the Executive Committee will make every effort to create diverse representation.

The role of the Student Advisory Group is to aid the Title IX Coordinator and HSMB in understanding issues of student social dynamics. It will assist in training the HSMB and Appeal Panel by advising on student social dynamics and by advising the Title IX Coordinator on issues related to sexual misconduct, including policy training and campus climate. The Student Advisory Group will also review the Sexual Discrimination and Misconduct Policy and will have an opportunity to recommend changes.

E. Disability Accommodations

Students or employees with disabilities can request accommodations to ensure their full and equal participation in any conduct process and/or proceeding. Student accommodation requests may be made directly to the Director of Disability Resources. Employee accommodation requests may be made directly to the Executive Director of Human Resources. Accommodations are determined on an individual basis pursuant to the relevant accommodation policy.

XIX. Record Keeping

The Title IX Coordinator will retain records of all reports of misconduct under this policy. These records will include, but are not limited to, records of reports, materials from all resolution processes, informal resolution results and related documents, and information about all supportive measures provided. Such records will be maintained for at least a period of seven (7) years.

Pursuant to Virginia law, the Title IX Coordinator and the Public Safety representative of the University’s Review Committee will also retain independent records related to the Review Committee’s considerations upon a report of sexual violence.

Affirmative findings of responsibility in matters resolved through an HSMB hearing or IRO review process are part of a student’s conduct record or employee personnel file. Such records will be used in reviewing any further conduct or in developing sanctions. In general, the University will maintain records for the duration of the respondent’s relationship with the University, and may retain them for no less than seven (7) years following the respondent’s
departure from the University. If the HSMB hearing panel or IRP does not find the respondent responsible, the student’s conduct file or employee personnel file will reflect the finding.

XX. Policy Review

The University, through a working group that may include the Title IX Coordinator, members of the Office of General Counsel, members of the Student Advisory Group, and the Vice President of Student Affairs and Dean of Students, will review and update this policy, as appropriate, by October 31 of each year. The University will evaluate, among other things, any changes in legal requirements and existing University resources. The President will certify to the State Council of Higher Education for Virginia that this policy has been reviewed and updated, as appropriate, in accordance with all applicable federal and state laws.

1The differences in procedures applicable to the resolution process for formal complaints of Title IX sexual harassment and formal complaints of non-Title IX sexual misconduct against students are explained in Section XIV.

2In Virginia, marriage between an ancestor and descendant, between siblings, and between an uncle or an aunt and a nephew or niece, whether the relationship is by the half or the whole blood, is prohibited.

3In Virginia, the statutory age of consent is 18, but the statutory age of consent may be different based on the geographic location of where the sexual intercourse occurred.

4It is understood that the violence inflicted upon the complainant must occur without the complainant’s consent.

5Employment titles may change periodically. In the event of a change in title, the individuals fulfilling these functions will be considered Mandatory Reporters despite the title change.

Revision History

July 1, 2015 -- Revised.
August 12, 2015 -- Revised (Titles of IROs)
August 1, 2016 -- Revised.
October 1, 2017 -- Revised.
August 14, 2020 -- Revised.