

# Annual Security and Fire Safety Report

2023



UNIVERSITY  
OF RICHMOND





## Table of Contents

|   |    |
|---|----|
| Introduction .....                                | 4  |
| Crime Statistics.....                             | 5  |
| Definitions used for reporting .....              | 7  |
| Geography .....                                   | 10 |
| Police Department Description .....               | 10 |
| Campus Security Authorities.....                  | 11 |
| Local Law Enforcement Cooperation .....           | 11 |
| Daily Crime Log.....                              | 11 |
| Emergency Response and Evacuation Procedures..... | 13 |
| Sex Offender Registry.....                        | 18 |
| Timely Warning .....                              | 18 |
| Reporting and Responding to Crimes.....           | 20 |
| Police Department Community Initiatives.....      | 21 |
| University Community Initiatives.....             | 24 |
| Missing Student Notification .....                | 30 |
| Annual Fire Safety Report.....                    | 31 |
| Fire Safety & Statistics Log .....                | 34 |
| University Policies.....                          | 42 |

## INTRODUCTION

The Jeanne Clery Act is a campus public safety consumer protection action and this Annual Security Report is a major component of the Clery Act. The University of Richmond Police Department is charged with the responsibility of collecting data and preparing the statistics contained in this report.

Our Annual Security Report (ASR) is not a police report. You will find information about safety related policies, procedures, and practices in addition to statistics of reported incidents for the previous three years 2020, 2021 and 2022 contained in this report.

For our current and future spiders, our community initiatives are designed to create a sense of belonging to the spider community which is a building block towards academic excellence.

Safety on our campus is greatly enhanced when everyone takes an active role supporting the well-being of fellow spiders. Thank you for taking the time to review this report.

## Annual Crime Statistics for 2020, 2021, 2022

| Offense Type                      |                | Reporting Year | On Campus | Residential Facilities | Non-Campus Building or Property | Property* | Unfounded |
|-----------------------------------|----------------|----------------|-----------|------------------------|---------------------------------|-----------|-----------|
| Murder/Non-Negligent Manslaughter |                | 2020           | 0         | 0                      | 0                               | 0         | 0         |
|                                   |                | 2021           | 0         | 0                      | 0                               | 0         | 0         |
|                                   |                | 2022           | 0         | 0                      | 0                               | 0         | 0         |
| Manslaughter by Negligence        |                | 2020           | 0         | 0                      | 0                               | 0         | 0         |
|                                   |                | 2021           | 0         | 0                      | 0                               | 0         | 0         |
|                                   |                | 2022           | 0         | 0                      | 0                               | 0         | 0         |
| Sex Offenses                      | Rape           | 2020           | 3         | 2                      | 0                               | 0         | 0         |
|                                   |                | 2021           | 5         | 5                      | 0                               | 0         | 0         |
|                                   |                | 2022           | 4         | 3                      | 0                               | 0         | 0         |
|                                   | Fondling       | 2020           | 2         | 0                      | 0                               | 0         | 0         |
|                                   |                | 2021           | 5         | 4                      | 0                               | 0         | 0         |
|                                   |                | 2022           | 5         | 3                      | 0                               | 0         | 0         |
|                                   | Incest         | 2020           | 0         | 0                      | 0                               | 0         | 0         |
|                                   |                | 2021           | 0         | 0                      | 0                               | 0         | 0         |
|                                   |                | 2022           | 0         | 0                      | 0                               | 0         | 0         |
|                                   | Statutory Rape | 2020           | 0         | 0                      | 0                               | 0         | 0         |
|                                   |                | 2021           | 0         | 0                      | 0                               | 0         | 0         |
|                                   |                | 2022           | 0         | 0                      | 0                               | 0         | 0         |
| Robbery                           |                | 2020           | 0         | 0                      | 0                               | 0         | 0         |
|                                   |                | 2021           | 0         | 0                      | 0                               | 0         | 0         |
|                                   |                | 2022           | 0         | 0                      | 0                               | 0         | 0         |
| Aggravated Assault                |                | 2020           | 0         | 0                      | 0                               | 0         | 0         |
|                                   |                | 2021           | 0         | 0                      | 0                               | 0         | 0         |
|                                   |                | 2022           | 0         | 0                      | 0                               | 0         | 0         |
| Burglary                          |                | 2020           | 8         | 6                      | 0                               | 0         | 0         |
|                                   |                | 2021           | 3         | 1                      | 0                               | 0         | 1         |
|                                   |                | 2022           | 10        | 5                      | 0                               | 0         | 1         |
| Arson                             |                | 2020           | 0         | 0                      | 0                               | 0         | 0         |
|                                   |                | 2021           | 0         | 0                      | 0                               | 0         | 0         |
|                                   |                | 2022           | 1         | 1                      | 0                               | 0         | 0         |
| Motor Vehicle Theft               |                | 2020           | 0         | 0                      | 0                               | 0         | 0         |
|                                   |                | 2021           | 0         | 0                      | 0                               | 0         | 0         |
|                                   |                | 2022           | 3         | 0                      | 0                               | 0         | 0         |

## Annual Crime Statistics for 2020, 2021, 2022

| Offense Type                  | Reporting Year | On Campus | Residential Facilities | Non-Campus Building or Property | Public Property* | Unfounded |
|-------------------------------|----------------|-----------|------------------------|---------------------------------|------------------|-----------|
| <b>VAWA Violations</b>        |                |           |                        |                                 |                  |           |
| Stalking                      | 2020           | 2         | 0                      | 0                               | 0                | 0         |
|                               | 2021           | 1         | 0                      | 0                               | 0                | 0         |
|                               | 2022           | 0         | 0                      | 0                               | 0                | 0         |
| Dating Violence               | 2020           | 0         | 0                      | 0                               | 0                | 0         |
|                               | 2021           | 2         | 2                      | 0                               | 0                | 0         |
|                               | 2022           | 4         | 3                      | 0                               | 0                | 0         |
| Domestic Violence             | 2020           | 0         | 0                      | 0                               | 0                | 0         |
|                               | 2021           | 0         | 0                      | 0                               | 0                | 0         |
|                               | 2022           | 0         | 0                      | 0                               | 0                | 0         |
| <b>Liquor Law Violations</b>  |                |           |                        |                                 |                  |           |
| Arrest                        | 2020           | 0         | 0                      | 0                               | 0                | 0         |
|                               | 2021           | 0         | 0                      | 0                               | 0                | 0         |
|                               | 2022           | 1         | 0                      | 0                               | 1                | 0         |
| Referral                      | 2020           | 66        | 60                     | 3                               | 0                | 0         |
|                               | 2021           | 86        | 79                     | 0                               | 0                | 0         |
|                               | 2022           | 45        | 37                     | 0                               | 0                | 0         |
| <b>Drug Law Violations</b>    |                |           |                        |                                 |                  |           |
| Arrest                        | 2020           | 0         | 0                      | 0                               | 0                | 0         |
|                               | 2021           | 0         | 0                      | 0                               | 0                | 0         |
|                               | 2022           | 0         | 0                      | 0                               | 0                | 0         |
| Referral                      | 2020           | 7         | 7                      | 0                               | 0                | 0         |
|                               | 2021           | 3         | 3                      | 0                               | 0                | 0         |
|                               | 2022           | 0         | 0                      | 0                               | 0                | 0         |
| <b>Weapons Law Violations</b> |                |           |                        |                                 |                  |           |
| Arrest                        | 2020           | 0         | 0                      | 0                               | 0                | 0         |
|                               | 2021           | 0         | 0                      | 0                               | 0                | 0         |
|                               | 2022           | 0         | 0                      | 0                               | 0                | 0         |
| Referral                      | 2020           | 0         | 0                      | 0                               | 0                | 0         |
|                               | 2021           | 0         | 0                      | 0                               | 0                | 0         |
|                               | 2022           | 0         | 0                      | 0                               | 0                | 0         |

### Hate Crimes

**2020:** Two on campus vandalisms with a national origin bias, one on campus simple assault with an ethnic bias and one on campus vandalism with a racial bias.

**2021:** One on campus theft with a sexual orientation bias and two on campus vandalisms with religious bias.

**2022:** One on campus simple assault with a racial bias.

### Unfounded Clery Crimes

There were zero unfounded crimes in 2020, one unfounded crime in 2021 and one unfounded crime in 2022.

## Definitions used for reporting

Offense statistical totals are mandated by Jeanne Clery Disclosure of Campus Crime Security Policy and Campus crime Statistics Act (Act).

The offenses for this report include Homicide, Manslaughter, Arson, Aggravated Assault, Robbery, Burglary, Hate Crimes, Motor Vehicle Theft, Rape, Fondling, Incest, and Statutory Rape. Also included are Stalking, Dating Violence, Domestic Violence, liquor and drug law violations.

The crime log records all reported crimes and includes crimes that are in addition to those required by the Clery Act.

The University of Richmond uses the FBI's UCR definitions as the basis for defining and classifying crime in the Annual Security Report. This is a nationwide statistical effort in which city, university, college, county, state, tribal, and federal law enforcement agencies voluntarily report data on crimes brought to their attention. The hierarchy rule, a requirement in the FBI's UCR program that, for the purposes of reporting crimes in the system, requires when more than one criminal offense was committed during a single incident, only the most serious offense be counted, in most situations.

**Murder and Non-Negligent Manslaughter** is the willful (non-negligent) killing of one human being by another.

**Negligent Manslaughter** is the killing of another person through gross negligence.

**Sexual Assault**- Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent. Clery statistics include attempted sexual assaults. Sex offenses statistically counted for Clery include Rape, Fondling, Incest, or Statutory Rape as defined in the FBI UCR program.

**Rape** is the 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 the consent of the victim.

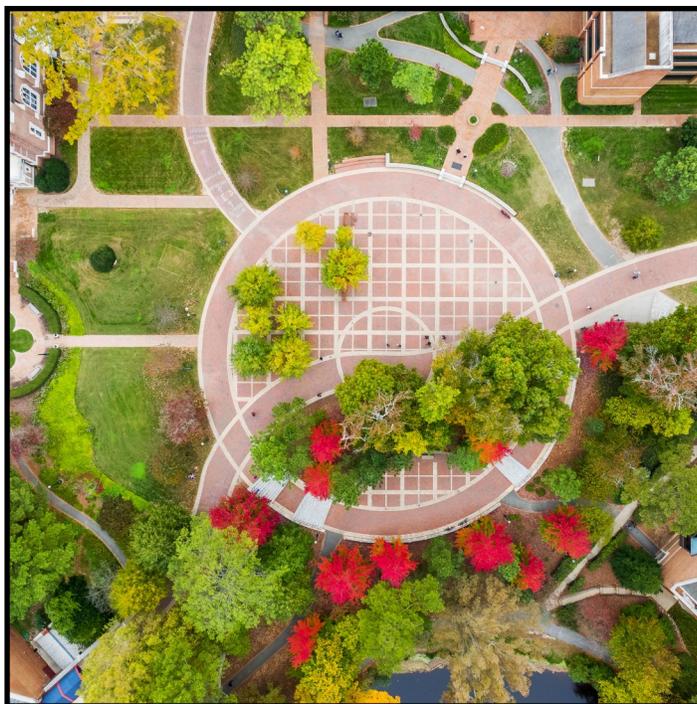
**Fondling** is touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

**Incest** is sexual intercourse between persons who are related to each other with the degrees wherein marriage is prohibited by law.

**Statutory Rape** is sexual intercourse with a person who is under the statutory age of consent.

**Robbery** is the taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

**Aggravated Assault** is an unlawful attack by one





person upon another for the purpose in inflicting severe or aggravated bodily injury. This type of assault usually involves a weapon or means likely to cause death or great bodily harm.

**Burglary** is defined as the unlawful entry into a structure to commit a felony or theft and all attempts to commit the above mentioned.

**Motor Vehicle Theft**, which is defined as the theft or attempted theft of a motor vehicle.

**Arson** is any willful or malicious burning or attempt to burn, with or without intent to defraud, causing any public or private property to be destroyed.

**Hate crimes** are defined for this report as crimes committed against a person that manifest evidence that the victim was intentionally selected because of the victim's actual or perceived race, gender, religion, national origin, ethnicity, disability, gender identity or sexual orientation. For this report, crimes that will be considered for hate include: Murder/Non-negligent Manslaughter, Sex Offenses, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, Larceny-theft, Simple Assault, Intimidation, and Destruction, Damage or Vandalism of Property. All geographic categories are considered for hate crimes.

**Larceny** is the unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another.

**Simple Assault** is an unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

**Intimidation** is to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

**Destruction, Damage, or Vandalism of Property** is to willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

**Domestic Violence** (1) A felony or misdemeanor crime of violence committed: (i) by a current or former spouse or intimate partner of the victim; (ii) by a person with whom the victim shares a child in common; (iii) by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; (iv) by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or (v) by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred. Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

**Dating Violence** is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition: dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

**Stalking** is engaging in a course of unwanted conduct toward a specific person (including surveillance, repeated phone calls, emails, text messages, social media messages or in-person contact) that would cause a reasonable person to fear for their own safety or the safety of others or to suffer substantial emotional distress. A course of conduct means two or more acts, including, but not limited to, acts in which the person directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, threatens, or communicates to or about, another person, or interferes with another 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. Any act that constitutes stalking under Virginia law is also prohibited under this policy. Stalking is sexual misconduct prohibited by the University. Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

**Liquor law violations** are defined as violations of laws or ordinances prohibiting the manufacture, sale, possession, transporting, or furnishing of intoxicating liquors or alcoholic beverages and all attempts to commit any of the aforementioned. (Public drunkenness and driving under the influence are not included).

**Drug law violations** are defined as violations of State and local laws relating to the unlawful possession, sale, use, growing or manufacturing and making of narcotic drugs.

**Weapons law violations** are defined as violations of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons, carrying of deadly weapons, concealed or openly, furnishing deadly weapons to minors, aliens possessing deadly weapons and all attempts to commit any of the above.



## Geography

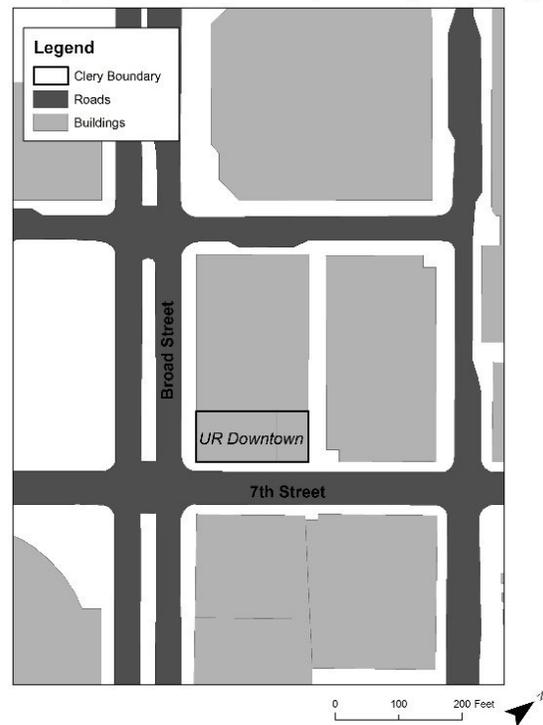
The University of Richmond Police Department (URPD) defines the boundaries pertaining to the Clery Geography annually. The map is included annually in the Annual Security Report (ASR) and is available at URPD. The map was last updated in the summer of 2017 and reviewed in the summer of 2020. The University's on-campus Clery geography is displayed in the map below. Additionally, the University regularly uses University of Richmond Downtown and Independence Golf Course, and those are both considered non-campus property along with several other areas used less frequently. As of June 30, 2021, the University of Richmond does not own, lease or control UR Downtown and is no longer considered a non-campus property.

The map of Clery Geography displays all buildings and grounds associated with the campus. All areas of the map within the Clery Boundary are considered on-campus, with the exception of Campus Drive, Boatwright Drive, College Road, and River Road. Those public roadways are classified as public property.

A list of buildings is maintained at URPD with all applicable addresses.



University of Richmond Downtown (Non-Campus Property)



## Police operations

URPD is a full-service police department with 22 sworn police officers, 4 security officers, 7 communications officers, and administrative staff. The 22 sworn police officers have arrest powers. The department is one of only a handful of private institutions with a police department accredited by the Commission on Accreditation for Law Enforcement Administrators and the International Association of Campus Law Enforcement Administrators.

The jurisdiction of police officers includes the grounds and buildings of the University and the adjacent streets, alleys and sidewalks located in the City of Richmond and the County of Henrico. As such, the campus police officers have the powers and authority conferred by law upon police officers of cities, towns or counties as provided in Virginia Code Sections 23-234 and 23-232.1 et seq..

The University of Richmond cannot patrol the environment external to the University campus. It is an expectation that each individual respect the University's valuation of personal responsibility and ac-

countability. The University reserves the right to become involved in disputes between students living off campus and neighbors. These situations may include:

- Any action that constitutes a criminal offense as defined by federal, Virginia, Henrico or Richmond ordinances. This includes, but is not limited to, single or repeat violations;
- Any situation where it appears that the student may present a danger or threat to the health or safety of him/herself or others;
- Any situation that significantly impinges upon the rights, property, or achievements of self or others, or significantly breaches the peace and/or causes social disorder; and/or
- Any situation that is detrimental to the educational interests of the University.

The University of Richmond is committed to working with Henrico County and the City of Richmond to encourage responsible social conduct on and around our campus.

## Campus Security Authorities

URPD is ultimately responsible for identifying and maintaining the list of Campus Security Authorities. A committee comprised of members from URPD, Human Resources, and Compliance participate in the creation of the list of CSAs. URPD and the Compliance Office maintain the current list of CSAs for the university. Each summer the list is updated. The most recent list was compiled in August 2023.

The university provides all CSAs with regularly scheduled training. In the training, CSAs are provided with the information and materials needed to document and submit reported crimes to URPD for inclusion in the crime statistics. CSAs are instructed to report crimes through online forms. There are separate forms for [faculty and staff](#), and students (RAs).

## Statistics from local law enforcement agencies and cooperation

URPD is responsible for collecting crime statistics from local law enforcement agencies around the world. Throughout the year, information about student travel to off-campus locations is reported to URPD. URPD sends letters to the law enforcement agency responsible for locations where students traveled and requests crime statistics for the date(s), time(s) and location(s) traveled only if the travel meets the standards identified by the Act.

The data collected from local law enforcement agencies is analyzed and maintained by URPD. The response, or lack of response, of each agency is documented by URPD. This policy and procedure for the collection of this data was last updated in August 2022.

URPD coordinates with local law enforcement to ensure they notify the university of situations on campus and in areas adjacent to campus that warrant emergency response, emergency notification or timely warning messages. URPD has a memorandum of understanding with Virginia State Police to investigate sexual assaults. Local agencies have mutual aid policies to provide assistance to URPD if requested. The university does not have noncampus locations for student organizations officially recognized by the institution.

The URPD works with law enforcement agencies to include Virginia State Police, Henrico County and the City of Richmond if crimes exceed the investigative capabilities of URPD resources. This may include forensic examinations of electronic devices, homicide investigations, or incidents involving URPD.

## The daily crime log

URPD is responsible for maintaining the daily crime log. The log is maintained in Power DMS, a software used by the URPD. The most recent 60 days of the crime log is publicly available on the [URPD's website](#). The case disposition listed on the crime log is reviewed regularly for accuracy and is updated for 60 days after the incident's report date. Requests for a portion of the log that is older than 60 days, will be available within two business days of the request for public inspection. The full crime log is located in URPD, 490 Westhampton Way, Richmond, VA 23173. For more information about the crime log, contact

Major Eric Beatty (804) 289-8723 or [ebeatty@richmond.edu](mailto:ebeatty@richmond.edu).

## Crime statistics and annual disclosure

URPD is designated with the responsibility for the collection of data, maintenance of records, and preparation and distribution of this report. The crime statistics displayed at the beginning of the ASR were collected using university Campus Security Authorities (CSA), external law enforcement agencies (LEA) and URPD police records section. Letters are sent to multiple LEA annually to obtain crime information for inclusion in our annual statistics. All data is collected, analyzed and recorded by URPD.

The University of Richmond Police Department annually compiles statistical data and information that is utilized for the purpose of compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). The department formulates, updates, and distributes a document that is specifically designed to comply with this law. The Clery Act Annual Security & Fire Report statistics are submitted, according to federal law, to the Department of Education annually by URPD.

In a rare situation when there is clear and convincing evidence that the release of such information would jeopardize an on-going investigation, safety of an individual, destruction of evidence, or cause a suspect to flee, such information may be withheld until that threat is no longer likely to occur from the release of such information.

The daily crime log includes: the nature of the crime, the general location, the disposition, injuries, property damaged or stolen, the date and time the crime was reported and the date and time the crime occurred, if known. These records do not contain personally identifiable information about the victim. Information about accessing the crime log is sent annually to the university community through the ASR notification.

The dispositions used by URPD are: (1) Closed – an incident that is no longer being actively investigated i.e. leads exhausted, inactive, and exceptionally cleared. Closed cases may be reopened if new evidence becomes available, (2) Conduct Referral – the referral of any person to any university official for further action (Police may or may not be involved in the conduct referral), (3) Open – Pending/active investigation, (4) Unfounded – Investigated by law enforcement and found to be false or baseless, (5) Arrest – Persons processed by physical arrest or released on summons, and (6) Title IX – Deputy Title IX Coordinators investigate these cases and report required facts necessary for Clery and crime log. There has not been a police report initiated.

There are multiple employees within URPD trained to maintain and update the crime log as needed. These employees include: Public Safety Compliance Analyst, Communications Officers, Communications Supervisor and Services Major.



## Emergency response and evacuation procedures

The University of Richmond (UR) has an Emergency Notification System (ENS) with multi-channel communication capabilities. The ENS is maintained and stored by the Director of Emergency Management. The policy is reviewed and updated regularly, with the most recent revisions in March 2023.

The UR ENS is intended to rapidly disseminate emergency information about an incident and provide instructions to the UR campus community. Emergency information is sent to registered users and through other ENS channels as identified in these Protocols.

The following University officials have been assigned the authority to authorize emergency notifications to provide alert, warning, and safety or protection instructions:

- University President
- UR Police Chief
- URPD Officer on Duty
- UR Communications Officer (for hail, high wind, and tornado warnings)
- Director of Emergency Management
- Executive Vice President and Chief Operating Officer
- Executive Policy Group Chairwoman

The following university official(s) are also able to authorize an emergency notification, *if they are directly involved with the emergency response for a safety-and-security incident at UR:*

- Senior Associate Vice President for Campus Operations
- Medical Director
- Director of Environmental Health and Safety

These positions will be collectively referred to as “Responsible University Authorities” for the purposes of these Protocols.

Senior University Officials who are directly involved with emergency response for safety-and-security incidents at UR are designated as “Responsible University Authorities.” A Responsible University Authority is limited to issuing an immediate alert in response to an incident or event within their direct area of responsibility (as defined by agency/office mission and/or position description), and only in cases in which a delay could compromise the safety and security of the university.

At all times in these Protocols, reference to any position at the University shall be understood, in the absence of the referenced individual, to include designees.

The process for activating the UR ENS Protocols begins when a threat or emergency situation is reported to the URPD or to another Responsible University Authority. Emergency situations that require Immediate Notification must be confirmed by a Responsible University Authority, who will then authorize the emergency notification based on the operational guidelines of these Protocols.

For the majority of emergency threats and incidents on the UR campus, the first notice of the situation will be via an incoming call to the 8-9-1-1 URPD Communication Center. In the event of a threat or emergency in which the URPD Senior Officer on Duty is not yet at the incident and/or for which specialized technical knowledge is required, another Responsible University Authority may confirm the threat and authorize the message with emergency safety instructions. The Responsible University Authority will notify the URPD Communication Center and authorize the Communication Officer to issue the message. If the Re-

sponsible University Authority is trained in and has direct access to the UR ENS interface, the Responsible University Authority may issue the message if necessary.

The UR ENS consists of the following channels:

*UR Alert* is a messaging system controlled by a web-enabled management interface that allows an operator to simultaneously send outbound UR ENS messages via the following channels:

- *Short Message Service (SMS) or text messages* sent to mobile devices (including cell phones) which may also convert to an audible message if the phone is answered.
- *Phone calls* (and voicemails for unanswered calls) to registered phone numbers including cell and land lines (U.S. 10-digit numbers).
- *E-mails* to @richmond.edu accounts and any registered within the UR Alert portal.
- *Social Media Accounts* including Twitter and Facebook.
- *University of Richmond website* via a banner across the top of the page.
- *Digital Signs* throughout campus including menu boards within the dining locations.
- *Desktop Alerts* to University managed computer systems and public machines.

UR Alert is dependent on an individual “opt-in” registration in order to receive text messages and phone calls. Students, faculty and staff are encouraged to sign up for the service. Users can select up to three channels/contact points by which they wish to be notified of UR Alert. All registered users receive messages sent through channels the users have registered for.

The following additional UR ENS channels may also be activated independently of UR Alert:

*Outdoor Warning System* consists of three clusters of outdoor speakers centrally located on campus. It is capable of playing prerecorded emergency messages. The system is most frequently used to provide alert to persons outside to seek shelter indoors immediately due to an approaching tornado. At present, a siren runs continuously during a tornado warning and when the warning expires the siren stops.

*Classroom Paging Application*, grouped by building, uses existing Avaya phone sets to support one way paging.

Additionally, the following secondary channels are available to disseminate information:

*Voicemail to UR campus phones* will record outbound messages onto voicemail throughout the UR phone system.

*Posts to the UR Alert webpage* (alert.richmond.edu) may supplement the UR Alert format with more in-depth information and instructions.

*The UR hotline*, (804) 289-8760 or toll free at (866) 386-0403, is a recorded message system which provides status information.

The process for activating the UR ENS Protocols begins when a threat or emergency situation is reported to the URPD or to another Responsible University Authority.



There are three types of notifications under UR ENS, “Immediate,” “Status Update,” and “All Clear,” which are described on the following pages.

*Considering the safety of the community*, an Immediate Notification to the campus is made when the URPD or another Responsible University Authority *confirms* that an emergency situation poses an *immediate* threat to life safety or security of the campus population. The URPD Senior Officer on Duty, URPD Communication Officer (for high wind, hail, and tornado warnings), or another Responsible University Authority that is authorized to make an Immediate Notification to provide alert, warning, and safety or protection instructions.

Confirmation of an immediate threat may include, but is not limited to:

- Visual affirmation;
- Information received from Accuweather; and/or
- Multiple reports concerning the same threat.

However, the URPD Senior Officer on Duty or other Responsible University Authority also has the authority *not* to authorize an Immediate Notification to the campus if issuing the message will create a more serious emergency, compromise the University’s efforts to assist the victim and/or contain the emergency. If the URPD Senior Officer on Duty, or other Responsible University Authority decides *not* to authorize an alert, he or she must immediately notify and consult with the UR Police Chief.

As necessary, the UR Police Chief notifies the Executive Vice President and Chief Operating Officer and the Director of Emergency Management of the situation, notifications authorized/issued (or not authorized/issued), and any other actions taken; as needed, the Executive Vice President and Chief Operating Officer then notifies the University President and other officials, including University Communications for situations in which informational updates via voicemail to UR campus phones, posts to the UR homepage, and/or use of the UR hotline will be appropriate.

At any time, if more than one operator attempts to log into the UR ENS interface, or if a URPD Communication Officer or other operator is given conflicting instructions, the system operator will defer to the most recent information or that provided by the highest-ranking individual.

For ongoing incidents or situations, such as a fire, a Status Update should be provided at a minimum every thirty minutes after an initial UR Alert was sent to the entire campus community. A Status Update alerts the community that the incident is ongoing and the area should be avoided. Additionally, it directs individuals to <http://alert.richmond.edu/> where more information may be provided.

An All Clear Notification indicates that the emergency has ended.

All notifications should be timed such that SMS messages do not overlap. Status Update and All Clear Notifications are authorized by the person who has incident command, which may be the URPD Senior Officer on Duty, UR Police Chief, Director of Emergency Management, or other Responsible University Authority. To ensure activation of the ENS occurs *without delay* over 25 UR Alert message templates live in the system. Ranging from active shooter to natural threats such as an earthquake, the templates allow the URPD Senior Officer on Duty, URPD Communication Officer (for high wind, hail, and tornado warnings), or another Responsible University Authority to simply chose the template and include the location. The templates include the modes of delivery by which the message will be sent. Messages are sent to all registered users.

UR Alert messages will contain at minimum the following information, in this order:

- Nature of the incident,
- Location, and
- Actions to be taken by affected populations.

UR ENS messages generated via these protocols will follow formatting consistent with UR Alerts system characteristics. Therefore, regardless of channel used, UR ENS messages generated via these Protocols will use the same message of no more than 160 characters (the maximum number of characters available in a SMS message) for all message systems.

Additional or subsequent messaging via non-UR Alert channels (which are not constrained by technical limitations related to SMS) may use additional characters, as appropriate, to convey more information. As soon as possible following the issuance of an emergency message, the UR homepage and hotline will contain additional and/or supplemental information about the alert and/or the incident.

These will provide instructions for:

- Obtaining additional detailed information if university programs and/or services are interrupted,
- Receiving additional updates and information, and/or
- Reporting information.

Parents of current students, family of faculty and staff, visitors, and community members can also register online to receive UR Alerts. The user-friendly UR Alert portal provides subscribers the opportunity to select how they wish to receive emergency notifications.

The campus community, as well as external stakeholders, expect to receive information quickly; however, it is often not possible to provide comprehensive, accurate information in the early, chaotic stage of a crisis. Following an initial warning or notification of an incident, the University’s Crisis Communication Team may craft and distribute brief messages acknowledging the nature of the incident, and indicating that the university is actively responding to the situation and continuing to gather information. All messages will be created with the understanding that they will be viewed by both “internal audiences” (i.e. students, faculty, staff, administration) and “external audiences” (i.e. news and social media, partners). The Crisis Communication Team will select the appropriate communications channel based on the needs and circumstances of the particular incident, the nature of the message to be communicated, and the intended audience. Available channels include, but are not limited to: audio, web, e-mail, text/voice messages, campus phones, TV, people, social media and broad, print, or digital media outlets.

A test of the ENS is conducted annually. The ENS tests are typically announced via email and SpiderBytes. A description of each test, date, time and whether it was announced or unannounced is maintained by the Director of Emergency Management in an after-action report. A summary of each test is sent to educate the community about emergency response, procedures, and applicable lessons learned, if any.

## Evacuation Procedures

Prepared students, faculty, and staff are a priority of the University of Richmond. Students, faculty, and staff should be familiar with applicable emergency plans and procedures as well as evacuation routes. As such, emergency response and evacuation procedures are communicated with the campus through several methods depending on the community member’s classification. These methods include, but are not limited to, signage within buildings, an email to faculty each semester, seasonal poster campaign, orientation events, residence life and new employee training. Information about how to prepare as well as the types of emergencies that occur on campus is also available online.

With the exception of residence halls ([pages 31-33](#)), a Building Emergency Plan (BEP) was developed for each building on campus. Developed to comply with OSHA 29 CFR 1910.38 the BEPs at a minimum must include the follow-ing information:

- Procedures for reporting a fire or other emergency;
- Procedures for emergency evacuation, including type of evacuation and exit route assignments;
- Procedures to be followed by employees who remain to operate critical operations before they evacuate;
- Procedures to account for all employees after evacuation;
- Procedures to be followed by employees performing rescue or medical duties; and
- The name or job title of every employee who may be contact by individuals who need more information about the plan or an explanation of their duties under the plan.

To fulfill compliance, a Building Emergency Coordinator, to include an alternate, as well as floor monitors was identified for each building with an BEP. Building Emergency Coordinator serve as the key contact for their building during an emergency, ensure all building occupants are aware of and trained on the BEP. Floor monitors provide direction about sheltering in place or evacuating the building as dictated by the event and account for building occupants after an evacuation. A list of Building Emergency Coordinators to include Building Emergency Plans is available [online](#). Building Emergency Plans are available to university members with a username and password.

Emergency evacuation drills are conducted in each building on campus annually to test emergency re-sponse and evacuation procedures. The tests are unannounced and the performance of occupants and respond-ers are documented by Fire Safety to assess and evaluate emergency plans and capabilities. After each drill is completed, an after-action report is completed in Maxient by the building monitors and/or resident life staff in each building. Ten percent of the rooms in the building are checked to ensure occupants have evacuated. The time lapsed for the evacuation is also recorded by staff. This information is collected by fire safety and re-viewed for trends that may identify areas to improve. The plans for evacuation are reviewed annually with building monitors and/or resident life staff.



## Sex Offender Registry

In accordance with the Campus Sex Crimes Prevention Act of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act, and the Family Educational Rights and Privacy Act of 1974, the University of Richmond is providing a link to the [Virginia State Police Sex Offender Registry](https://sex-offender.vsp.virginia.gov/sor/index.html).<sup>1</sup>

All sex offenders are required to register in the Commonwealth of Virginia and to provide notice of each institution of higher education in Virginia at which the person is employed, carries out a vocation, or is a student.

In addition to the above notice to the Commonwealth of Virginia, all sex offenders are required to deliver written notice of their status as a sex offender to the University of Richmond's Chief of Police or designee, no later than three (3) business days prior to their enrollment in, employment with, volunteering at, or residence in the University.

Such notification may be disseminated by the University to, and for the safety and well-being of, the University community, and may be considered by the University for enrollment and discipline purposes.

<sup>1</sup><https://sex-offender.vsp.virginia.gov/sor/index.html>



## Timely Warning

The University of Richmond Timely Warning policy was approved August 1, 2022. This policy is kept in the University's policy library. Timely Warnings will be issued in response to Clery Act crimes that have already occurred on University property and in the judgment of the University Chief of Police or designee, may pose a serious or ongoing threat to students and employees. The Timely Warning will be issued as soon as pertinent information is available. The warning is distributed community-wide using the university's email system in a timely manner to aid in the prevention of similar occurrences. The criteria and considerations listed below are used to determine if a timely warning is appropriate.

- Does the incident involve one of the crimes below?
  - ◆ Murder/Non-negligent manslaughter

- ◆ Aggravated assault
  - ◆ Rape, Fondling, Incest, Statutory Rape
  - ◆ Robbery
  - ◆ Burglary
  - ◆ Arson
  - ◆ Motor Vehicle Theft
  - ◆ Stalking
  - ◆ Domestic Violence
  - ◆ Dating Violence
  - ◆ Hate Crimes
  - ◆ Other Crimes as determined by the Chief of Police or designee.
- URPD will issue a Timely Warning based upon the following criteria: 1) A Clery Act crime is reported by a Campus Security Authority or any individual who reports an incident in good faith; 2) the crime occurred in a Clery reportable location; 3) The perpetrator has not been apprehended; and 4) there is a serious or ongoing threat to the campus community because of this crime. The decision to issue a timely warning may be further informed by use of the following factors:
    - ◆ Was the perpetrator identified?
    - ◆ If known, does the perpetrator have prior arrests, reports, or complaints, or any other history of violence?
    - ◆ If known, does the perpetrator have a history of failure to comply with University No-Contact directives, or other preventive measures to include violation of protective orders?
    - ◆ Has the perpetrator threatened to commit future acts of violence?
    - ◆ The continuing danger to the community.
    - ◆ Does it appear to be an isolated incident involving a specific targeted victim or is there a pattern of reported crimes?
    - ◆ Does the information include the use of “date-rape” or similar drugs or intoxicants?
    - ◆ Were there other aggravating circumstances reported?

The Chief of Police or designee is responsible for approving and issuing a timely warning. Each warning is decided based on a case-by-case basis considering the totality of the circumstances surrounding that incident.

The Chief of Police or designee shall contact the university’s PIO for distribution of the warning. There may be incidents in which other forms of notification may be used such as student meetings, the Collegian, or local media.

URPD has requested for the City of Richmond Police Department and Henrico County Division of Police to notify URPD when emergency situations exist and/or crimes have occurred close to UR’s campus. This is important to ensure appropriate emergency notifications and timely warnings are issued.



## Security and Access to campus buildings

All exterior doors on residential buildings have door alarms that report locally during business hours and to URPD outside of business hours. URPD will respond to any door alarm to ensure the door is secure and not propped open. Access to residence halls is controlled by card access 24/7. Administrative and academic buildings are generally open to the public during business hours. Once these buildings lock in the evening, some students and employees have card access to allow entry into specific areas to study and meet. Generally, open spaces at the university are open to the general public. These spaces include fields, lake paths, and tennis courts. Security officers are assigned to specific beats and are responsible for making rounds through buildings to ensure doors are secure, door alarms are working, and lighting is functional.

As buildings and grounds are renovated on campus, URPD meets with architects and project managers to ensure cameras and environmental design are considered to ensure safety. URPD also sits on the card access review committee. This committee is responsible for reviewing any request for a new card reader and also reviews the installation of card readers in new or renovated buildings.

## Reporting and responding to crimes

The University of Richmond encourages our community members to promptly and accurately report crimes to URPD. Community members who become aware of any possible crime are encouraged to report that crime to URPD and assist victims who may elect not to or be unable to report the crime. Crimes may be reported any time of day or night. URPD shall provide assistance with reporting any crime that may have occurred outside its jurisdiction. Prompt reporting allows the University to inform victims of resources available to them, mitigate future criminal activity, and assist the institution with notifying the rest of the community if there is a serious or ongoing threat to campus safety. URPD also encourages bystanders and witnesses to accurately and promptly report all crimes to campus police or an appropriate police agency when the victim of a crime elects to or is unable to make such a report.

Crimes may be reported in person 24 hours a day, at the police department, which is located on the ground floor of the Special Programs Building, 490 Westhampton Way, Richmond, VA 23173. Crimes or emergencies on the campus of the University of Richmond may be reported to URPD by phone. When dialing from an on-campus phone, dial 8911 (emergency) or 8715 (non-emergency). When dialing from an off-campus phone or cell phone, individuals should call 804-289-8911 (emergency) or 804-289-8715 (non-emergency). It should be noted that when using a cell phone to call URPD, callers should dial 804-289-8911 as dialing 9-1-1 directly may route them to another agency. If an individual is routed to another police department, the individual will need to advise the jurisdiction of the individual's specific location at the University of Richmond so that the appropriate jurisdiction's responders may relay that information to URPD.

Crimes or emergencies on the campus of the University of Richmond may be reported to URPD by one of the fifty-two (52) emergency telephone locations throughout the campus. Thirty-seven (37) exterior phones are designated by blue lights for easy identification at night. Picking up the receiver or pressing a button activates the emergency telephones. The phones are directly connected to the Police Emergency Communications Center, which is staffed 24 hours each day. The location of the activated telephone is automatically identified to the Communications Officer.

Crimes may be reported by utilizing AppArmor "SpiderSafe" mobile application. The SpiderSafe app allows for confidential and anonymous crime reporting using the "Report a Tip." This application allows two-way, real-time interaction with our 24-hour-a-day emergency communications center, including location-tagged text, calls, photos, and videos. The SpiderSafe Application is also available to community members to report suspicious behavior, safety hazards, and other concerns. Community members can download the SpiderSafe app from the App Store or Google Play and register with an email.

Crimes may be reported anonymously by utilizing URPD's on-line "Silent Witness" program. This can be accessed online at <http://police.richmond.edu/report-crime/silent-witness.html>. The University of Richmond supports confidential reporting of crime; however, all information provided may not be kept confidential based upon the totality of the circumstances.

When URPD speaks with victims, the victims are provided written information about their specific crimes and the rights of victims. This information may include the victim/witness rights card, informational brochures, contact information for resources, and URPD points of contact.

Victims or witnesses of dating violence, domestic violence, sexual assault, and/or stalking who report to URPD or the Title IX office are provided written information that describes the importance of evidence preservation, obtaining protective orders, issuing no-contact orders, how and who to report the incident, and information on other criminal or civil lawful orders/actions. This information is provided in writing by Title IX in the form of an outreach letter.

It is the policy of URPD to assist the university community in the most efficient and effective manner possible when responding to calls for service and reported crimes. All Clery reportable crimes reported to URPD, within the University's Clery Geography, including anonymous and confidential, are included in the Clery crime statistics within this report.

The University's pastoral and professional counselors are aware of options individuals have to report crimes that would allow the crimes to be included in the annual security report. There is not a formal policy; however, training through Title IX and conversations with URPD provide awareness of the options and procedures to follow with voluntary, confidential reporting. Crimes reported to these individuals may not initiate a timely warning.

## Police Department Community Initiatives

Employees of the Police Department provide security awareness and crime prevention presentations during orientation for new students, on boarding for new employees, participants in study abroad, international students and a host of groups across campus. Several of the programs below also include information for attendees regarding personal safety, and security procedures and practices.

The University of Richmond is a certified Virginia Department of Criminal Justice Services Crime Prevention Campus. <https://www.dcjs.virginia.gov/virginia-center-school-and-campus-safety/crime-prevention-center>

Several presentations provide attendees with information about preventing crimes. Community Initiatives URPD coordinates include:

**Operation ID** Operation Identification is a nationally recognized theft prevention program that involves marking or engraving property with UV pens and traceable ownership information and recording manufacturers' serial numbers and owner-applied identification information on a property inventory form. The University of Richmond Police Department promotes Operation ID at no cost to discourage the theft of valuables. This program is available anytime to our students, faculty and staff. Community members are encouraged to contact the Police Department at 804-289-8715 to learn more about the program or to set up a session to have your valuable property marked.

**SpiderSafe App** A mobile safety technology that links the UR community with URPD and provides personal safety options. This application is promoted during orientations and community talks. It is available to all community members.

**Vehicle Safety Checks** Once each semester URPD creates a vehicle inspection station to address minor mechanical problems just before students depart for a holiday break each semester. In addition, Offic-

ers provide information related to properly securing property within a vehicle and out of plain view. Each year over 200 vehicles are inspected.

**Active Threat Presentations** Across campus, presentations are provided to faculty, staff and students. The University of Richmond follows the Avoid, Deny, Defend™ response to active threats. This information is provided to students, faculty, and staff at their respective orientation programs. It is also available to community members upon request.

**Women's Self Defense** The University of Richmond Police Department offers basic women's self-defense class to all female students, faculty and staff members. The course is dedicated to teaching females how to feel confident in any situation they may encounter during an attack and provide safety awareness tips to help avoid putting themselves in dangerous situations. Students will learn verbal skills and physical techniques to defend against grabs, holds, and bedroom attacks.

**Narcotic Identification, Detection, And Abuse** A University Police presentation that identifies the most commonly abused narcotics and controlled substances; it also highlights the most popular methods of obtaining and concealing these drugs. Participants are advised of the health risks associated with drug abuse and the legal ramifications resulting from illegal usage. This program is available upon request and is normally presented in residence hall programs and/or other University social groups.

**Lighting Surveys** URPD conducts detailed bi-weekly lighting surveys across campus to identify outages and works closely with facilities to address the required repairs.

**Alcohol Awareness Programs** Students are presented with information about the effects of alcohol on the body and driving under the influence. This program is offered upon request.

**Campus Safety Walk** A night walking tour conducted once each semester with students, faculty and staff to hear student concerns related to CPTED issues across campus.

**Campus Blue Lights (Emergency Reporting Telephone Systems- ERTS)** The University maintains 37 blue light phones across campus which are directly linked to the URPD Communications Center.

**University Transportation and Security Escort** The Campus Loop is a nightly continuous transportation shuttle service that provides safe transportation to on-campus locations. The shuttle runs from 8 pm to 12 midnight daily and until 3:00 am on Fridays and Saturdays. A walking or golf cart security escort is also available to community members by contacting URPD at 289-8715.

**Bicycle Registration** Assistance is provided to the university community to register their bikes to deter theft. As a safety feature, each registrant is offered a bicycle lock and a light for operating at night.

**Housing Security:** University Housing operates 40 residential buildings. In nineteen (19) residential areas the exterior doors are locked and can only be opened with a UR ID Card. In these areas, each individual room operates on a card access system with requires swipe access and a 4-digit PIN to gain access. In three (3) smaller residential areas the exterior doors are accessible only via card access with individual rooms secured with a deadbolt key lock. In sixteen (16) townhouse apartment buildings and two (2) houses for Law students each residence is secured with a deadbolt key lock. The University is in transition to have all residential areas converted to keyless entry by 2024. In addition, Resident Assistants are CSAs and work closely with URPD.

**Behavioral Intervention Team** URPD is a member of this interdisciplinary team that assesses and responds to emerging at risk behaviors that have been brought to the attention of the team.

**Threat Assessment Team** URPD is a member of this interdisciplinary team that assesses and responds to threatening behaviors and dangerous incidents involving students, faculty or staff.

**Sexual Misconduct Review Subcommittee** Subset of the University’s Threat Assessment Team. As required by Virginia law and University Policy, the Sexual Misconduct Review Subcommittee will convene within 72 hours after a report of sexual violence to provide advice and guidance to the Title IX Coordinator regarding the investigation of the report and to determine if disclosure of information regarding the incident is necessary to protect the health and safety of the Complainant or other individuals, consistent with applicable FERPA regulations. The Chief of Police or designee are required to be in attendance for all Sexual Misconduct Review Subcommittee meetings.

**Victim/Witness Services** A victim/witness coordinator provides general information regarding the court process. Other services include but are not limited to, transportation to/from magistrates, court, Protective Order obtainment or a trip to a hospital. The victim/witness coordinator ensures that every victim is provided with the right resource (both on and off campus) information to assist in concerns or trauma related to being a victim of a crime. URPD also provides information on the prevention of Dating Violence, Domestic Violence, Sexual Assault and Stalking.

**Campus Security Surveys** URPD conducts proactive surveys of campus when renovations and construction of buildings occur. Additionally, URPD will survey offices, departments and dormitories upon request by community members.

**Community Concerns** URPD maintains a [webpage](#) that allows community members to send information to departments on campus regarding the actions of students in the local neighborhoods.



## University community initiatives

**Alcohol, Tobacco and Other Drugs Sanctions** Alcohol, Tobacco and Other Drugs Sanctions is an online education program designed to reduce hazardous alcohol use and the serious consequences that follow. This program combines personalized feedback, professional narration, interactive exercises, and proven intervention techniques to engage students in powerful learning experiences.

**Marijuana 101** is a four-hour online course for on-campus marijuana violations. Six lessons cover a variety of key issues such as marijuana dependence, marijuana's effects, mental-health issues and synthetic marijuana use.

**Brief Alcohol Screening Intervention for College Students (BASICS)** Harm-reduction program for college students that aims to reduce alcohol consumption and its adverse consequences, promote healthier choices among young adults, and provide important information and coping skills for reducing risk.

**Educational Programs** Educational programs are offered to student groups, organizations, and residence halls to help students learn more about alcohol, how it can affect them, and what choices they want to make about consuming alcohol. These programs include hazing prevention and education.

**Prevention Counseling** If a student is hospitalized as a result of alcohol consumption, the coordinator of substance abuse education meets with the student to discuss the incident and to develop a plan to prevent this from reoccurring in the future.

**Alcohol or Drug Evaluations** Students may be required to complete an alcohol or drug evaluation with a substance abuse counselor. These evaluations are completed at an off campus facility. The recommendations from the evaluation are shared with the Substance Abuse Education & Prevention Coordinator and the student is required to complete any recommendations described in the evaluation.

**TIPS Training** TIPS Training is an hour-long session to teach residents in the University Forest Apartments how to identify guests that have consumed too much alcohol and techniques they should use when confronting these students. TIPS Training is a requirement for apartment residents to register events with alcohol.

Registered student organizations (RSOs) that want to host events with alcohol are required to attend a "TIPS and Risk Management Training" session, hosted by the Center for Student Involvement (CSI). All executive board members of the RSO are required to attend, in addition to all members of the RSO serving in the capacity of Risk Manager or Risk Team members. The training goes through how to identify guests who have consumed too much alcohol, techniques for confronting these students, the Events with Alcohol policy and procedures, as well as overall risk mitigation and hazing education. The training is required annually of every RSO who hosts events with alcohol.

**WELL 100 - Everfi Sexual Assault Prevention for Undergraduates (Online)** All incoming 1st year students complete this online component of WELL 100 which has the following learning outcomes:

1. identify characteristics of healthy and unhealthy relationships, with an emphasis on personal values and caring communities;
2. distinguish between consent and non-consent, and increase behaviors that lead to mutually agreed-upon (consensual) intimacy;
3. recognize the pervasiveness of sexual/relationship violence in our culture, understand misperceptions about this violence, and experience decreased tolerance of sexual assault, relationship violence and stalking (including language, attitudes, and behaviors that support violence); and
4. feel increased compassion for victims of sexual assault, violence, or stalking and confidence in their ability to offer support to someone who has experienced one of these crimes recognize the behaviors of a responsible bystander, and identify ways in which they can intervene and support others.

**WELL 100 - 1st Semester for 1st year Students “Introduction to the University”** All incoming 1st year students complete a semester long “Introduction to the University” course in their first semester. Relevant topics covered: Engaging students in scenarios that prepare students to be active bystanders, reviewing of Safe Spiders Protocol and the PUBS acronym., reviewing harm reduction techniques related to alcohol consumption, providing resources for sober outing alternatives and recovery support, providing education on how Alcohol, Tobacco and Other Drugs (ATOD) impacts the body and provide alternative options for stress relief, consent, incapacitation, healthy relationships and sexuality.

### ***Incapacitation & Consent***

What does incapacitation look like?

1. Slurred speech
2. Vomiting
3. Stumbling/can't walk without assistance
4. Person smells like alcohol
5. “Passed out” or unconscious

Incapacitation is a state beyond drunkenness or intoxication. A person’s ability to give consent is voided when they are incapacitated.

Incapacitation can be caused by a temporary or permanent physical or mental impairment, such as:

1. Sleeping
2. Prescribed or over-the-counter medications
3. Physical or mental disability

We primarily see incapacitation on a college campus as a result of alcohol and/or other drug consumption.

### ***Spiders C.A.R.E about Consent***

C: clear and capacitated communication

1. Communication through words or actions

A: affirmative

1. Not using coercion, guilt, or threats to engage in sexual activity
2. Cannot be gained by force, ignoring objections, or inferred from silence

R: reciprocal and retractable

1. Everyone involved needs to ensure consent
2. It can be taken away at any time

E: every partner, every act, every time

1. Consent with one activity or partner does not automatically imply consent to another activity or partner.
2. Need to check in before and throughout every interaction, every time

### ***6 D’s of Bystander Intervention***

- Direct - Speak up against the violence/harmful behavior taking place. “that sounds racist” “it sounds like you are trying to control your partner” “they’re too drunk to consent tonight”
- Distract - Indirectly de-escalate the situation by creating a distraction. “Do I know you? You look familiar” “did we go to high school together?”
- Delegate - Get help from others to stop the act of violence in progress. Ex: talking to RA; other resources provided
- Document - Keep record of the situation to prevent and help those who were affected in the future. Keep record if it is unsafe to intervene in another way. Used last. Can let victim know you have evidence that may use later
- Delay - After the act of violence is over, check on the wellbeing of the person and see how you can help them further. “are you ok? What can I do to support?”

Defend - defend another person who intervenes. Can be difficult to go against the grain. Create a culture of bystander Intervention

**New Spider Orientation – “Sex Signals”** The program provides a definition of rape and a definition of consent in reference to sexual activity. “Sex Signals” also provides safe and positive options for bystander intervention as well as information on risk reduction. Additionally, “Sex Signals” discusses the intersection of alcohol and sexual assault, frames sexual assault as a moral issue, deconstructs the impact of rape on the survivor and community, and debunks myths surrounding rape.

In the Understanding Title IX presentation, students learn about the University's Title IX [policy and procedures](#), along with how to report sexual misconduct and the support resources available.

**New Spider Orientation (BACK Stories)** This program is facilitated by the Health Educator, the Recovery Support Specialist, and URWELL Peer Educators. In this program students learn about the Safe Spiders Protocol, how to recognize signs of alcohol poisoning, harm reduction techniques for alcohol consumption, recovery support programming, and sober outing alternatives.

## **WELL 102 - Vector’s “Every Choice” Bystander Intervention Online Program**

This program is mandatory for all 2nd year and incoming transfer students.

Bystander Intervention - Every Choice is a reality-based course designed to reduce campus sexual assault, dating and domestic violence, and stalking by equipping students with realistic, actionable techniques. Created in partnership with Green Dot, etc., our bystander intervention-focused course helps your campus meet Title IX requirements and features numerous student testimonials that foster viewer empathy to help prevent sexual violence on campus.

**CARE Menu of Programs** Programs that are offered to student-athletes, fraternities, sororities, student organizations, and other groups/classes. These are offered on a requested basis and base programs that are tailored to a specific community’s needs. All workshops are intended to be at least 60 minutes. Workshops can be catered to specific audience needs. Additional workshop ideas are always welcome! Please email Kaylin Tingle, Healthy Relationships & Violence Prevention Educator, at [ktingle@richmond.edu](mailto:ktingle@richmond.edu) for more information or to request a program. These programs supplement community-wide programs such as: Red Flag Campaign, My Costume is Not My Consent, Everyday Consent, PleasureFest, Take Back the Night, and Denim Day.

## **Let’s Talk About [Consensual] Sex, Baby!**

Interactive workshop on consent and sexual health. Participants will:

- Gain a holistic understanding of behaviors that make up the continuum of violence.
- Recognize the signs of enthusiastic consent as well as red flags of violence.
- Increase confidence and tools for negotiating consent.
- Identify barrier methods such as external condoms, internal condoms, and dental dams and understand proper use.
- Identify campus and community resources to provide support for people impacted by interpersonal violence.

**Healthy -Ships** We all exist in relationships with one another. Whether it's a [capital R] Relationship, a situation-ship, a flirtation-ship, a penetration-ship, or a friend-ship, healthy and unhealthy behaviors can show up in all types of interactions with others. In this workshop, participants will:

- Understand healthy, unhealthy and abusive behaviors in relationships and how context matters.
- Identify campus and community resources to provide support for people impacted by interpersonal violence.

**How to Support a Survivor** A workshop on being trauma-informed in our responses to someone disclosing they've experienced violence. Participants will:

- Gain a holistic understanding of behaviors that make up the continuum of sexual and interpersonal violence.
- Learn what advocacy means in relation to supporting survivors of interpersonal violence and how this is different than counseling.
- Identify ways to be trauma-informed in their response to someone disclosing they've experienced interpersonal violence.
- Identify campus and community resources to provide support for people impacted by interpersonal violence.

**Give me the Green Light** Positive sexual experiences can't exist without all parties involved enthusiastically consenting. In this workshop, participants will:

- Identify red, yellow, and green lights of consent.
- Identify campus and community resources to provide support for people impacted by interpersonal violence.

**Spiders for Spiders: Preventing Sexual Violence** Participants will:

- Increase confidence to be an active bystander.
- Gain at least one new strategy for bystander intervention
- Increase knowledge of warning signs of problematic situations.
- Identify campus and community resources to provide support for people impacted by interpersonal violence.

**One Love's "Escalation"** The One Love Foundation was created in honor of Yeardeley Love, a senior at UVA, who was killed by her ex-boyfriend in 2010. "Escalation" is a compelling film that tells the story of an abusive relationship - from it's sweet beginnings to it's tragic end. Participants will be able to:

- Identify red flags of intimate partner violence.
- Identify tools for intervening when they are concerned about a friend's relationship.
- Identify campus and community resources to provide support for people impacted by interpersonal violence.

**One Love's "Behind the Post"** The One Love Foundation was created in honor of Yeardeley Love, a senior at UVA, who was killed by her ex-boyfriend in 2010. This workshop explores the ways social media can skew our view of the relationships around us and influence our decisions to stay in unhealthy ones. Par-

ticipants will be able to:

- Gain a better understanding of digital consent.
- Identify red flags of intimate partner violence.
- Identify campus and community resources to provide support for people impacted by interpersonal violence.

**One Love’s “Amor Del Bueno”** The One Love Foundation was created in honor of Yeardeley Love, a senior at UVA, who was killed by her ex-boyfriend in 2010. In this film, viewers follow the relationship of Julio and Mariana, who’s relationship may look like amor del bueno or real love on the surface, but underneath lies unhealthy dynamics. Participants will be able to:

- Identify signs of healthy and unhealthy relationships.
- Identify campus and community resources to provide support for people impacted by interpersonal violence.

**One Love’s “Because I Love You”** The One Love Foundation was created in honor of Yeardeley Love, a senior at UVA, who was killed by her ex-boyfriend in 2010. In these short films, viewers see how seemingly healthy phrases like “Because I love you” can be used as a tool for manipulation, deflecting responsibility, and control. Participants will:

- Identify signs of healthy and unhealthy relationships.
- Identify ways to intervene when concerned about a friend’s relationship.
- Identify campus and community resources to provide support for people impacted by interpersonal violence.

**Thank U, Next: Healthy Breakups** Breakups are tough, but that doesn’t mean they have to be messy. Did you know that people 18-24 (traditional college aged students) experience stalking at the highest rates of any age group, and the majority of victims are stalked by someone they know, like a current/former partner or acquaintance? In this workshop, participants will be able to:

- Identify the signs of stalking.
- Identify healthy and unhealthy behaviors when breaking up or changing the status of a relationship.
- Identify campus and community resources to provide support for people impacted by interpersonal violence.

## **Blurred Lines: Understanding Rape Culture**

When thinking about what causes violence, people often look at individual or interpersonal factors. How do society, media, policies, norms and other factors create a culture which allows violence to continue happening? In this workshop, participants will:

- Define rape culture.
- Identify ways media, gender roles, and norms contribute to violence.
- Identify ways to undermine the culture of violence.
- Identify campus and community resources to provide support for people impacted by interpersonal violence.

**Compliance Training** The University of Richmond is committed to operating as a model institution of higher education, sustaining superb faculty and staff and administering the institution with the highest standards of innovation and professionalism. As part of the University’s [Compliance Program](#), all employees are required to participate in training to ensure we comply with applicable laws and regu-

lations.

All new employees are required to participate in Title IX, FERPA, Harassment and Discrimination Prevention, and Workplace Safety (bystander intervention and risk reduction) training within their first 60 days of employment. Additional and on-going training may be required for specific roles and departments on campus.

**Peer Sexual Misconduct Advisors (PSMAs)** Peer Sexual Misconduct Advisors (PSMA) are UR students who serve as confidential peer advisors trained in Title IX policy, procedure, and emotional support resources. PSMAs are RC/WC students who are selected through an application process and complete extensive training from the Title IX Coordinator, URPD, CAPS, St. Mary's Hospital, Safe Harbor, URWell Peer Educators, the Virginia Anti-Violence Project, and Equity and Inclusion Office. All contact is confidential because the PSMAs are not employees of the University.

**URWell Peer Educators** serve an important role at University of Richmond to engage their fellow Spiders in promoting healthy behaviors through outreach and educational programs.

URWell Peer Educators are trained in facilitation skills, active listening, and health promotion content areas such as: violence prevention (ex: bystander intervention, risk reduction, consent, healthy relationships, etc), sexual health, alcohol, tobacco, and other drugs (ATOD), mental health, cultural sensitivity, and more.

If you're interested in being a URWELL Peer Educator, please email [urwellpeereducators@gmail.com](mailto:urwellpeereducators@gmail.com).

**Other Training & Programs** In addition to the required training, training is available to all employees on a range of compliance topics such as:

- Campus SaVE
- FMLA Leave
- HIPAA Privacy Essentials
- Workplace Ethics
- Workplace Harassment Prevention
- New Employee Orientation including risk reduction
- Employee Assistance Programs

All compliance training is available through the [UR Talent Web](#) link on UR's HR website.



## Missing Student Notification Procedures

Anytime a member of the University community has reason to believe that a student who resides in on-campus housing is missing, he or she shall immediately notify URPD at (804) 289-8715. URPD will immediately initiate an investigation and notify local law enforcement agencies, regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor. There is not a timeframe to report. URPD will take a missing person report at anytime.

If the missing student is under the age of 18 and is not an emancipated minor, URPD will notify the student's parent or legal guardian and any other designated contact within 24 hours after the University of Richmond Police Department has conducted an initial investigation and has determined that the student is missing.

If the missing student is age 18 or over, the University of Richmond Police Department will notify the student's designated confidential contact, if any, or the student's parent or legal guardian within 24 hours after the University of Richmond Police Department has conducted an initial investigation and has determined that the student is missing.

At any time the preliminary investigation indicates a need, the local law enforcement agencies and parents may be notified immediately. URPD will notify local law enforcement no later than 24 hours after a student is determined to be missing.

In addition to registering an emergency contact, students residing in on-campus housing have the option to confidentially identify an individual to be contacted by URPD in the event the student is determined to be missing for more than 24 hours. If a student has identified such an individual, URPD will notify that individual no later than 24 hours after the student is determined to be missing. Students who wish to identify a confidential contact can do so through the University of Richmond Banner Web website at [bannerweb.richmond.edu](http://bannerweb.richmond.edu).

Confidential contact information remains confidential and will only be accessible to authorized campus officials and law enforcement and it may not be disclosed outside of a missing person investigation.



# Annual Fire Safety Report

The fire safety report is completed by the Safety Specialist in the Department of Environmental Health and Safety (EHS).

**Safety Education and Training** All first year students receive fire safety training during the orientation process. All Residence Life staff receives annual fire safety training. Environmental Health makes available a fire safety program for use in the residence halls. The program includes:

- Fire Safety Policy
- Cover the policy, especially the high points and most frequent violations.
- Discuss the reasons for certain portions of the policy that may not be easily understood, i.e. why we minimize posting any decorative materials.
- Fire Evacuation Procedures
- Discuss the nature of fire.
- Discuss evacuation plans and how to respond to smoke or fire in an exit pathway.
- Fire Survival Procedures
- Discuss what needs to be done if escape from a room or the building is not an option.
- Fire Extinguisher Use
- Explain our policy pertaining to fire extinguisher usage.
- Discuss the necessary conditions which need to be in place prior to fighting a fire, i.e. exit to users back, fire in the insipient stages...
- Discuss how to operate a fire extinguisher.
- Conduct live fire training.
- Q and A
- Discuss any questions that may come up.
- Residence hall room fire safety inspections are conducted and utilized to help increase awareness of, and compliance with fire safety regulations.

**Fire Drills** Each residence hall conducts four fire drills during a calendar year. Residence Life staff are trained prior to the beginning of each year to facilitate and critique fire drills. During the 2022 calendar year, the University of Richmond conducted 82 fire drills. Each residence hall has 2 fire drills conducted each semester or 4 drills per year. The goal is to ensure safe evacuation in the event of a fire emergency through remembering the following:

- People who may be in danger act in a calm manner.
- Those people who have responsibilities carry out their tasks.
- Occupants evacuate by the nearest available exit
- Evacuation of the building is achieved in a speedy and orderly manner.

An evacuation report is filled out by the residence life staff member in charge. Following the evacuation, the Head Resident will meet briefly with the student staff at a predetermined location to process the evacuation and provide the information necessary to complete the Fire Alarm Evacuation Report. This report must be completed by the Head Resident (or another staff member in case of unscheduled alarms) and all reports are sent to EHS.

**Plans for Improving Fire Safety and Future Considerations** In conjunction with current housing redevelopment projects Moore Hall have had smoke detection systems upgraded throughout the building to include inside resident rooms. New Carbon Monoxide and gas detectors were installed in all residential facilities with gas connected dryers. Next year, there are plans to update the residence room detection systems in Robins Hall. Additionally, the University is renovating the North Court Education Wing to create additional residence rooms that will now be part of the North Court Residential Building. The underground propane tank for Robins Hall, will also be removed at the beginning of the North Court project. Electrical dryers will replace the gas dryers in South Court. The renovation of the Richmond School of Law is ongoing.

ing with the project continuing into 2024. The Boatwright Library renovation will start during the summer of 2023 and continue until the Fall of 2023-2024 school year.

### Residence Hall Policies

- Smoking is prohibited to include e-cigarettes.
- Open flames are prohibited on campus, including in residence halls, without prior approval.
- Candles, Incense, Flame Producing Products are prohibited.
- The following items are prohibited in all residential facilities
- Space heaters
- Hot plates
- Toaster ovens (not permitted in residence halls)
- Grilling machines **of any form** (not permitted in residence halls)
- All open/visible coil electrical equipment of any type
- University policy prohibits cooking in residence halls. The only exception to this rule is locked, limited access kitchens. Food preparation is allowed using only a Microwave oven
- Complete residence hall room fire safety inspections are conducted by staff from the Richmond and Westhampton Colleges, EHS, and Risk Management two times per year.

The entire University Housing Fire Safety Policy can be viewed at:

<https://ehs.richmond.edu/fire/housing/>

**Reporting a Fire Emergency** All fire emergencies are to be reported to the URPD. URPD can be reached by using an ERTS phone, calling 911 from any building phone, or (804) 289-8911 if using a cell phone. Make sure you place your call from a safe location outside the building. Provide emergency personnel with specific information including your name, location of the incident, and nature of the emergency. If there are signs of a previous fire you suspect may have not been reported, contact the URPD non-emergency number at (804) 289-8715.

### Procedures for Fire Emergencies

- Fire Alarm System not Activated
  - » If you discover or suspect a fire immediately evacuate the building using the nearest available exit. **Do not attempt to fight a fire unless you have been trained to do so.** Sound the building fire alarm by activating the nearest pull station and or verbally sounding the alarm and knocking on doors as you evacuate the building by the nearest exit.
  - » Notify emergency personnel by pushing the red button on an ERTS phone, dial 911 from any campus emergency phone, or if using a cell phone (804)289-8911 and inform authorities of your situation and location.
- Fire Alarm System is Activated
  - » If you hear the fire alarm immediately evacuate the building using the nearest available exit. **Do not attempt to fight a fire unless you have been trained to do so.**
  - » Awaken any sleeping roommate or suitemates. Prepare to evacuate by putting on shoes and coat if necessary. Feel the doorknob and the door. If they are hot, do not open the door. If they are cool, open slowly, if heat or heavy smoke rushes in, close the door immediately and remain inside. **(See Shelter In Place)**
  - » When leaving your room, be sure to take your key, *or your One Card* in case it is necessary to return to the room should conditions in the corridor deteriorate. Make sure to close the door tightly when evacuating.
  - » Resident life staff members who are present on their floors shall facilitate the evacuation of their floor/section if possible. When the alarm sounds shout (Example: there is an emergency in the building leave by the nearest exit) and knock on doors as they make their way to the nearest exit and out the building.
  - » When exiting in smoky conditions keep your hand on the wall and crawl to the nearest exit. Al-

ways know more than one path out of your location and the number of doors between your room and the exit.

- » DO NOT USE ELEVATORS. Elevator shafts may fill with smoke or the power may fail, leaving you trapped. Elevators have features that recall and deactivate the elevator during an alarm. Standing and waiting for an elevator wastes valuable time.
  - » Each resident shall report to their assigned assembly area. Resident life staff shall report to their assigned assembly area and make sure that students have cleared the building. Conduct a head count and do not allow re-entry into the building until directed to do so by emergency personnel.
  - » The Head Resident will meet emergency responders (University of Richmond Police) outside their building to provide information, i.e. persons still in building, as needed. If an officer is not already on site dial 911 from any campus emergency phone or if using a cell phone (804)289-8911 and inform authorities of your situation and location.
  - » Following the evacuation and receiving the all clear, the Head Resident will meet briefly with the student staff at a predetermined location to process the evacuation and provide the information necessary to complete the Fire Alarm Evacuation Report. This report must be completed by the Head Resident (or another staff member) and submitted to the Residence Life Administrative Assistant within 24 hours of the evacuation.
- Shelter In Place
    - » If for any reason you are not able to leave your room, dial 911 or on cell phone (804)289-8911 and inform authorities of your location.
    - » Make sure the door to your room is tightly closed and use a bed sheet or blanket to fill the cracks around the door.
    - » If possible, open the window two-thirds at the top to allow hot air and gases to escape—and one-third at the bottom. Keeping your face near the bottom opening will allow you to breathe fresh air while waiting for help to arrive. Never break the window. If you do, you will no longer have the ability to control the influx of smoke from other floors.
    - » Wave a towel or brightly colored shirt from the window, and yell for help this will aid rescuers in locating you. The Fire Department looks for this type of signal.
  - If You are On Fire STOP, DROP AND ROLL. If your clothes catch on fire, Stop, Drop, and Roll, wherever you are. Rolling smothers the fire.



# Fire Safety Log

| <b>The Higher Education Opportunity Act (HEOA) requires</b> institutions that participate in Title IV and that maintain on-campus housing to publish an annual fire safety report and to keep a log in which they record all fires in on-campus student housing that occur throughout the year, including the nature of the fire, date, time and general location. |                    |                           |  |                                   |                         |                           |                               |
|--|--------------------|---------------------------|--|-----------------------------------|-------------------------|---------------------------|-------------------------------|
| <u>Police Report Incident #</u>  | <u>Report Date</u> | <u>Incident Date/Time</u> | <u>Nature of Fire</u>  | <u>Location</u>                   | <u>Number of Deaths</u> | <u>Number of Injuries</u> | <u>Value Property Damaged</u> |
| 2020-002261  | 09/08/2020         | 09/08/2020<br>7:35 PM     | Cooking: Resident was cooking in the oven and items caught fire. Items were put out by the use of a fire extinguisher.   | University Forest Apartment 170-D | None                    | None                      | None                          |
| 2020-002501  | 10/03/2020         | 10/03/2020<br>7:45 AM     | Cooking: Resident was cooking in the oven and items caught fire.   | University Forest Apartment 476-C | None                    | None                      | None                          |
| 2022-000443  | 02/09/2022         | 02/09/2022<br>10:45 PM    | Fire-Other: A partially burnt paper bag was found in the trash can near room 252. The incident was reclassified from arson due to the investigation showing it was not willful or intentional. | North Court                       | None                    | None                      | None                          |
| 2022-000484  | 2/13/2022          | 02/13/2022<br>4:30 PM     | Cooking: Resident was cooking in the oven and items caught fire. Items were put out by the use of a fire extinguisher.   | University Forest Apartment 168-A | None                    | None                      | \$50.00                       |

**General Note:** Under the Nature of Fire the cause categories used:

- **Unintentional Fire:**

|                   |                      |
|-------------------|----------------------|
| Cooking           | Hazardous Products   |
| Smoking Materials | Machinery/Industrial |
| Open Flames       | Natural              |
| Electrical        | Other                |
| Heating Equipment |                      |

- **Intentional Fire**

- **Undetermined Fire**

## Fire Safety Equipment in Residence Halls

| Building and Address                         | Fire Alarm Type   | Combustible Gas/CO Detectors | Suppression System(s)  | Total Fires |
|--|---|------------------------------|--|-------------|
| Atlantic House<br>332 College Road           | Addressable system continuously monitored by a Central Station throughout common areas with single station smoke alarms detectors in each student room. | CO only                      | (Wet System) building is fully sprinkled. Fire extinguishers in common areas and in each student room.                   | None        |
| Dennis Hall<br>244 Richmond Way              | Addressable system continuously monitored by a Central Station throughout the entire building to include each student room.                             | Yes                          | (Wet System) building is fully sprinkled. Fire extinguishers in each Resident Life Staff member room.                    | None        |
| Gateway Village Apartment 55<br>157 UR Drive | Addressable system continuously monitored by a Central Station throughout the entire building to include each student room.                             | Yes                          | (Wet System) building is fully sprinkled. Fire extinguishers in common areas and each Resident Life Staff member's room. | None        |
| Gateway Village Apartment 56<br>153 UR Drive | Addressable system continuously monitored by a Central Station throughout the entire building to include each student room.                             | N/A                          | (Wet System) building is fully sprinkled. Fire extinguishers in common areas and each Resident Life Staff member's room. | None        |
| Gateway Village Apartment 57<br>155 UR Drive | Addressable system continuously monitored by a Central Station throughout the entire building to include each student room.                             | N/A                          | (Wet System) building is fully sprinkled. Fire extinguishers in common areas and each Resident Life Staff member's room. | None        |
| Gateway Village Apartment 58<br>151 UR Drive | Addressable system continuously monitored by a Central Station throughout the entire building to include each student room.                             | N/A                          | (Wet System) building is fully sprinkled. Fire extinguishers in common areas and each Resident Life Staff member's room. | None        |
| Gray Court<br>416 Westhampton Way            | Addressable system continuously monitored by a Central Station throughout the entire building to include each student room.                             | Yes                          | (Wet System) building is fully sprinkled. Fire extinguishers in each Resident Life Staff member room.                    | None        |

| <b>Building and Address</b>              | <b>Fire Alarm Type</b>  | <b>Combustible Gas/CO Detectors</b> | <b>Suppression System(s)</b>   | <b>Total Fires</b> |
|--|---|-------------------------------------|--|--------------------|
| Residence Hall #1<br>242 Richmond Way    | Addressable system continuously monitored by a Central Station throughout the entire building to include each student room.                             | N/A                                 | (Wet System) building is fully sprinkled.<br>Fire extinguishers in each Resident Life Staff member room.   | None               |
| Keller Hall<br>451 Westhampton Way       | Addressable system continuously monitored by a Central Station throughout the entire building to include each student room.                             | Yes                                 | (Wet System) building is fully sprinkled.<br>Fire extinguishers in each Resident Life Staff member room.   | None               |
| Lakeview Hall<br>256 Richmond Way        | Addressable system continuously monitored by a Central Station throughout the entire building to include each student room.                             | Yes                                 | (Wet System) building is fully sprinkled.<br>Kitchen Hood for limited access kitchen.<br>Fire extinguishers in each Resident Life Staff member room.   | None               |
| Law Dorm III<br>336 College Road         | Addressable system continuously monitored by a Central Station throughout common areas with single station smoke alarms detectors in each student room. | CO only                             | Building not sprinkled<br>Fire extinguishers in each student room.   | None               |
| Lora Robins Court<br>403 Westhampton Way | Addressable system continuously monitored by a Central Station throughout the entire building to include each student room.                             | Yes                                 | (Wet System) building is fully sprinkled.<br>Fire extinguishers in each Resident Life Staff member room.   | None               |
| Marsh Hall 258<br>Richmond Way           | Addressable system continuously monitored by a Central Station throughout the entire building to include each student room.                             | Yes                                 | (Wet System) building is fully sprinkled.<br>Fire extinguishers in each Resident Life Staff member's room.   | None               |
| Residence Hall #3<br>248 Richmond Way    | Addressable system continuously monitored by a Central Station throughout the entire building to include each student room.                             | N/A                                 | (Wet System) building is fully sprinkled.<br>Kitchen Hood for limited access kitchen.<br>Fire extinguishers in each Resident Life Staff member's room. | None               |
| Moore Hall<br>250 Richmond Way           | Addressable system continuously monitored by a Central Station throughout the entire building to include each student room.                             | Yes                                 | (Wet System) building is fully sprinkled.<br>Fire extinguishers in each Residence Life Staff member's room.  | None               |

| <b>Building and Address</b>  | <b>Fire Alarm Type</b>  | <b>Combustible Gas/CO Detectors</b> | <b>Suppression System(s)</b>   | <b>Total Fires</b>  |
|--|---|-------------------------------------|--|---|
| North Court<br>421 Westhampton Way   | Addressable system continuously monitored by a Central Station throughout the entire building to include each student room.                             | N/A                                 | (Wet System) building is fully sprinkled. Fire extinguishers in each Resident Life Staff member room.    | 1 (2022)  |
| Pacific House<br>330 College Road  | Addressable system continuously monitored by a Central Station throughout common areas with single station smoke alarms detectors in each student room. | CO only                             | (Wet System) building is fully sprinkled. Fire extinguishers in common areas and in each student room.   | None  |
| Robins Hall<br>240 Richmond Way  | Addressable system continuously monitored by a Central Station throughout the entire building to include each student room.                             | N/A                                 | (Wet System) building is fully sprinkled. Fire extinguishers in each Residence Life Staff member's room. | None  |
| South Court<br>431 Westhampton Way   | Addressable system continuously monitored by a Central Station throughout the entire building to include each student room.                             | Yes                                 | (Wet System) building is fully sprinkled. Fire extinguishers in each Resident Life Staff member's room.  | None  |
| Residence Hall #2<br>252 Richmond Way  | Addressable system continuously monitored by a Central Station throughout the entire building to include each student room.                             | N/A                                 | (Wet System) building is fully sprinkled. Fire extinguishers in each Resident Life Staff member room.    | None  |
| Westhampton Hall<br>433 Westhampton Way  | Addressable system continuously monitored by a Central Station throughout the entire building to include each student room.                             | Yes                                 | (Wet System) building is fully sprinkled. Fire extinguishers in each Resident Life Staff member room.    | None  |
| Wood Hall<br>254 Richmond Way  | Addressable system continuously monitored by a Central Station throughout the entire building to include each student room.                             | Yes                                 | (Wet System) building is fully sprinkled. Fire extinguishers in each Resident Life Staff member's room.  | None  |
| University Forest<br>Apartment Blocks<br>160, 162, 164, 166,<br>168, 170, 172, 191,<br>193, 470, 472, 474,<br>476, 481, 483, and<br>486. | Addressable system continuously monitored by a Central Station throughout common areas and residence rooms.   | Yes                                 | Fire extinguishers in common areas   | (1) - 168-A<br>(2022)<br><br>(1) - 170-D<br>(2020)<br><br>(1) - 476-C<br>(2020) |

## Temporary Modular Residential Housing Facilities Used For COVID Isolation and Quarantine

| Building and Address   | Fire Alarm Type | Combustible Gas/CO Detectors | Suppression System(s) | Total Fires |
|--|-----------------|------------------------------|-----------------------|-------------|
| Westhampton Modular Units ; 501-520 Westhampton Way          | Smoke alarms    | N/A                          | Fire extinguishers    | None        |
| Lakeview Modular Units; 280, 282, 284, 286, 288 Richmond Way | Smoke alarms    | N/A                          | Fire extinguishers    | None        |

\*Lakeview Modular Units were decommissioned and removed from campus in Spring 2021.

\*Westhampton Modular Units 511-520 were decommissioned and removed in Spring 2022.

\*Westhampton Modular Units 505-510 were decommissioned and removed in Summer 2023

| Facility - Address                    | Total Fires 2020 | Total Fires 2021 | Total Fires 2022 | Specific Location | Cause of Fire | Injuries | Deaths | Damage |
|---------------------------------------|------------------|------------------|------------------|-------------------|---------------|----------|--------|--------|
| 280 Modular Unit, 280 Richmond Way    | 0                | 0                | N/A              | N/A               | N/A           | N/A      | N/A    | N/A    |
| 282 Modular Unit, 282 Richmond Way    | 0                | 0                | N/A              | N/A               | N/A           | N/A      | N/A    | N/A    |
| 284 Modular Unit, 284 Richmond Way    | 0                | 0                | N/A              | N/A               | N/A           | N/A      | N/A    | N/A    |
| 286 Modular Unit, 286 Richmond Way    | 0                | 0                | N/A              | N/A               | N/A           | N/A      | N/A    | N/A    |
| 288 Modular Unit, 288 Richmond Way    | 0                | 0                | N/A              | N/A               | N/A           | N/A      | N/A    | N/A    |
| 501 Modular Unit, 501 Westhampton Way | 0                | 0                | 0                | N/A               | N/A           | N/A      | N/A    | N/A    |
| 502 Modular Unit, 502 Westhampton Way | 0                | 0                | 0                | N/A               | N/A           | N/A      | N/A    | N/A    |
| 503 Modular Unit, 503 Westhampton Way | 0                | 0                | 0                | N/A               | N/A           | N/A      | N/A    | N/A    |
| 504 Modular Unit, 504 Westhampton Way | 0                | 0                | 0                | N/A               | N/A           | N/A      | N/A    | N/A    |
| 505 Modular Unit, 505 Westhampton Way | 0                | 0                | 0                | N/A               | N/A           | N/A      | N/A    | N/A    |
| 506 Modular Unit, 506 Westhampton Way | 0                | 0                | 0                | N/A               | N/A           | N/A      | N/A    | N/A    |
| 507 Modular Unit, 507 Westhampton Way | 0                | 0                | 0                | N/A               | N/A           | N/A      | N/A    | N/A    |
| 508 Modular Unit, 508 Westhampton Way | 0                | 0                | 0                | N/A               | N/A           | N/A      | N/A    | N/A    |
| 509 Modular Unit, 509 Westhampton Way | 0                | 0                | 0                | N/A               | N/A           | N/A      | N/A    | N/A    |
| 510 Modular Unit, 510 Westhampton Way | 0                | 0                | 0                | N/A               | N/A           | N/A      | N/A    | N/A    |
| 511 Modular Unit, 511 Westhampton Way | 0                | 0                | N/A              | N/A               | N/A           | N/A      | N/A    | N/A    |
| 512 Modular Unit, 512 Westhampton Way | 0                | 0                | N/A              | N/A               | N/A           | N/A      | N/A    | N/A    |
| 513 Modular Unit, 513 Westhampton Way | 0                | 0                | N/A              | N/A               | N/A           | N/A      | N/A    | N/A    |
| 514 Modular Unit, 514 Westhampton Way | 0                | 0                | N/A              | N/A               | N/A           | N/A      | N/A    | N/A    |
| 515 Modular Unit, 515 Westhampton Way | 0                | 0                | N/A              | N/A               | N/A           | N/A      | N/A    | N/A    |
| 516 Modular Unit, 516 Westhampton Way | 0                | 0                | N/A              | N/A               | N/A           | N/A      | N/A    | N/A    |
| 517 Modular Unit, 517 Westhampton Way | 0                | 0                | N/A              | N/A               | N/A           | N/A      | N/A    | N/A    |
| 518 Modular Unit, 518 Westhampton Way | 0                | 0                | N/A              | N/A               | N/A           | N/A      | N/A    | N/A    |
| 519 Modular Unit, 519 Westhampton Way | 0                | 0                | N/A              | N/A               | N/A           | N/A      | N/A    | N/A    |

| Facility - Address                       | Total Fires 2020 | Total Fires 2021 | Total Fires 2022 | Specific Location | Cause of Fire   | Injuries | Deaths | Damage |
|--|------------------|------------------|------------------|-------------------|---|----------|--------|--------|
| 520 Modular Unit, 520 Westhampton Way    | 0                | 0                | N/A              | N/A               | N/A   | N/A      | N/A    | N/A    |
| Atlantic House, 352 College Road         | 0                | 0                | 0                | N/A               | N/A   | N/A      | N/A    | N/A    |
| Bostwick Residence 15, 15 Bostwick Lane  | 0                | 0                | 0                | N/A               | N/A   | N/A      | N/A    | N/A    |
| Bostwick Residence Five, 5 Bostwick Lane | 0                | 0                | 0                | N/A               | N/A   | N/A      | N/A    | N/A    |
| Dennis Hall, 244 Richmond Way            | 0                | 0                | 0                | N/A               | N/A   | N/A      | N/A    | N/A    |
| Gateway Village 151, 151 UR Drive        | 0                | 0                | 0                | N/A               | N/A   | N/A      | N/A    | N/A    |
| Gateway Village 153, 153 UR Drive        | 0                | 0                | 0                | N/A               | N/A   | N/A      | N/A    | N/A    |
| Gateway Village 155, 155 UR Drive        | 0                | 0                | 0                | N/A               | N/A   | N/A      | N/A    | N/A    |
| Gateway Village 157, 157 UR Drive        | 0                | 0                | 0                | N/A               | N/A   | N/A      | N/A    | N/A    |
| Gray Court, 416 Westhampton Way          | 0                | 0                | 0                | N/A               | N/A   | N/A      | N/A    | N/A    |
| Keller Hall, 451 Westhampton Way         | 0                | 0                | 0                | N/A               | N/A   | N/A      | N/A    | N/A    |
| Lakeview Hall, 256 Richmond Way          | 0                | 0                | 0                | N/A               | N/A   | N/A      | N/A    | N/A    |
| Law Dorm, 348 College Road               | 0                | 0                | 0                | N/A               | N/A   | N/A      | N/A    | N/A    |
| Lora Robins Court, 403 Westhampton Way   | 0                | 0                | 0                | N/A               | N/A   | N/A      | N/A    | N/A    |
| Marsh Hall, 258 Richmond Way             | 0                | 0                | 0                | N/A               | N/A   | N/A      | N/A    | N/A    |
| Moore Hall, 250 Richmond Way             | 0                | 0                | 0                | N/A               | N/A   | N/A      | N/A    | N/A    |
| North Court, 421 Westhampton Way         | 0                | 0                | 1                | 2nd Floor Hallway | Fire-Other: A partially burnt paper bag was found in the trash can in the 2nd floor hallway. The incident investigation determined it was not willful or intentional. | 0        | 0      | None   |
| Pacific House, 354 College Road          | 0                | 0                | 0                | N/A               | N/A   | N/A      | N/A    | N/A    |
| Residence Hall No. 1, 242 Richmond Way   | 0                | 0                | 0                | N/A               | N/A   | N/A      | N/A    | N/A    |
| Residence Hall No. 2, 252 Richmond Way   | 0                | 0                | 0                | N/A               | N/A   | N/A      | N/A    | N/A    |
| Residence Hall No. 3, 248 Richmond Way   | 0                | 0                | 0                | N/A               | N/A   | N/A      | N/A    | N/A    |

| Facility - Address                                      | Total Fires 2020 | Total Fires 2021 | Total Fires 2022 | Specific Location | Cause of Fire  | Injuries | Deaths | Damage |
|---|------------------|------------------|------------------|-------------------|--|----------|--------|--------|
| Robins Hall, 240 Richmond Way                           | 0                | 0                | 0                | N/A               | N/A  | N/A      | N/A    | N/A    |
| South Court, 431 Westhampton Way                        | 0                | 0                | 0                | N/A               | N/A  | N/A      | N/A    | N/A    |
| University Forest Apartments - 160, 160 UR Drive        | 0                | 0                | 0                | N/A               | N/A  | N/A      | N/A    | N/A    |
| University Forest Apartments - 162, 162 UR Drive        | 0                | 0                | 0                | N/A               | N/A  | N/A      | N/A    | N/A    |
| University Forest Apartments - 164, 164 UR Drive        | 0                | 0                | 0                | N/A               | N/A  | N/A      | N/A    | N/A    |
| University Forest Apartments - 166, 166 UR Drive        | 0                | 0                | 0                | N/A               | N/A  | N/A      | N/A    | N/A    |
| University Forest Apartments - 168, 168 UR Drive        | 0                | 0                | 1                | UFA 168-A Kitchen | Cooking: Resident was cooking in the oven and items caught fire. | 0        | 0      | None   |
| University Forest Apartments - 170, 170 UR Drive        | 1                | 0                | 0                | UFA 170-D Kitchen | Cooking: Resident was cooking in the oven and items caught fire. | 0        | 0      | None   |
| University Forest Apartments - 172, 172 UR Drive        | 0                | 0                | 0                | N/A               | N/A  | N/A      | N/A    | N/A    |
| University Forest Apartments - 191, 191 UR Drive        | 0                | 0                | 0                | N/A               | N/A  | N/A      | N/A    | N/A    |
| University Forest Apartments - 193, 193 UR Drive        | 0                | 0                | 0                | N/A               | N/A  | N/A      | N/A    | N/A    |
| University Forest Apartments - 470, 470 Westhampton Way | 0                | 0                | 0                | N/A               | N/A  | N/A      | N/A    | N/A    |
| University Forest Apartments - 472, 472 Westhampton Way | 0                | 0                | 0                | N/A               | N/A  | N/A      | N/A    | N/A    |
| University Forest Apartments - 474, 474 Westhampton Way | 0                | 0                | 0                | N/A               | N/A  | N/A      | N/A    | N/A    |
| University Forest Apartments - 476, 476 Westhampton Way | 1                | 0                | 0                | UFA 476-C Kitchen | Cooking: Resident was cooking in the oven and items caught fire. | 0        | 0      | None   |
| University Forest Apartments - 481, 481 Westhampton Way | 0                | 0                | 0                | N/A               | N/A  | N/A      | N/A    | N/A    |
| University Forest Apartments - 483, 483 Westhampton Way | 0                | 0                | 0                | N/A               | N/A  | N/A      | N/A    | N/A    |
| University Forest Apartments - 486, 486 Westhampton Way | 0                | 0                | 0                | N/A               | N/A  | N/A      | N/A    | N/A    |
| Westhampton Hall, 433 Westhampton Way                   | 0                | 0                | 0                | N/A               | N/A  | N/A      | N/A    | N/A    |
| Wood Hall, 254 Richmond Way                             | 0                | 0                | 0                | N/A               | N/A  | N/A      | N/A    | N/A    |

# University Policies

1. Policy Prohibiting Sexual Misconduct
2. Alcohol, Tobacco, and Other Drug Policy
3. Standards of Student Conduct
4. Policy on Preventing and Responding to Discrimination and Sexual Misconduct Involving Faculty and Staff
5. University of Richmond Faculty Handbook
6. Privacy of Education Records (FERPA) Policy
7. Progressive Discipline and Staff Grievance Procedure



# UNIVERSITY OF RICHMOND

## Policy Manual

|                               |            |   |   |
|-------------------------------|------------|---|---|
| <b>Policy #:</b>              | GOV-3102   | <b>Policy Title:</b>                    | Policy Prohibiting Sexual Misconduct  |
| <b>Effective:</b>             | 08/01/2023 | <b>Responsible Office:</b>              | Compliance and Title IX   |
| <b>Date Approved:</b>         | 07/31/2023 | <b>Approval:</b>                        | Director of Compliance & Title IX<br>Coordinator and Vice President & General Counsel |
| <b>Replaces Policy Dated:</b> | 08/01/2022 | <b>Responsible University Official:</b> | Director of Compliance & Title IX<br>Coordinator                                      |

### PURPOSE:

The [University of Richmond prohibits discrimination](#) and harassment against applicants, students, faculty, or staff on the basis of race, religion, national or ethnic origin, age, sex, sexual orientation, gender identity, gender expression, disability, status as a veteran, or any classification protected by local, state, or federal law.

Consistent with its mission, values and commitment to non-discrimination, the University is unwavering in its commitment to prevent sexual misconduct, respond promptly to reports of any type of sexual misconduct, support survivors of sexual misconduct, and investigate and adjudicate reports in a manner that is prompt, fair and equitable to all parties involved.

The term sexual misconduct, as further defined in this Policy, includes, but is not limited to but is not limited to, dating violence, domestic violence, non-consensual sexual contact, non-consensual sexual intercourse, sexual assault, sexual exploitation, sexual harassment, and stalking. This Policy prohibits sexual misconduct and sets forth the process by which the University will respond to and investigate sexual misconduct.

The conduct prohibited by this Policy may also violate criminal laws. As such, the University encourages members of the campus community to report sexual misconduct to both the University's Title IX Coordinators and to the University Police Department.

The University also prohibits [retaliation](#) against anyone who reports or witnesses an incident of possible sexual misconduct. The University's Policy Prohibiting Retaliation can be found [here](#).

As a recipient of federal funds, the University of Richmond complies with [Title IX of the Education Amendments of 1972](#) (Title IX). Title IX provides: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

## SCOPE:

---

### 1. Individuals Covered

This Policy Prohibiting Sexual Misconduct (Policy) applies to all students, staff (including Resident Assistants), faculty, applicants for admission, and third parties, such as contractors or vendors serving the University or visitors to the University.

The term “student” includes all persons taking courses at the University, either full-time or part-time, pursuing undergraduate, graduate, or professional studies. Individuals who are not officially enrolled for a particular term but who have a continuing relationship with the University, such as student studying abroad or taking a leave of absence, are also considered “students.” Each student shall be subject to this Policy and the process described herein from their first day on campus through the actual awarding of a degree (even though the conduct may occur before classes begin or after classes end), as well as during the academic year and during periods between terms of actual enrollment.

This Policy and the process described herein to respond to and investigate reports of sexual misconduct are the same for all Complainants and Respondents regardless of gender, sexual orientation, gender identity or expression. No matter a person’s sexuality (e.g. bisexual, gay, lesbian, queer, straight, etc.) or how someone identifies (e.g. female, gender expansive, gender fluid, male, questioning, trans, etc.), all members of the University community have the same rights and access to the same level of services and support. The University’s Title IX Coordinators are Affirming Spaces trained.

This Policy and the processes described herein will be implemented without regard to an individual’s nationality or immigration status. The University, including the University Police Department, Title IX Coordinators, and Title IX Investigators, will not inquire into an individual’s immigration status when responding to a report of possible sexual misconduct.

### 2. Locations Covered for Sexual Misconduct

The Policy shall apply to conduct that occurs on the campus of the University, on or in off-campus buildings or property of the University, and at University sponsored activities, including off-campus education programs and activities, or on public property, as defined below.

The term “campus” includes any building or property owned or controlled by the University within the same reasonably contiguous geographic area of the University and used by the University in direct support of, or in a manner related to, its educational purposes, including residence halls and apartments and any building or property within or reasonably contiguous to the campus that is owned by the University, is frequently used by students, and supports University purposes.

The term “off-campus buildings or property of the University” includes any building or property owned or controlled by a student organization officially recognized by the University and any building or property owned or controlled by the University, used in direct support of, or in relation to, the University’s educational purposes, and frequently used by students.

The term “public property” includes streets, sidewalks, or parking facilities within the campus or immediately adjacent to and accessible from campus.

# GOV-3102 – Policy Prohibiting Sexual Misconduct

---

## ***Sexual Misconduct that is pursued under a Title IX formal complaint:***

While this policy covers a broader range of locations, complaints of sexual harassment under Title IX, as defined in section 3102.3, are limited to conduct that has occurred within the University's education program or activity which includes locations, events, or circumstances over which the University exercised substantial control over both the Respondent (defined below) and the context in which the sexual harassment occurs and also includes any building owned or controlled by a student organization that is officially recognized by the University. Title IX formal complaints involve conduct that has occurred within the United States only.

## ***Sexual Misconduct that is pursued under a sexual misconduct formal complaint:***

A complaint of sexual misconduct under this policy applies to University students studying abroad through a University-approved study abroad program as well as conduct involving students, faculty or staff that occurs at other off campus locations, for example in an off campus residence, or in connection with other activities, if the Title IX Coordinator (or designee) determines that such conduct may have a continuing adverse effect that limits or precludes an individual's ability to participate in or benefit the University educational program or activity.

Regardless of the location of an incident of possible sexual misconduct, [Responsible Employees](#), including all faculty, must report the incident, and all other staff and students are strongly encouraged to report so that appropriate action may be taken and support and resources may be provided to the individual or individuals involved.

If the reported sexual misconduct involves an individual at another university or educational institution, the University, after considering the confidentiality wishes of the person who is reported to have experienced the misconduct and applicable privacy laws, may call the appropriate authorities at that institution to make them aware of the alleged misconduct.

## **INDEX:**

---

|        |   |
|--------|---|
| 3102.1 | .....Summary of the University's Obligation                       |
| 3102.2 | .....Questions or More Information                                |
| 3102.3 | .....Definitions  |
| 3102.4 | .....Roles and Responsibilities                                   |
| 3102.5 | .....Immediate Actions, Help, and Resources                       |
| 3102.6 | .....Reporting Sexual Misconduct                                  |
| 3102.7 | .....Responding to and Investigating Reports of Sexual Misconduct |
| 3102.8 | .....Options for Addressing Allegations of Sexual Misconduct      |
| 3102.9 | .....Retaliation is Prohibited                                    |

## **POLICY STATEMENT:**

---

### ***3102.1 – Summary of the University's Obligations***

The University of Richmond has an obligation to make reasonable efforts to investigate and appropriately address reports of sexual misconduct (as defined in this Policy). As more fully explained in this Policy, this

# GOV-3102 – Policy Prohibiting Sexual Misconduct

---

obligation applies even when the Complainant does not wish to participate in an investigation. Upon receipt of a report, the University will respond in an effort to stop the reported misconduct, eliminate any hostile environment, take reasonable steps to prevent a recurrence of such misconduct, and address any effect that such misconduct may have on the larger University community.

## ***3102.2 – Questions or More Information***

For questions about sex discrimination in education, please contact the University's Director of Compliance & Title IX Coordinator, Kristine Henderson at (804) 289-8186 or Geraldine Sullivan, Chief Human Resources Officer, and Deputy Title IX Coordinator for Employees at (804) 289-8747. Further information about Title IX and sex discrimination in education is available from the Assistant Secretary for Civil Rights, [U.S. Department of Education, Office of Civil Rights](https://www.ed.gov/office-of-civil-rights), 400 Maryland Avenue, SW, Washington, DC, 20202-1100; (800) 421-3481; [OCR@ed.gov](mailto:OCR@ed.gov).

## ***3102.3 – Definitions***

### **A. Complainant**

The term “Complainant” as used in this Policy, The Policy on Preventing and Responding to Discrimination and Sexual Misconduct Involving Faculty or Staff and in the University’s Standards of Student Conduct refers to the individual who is alleged to be the victim of conduct that may constitute sexual misconduct. The Complainant may or may not be the individual who makes the report of sexual misconduct.

A Complainant can be a person of any gender, sexual orientation, gender identity or gender expression. A Complainant need not be a University student, faculty, or staff member, but, if not, the administrative response and investigation described in this Policy will apply only if the Respondent is a University student, staff, or faculty member. The University Police Department will respond to reports of crimes within the Department’s jurisdiction regardless of the status of the Complainant and Respondent.

### **B. Consent**

Consent means clear and unambiguous agreement to engage in sexual activity as evidenced by words or actions that demonstrate a knowing and voluntary willingness to engage in mutually agreed upon sexual activity. Consent cannot be gained by force, duress, intimidation, coercion, ignoring objections, or taking advantage of another's incapacitation. Consent may not be inferred from silence or any other lack of active resistance. Consent may not be inferred from the way a person is dressed. Consent may not be assumed from the fact of spending money on another person (e.g., buying a meal on a date).

Prior consent does not imply consent to future sexual acts. A current or prior consensual dating or sexual relationship, alone, does not imply consent to sexual activity or preclude a finding of sexual misconduct. In addition, consent to one type of sexual act does not automatically imply consent to any other type of sexual act.

Consent may be withdrawn at any time through clear words or actions such as walking or running away, pushing the other party away, or attempting to physically stop the other party. Once a person withdraws consent, sexual activity must stop, regardless of the extent or nature of the sexual behavior that has occurred up to the moment that consent is withdrawn. For example, if one individual clearly says "no" and the other continues penetration or another form of sexual contact, it is sexual misconduct.

# GOV-3102 – Policy Prohibiting Sexual Misconduct

---

Consent may not be given by the following persons:

- o Individuals who are mentally incapacitated at the time of the sexual contact in a manner that prevents them from understanding the nature or consequences of the sexual act involved, including incapacitation as a result of alcohol or drug use;
- o Individuals who are asleep, unconscious or otherwise physically helpless; and
- o Minors.

## 1. Incapacitation

Incapacitation is defined as the physical and/or mental inability to make informed, rational judgments that prevents an individual from giving valid consent. Incapacitation may be caused by a permanent or temporary physical or mental impairment. Incapacitation may also result from the consumption of alcohol or the use of drugs.

The use of alcohol or drugs may, but does not automatically, affect a person's ability to consent to sexual contact. The consumption of alcohol or drugs may result in incapacitation if the nature and degree of the intoxication go beyond the stage of drunkenness, intoxication, or reduced inhibition to the point where the individual is unable to make knowing, informed decisions or to understand the nature and consequences of the sexual act. In such case, the person cannot consent to sexual activity, regardless of their words or actions.

A person violates this policy if they have sexual contact with someone they know or should know is incapacitated or has reached the degree of intoxication that results in incapacitation. The test of whether an individual should know about another's incapacitation is whether a reasonable, sober person would know about the incapacitation. A Respondent cannot rebut a sexual misconduct charge merely by arguing that they were drunk or otherwise impaired and, as a result did not know that the other person was incapacitated.

A person who is passed out or unconscious is incapacitated and, therefore, is not able to consent.

## 2. Coercion

Coercion is unreasonable, inappropriate pressure to engage in sexual activity. Coercive behavior is different than romantic or seductive behavior because coercive behavior involves inappropriate or unreasonable pressure to obtain consent from another person for sexual activity. Continued pressure to engage in sexual activity after the other person makes it clear that they do not want to engage in, want to stop, or do not want to go further with sexual activity can be coercion.

## 3. Physical Force

Physically restraining a person against their will, using violence or the threat of violence, or using a weapon or threatening to use a weapon constitutes physical force. An example of physical force includes using bodyweight to hold someone in place.

## 4. Threats

Threats cause a person to do something that they would not have done without the threat. Examples of threats include, but are not limited to:

- o “If you do not have sex with me, I will harm someone close to you.”
- o “If you do not do what I want, I will tell people that you are gay.”

- o “If you do not hook up with me, I will tell people you are a whore.”
- o “If you stop hooking up with me, I will kill myself.”

### 5. Intimidation

Intimidation is defined as an implied threat. Examples of intimidation include use of body size to block an exit, breaking or smashing items, or using looks or gestures to create fear.

## C. Formal Complainant

*Filing a Title IX or Sexual Misconduct Formal Complaint:* A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, and must contain the complainant’s physical or digital signature.

### ***Title IX Formal Complaint:***

A Title IX Formal Complaint is a document filed by a Complainant and signed by the Title IX Coordinator alleging sexual harassment under Title IX, as defined in section 3102.3, against a Respondent and requesting that the University investigate the allegations of sexual harassment or that the Complainant and University enter into voluntary mediation with the Respondent.

### *Dismissal of a Title IX Formal Complaint*

- If the conduct alleged under a Title IX Formal Complaint does not constitute Sexual Harassment under Title IX (defined below), did not occur in the University’s education program or activity, or did not occur against a person in the United States, the University must dismiss the Title IX formal complaint. The Complainant will then have the opportunity to file a Sexual Misconduct Formal Complaint (defined below).
- The University may dismiss the formal complaint if the Complainant would like to withdraw the formal complaint, if the Respondent is no longer enrolled or employed by the University or specific circumstances prevent the University from gathering sufficient evidence to reach a determination.
- The parties have the right to appeal the decision by the University to dismiss the formal complaint.

### ***Sexual Misconduct Formal Complaint:***

A Sexual Misconduct Formal Complaint is a document filed by a Complainant and signed by the Title IX Coordinator alleging sexual misconduct as defined in this policy (not to include Sexual Harassment under Title IX) against a Respondent and requesting that the University investigate the allegations of sexual misconduct or to enter into voluntary mediation with the Respondent.

### *Dismissal of a Sexual Misconduct Formal Complaint*

The University may dismiss a formal complaint if the Complainant would like to withdraw the formal complaint, if the Respondent is no longer enrolled or employed by the University or specific circumstances prevent the University from gathering sufficient evidence to reach a determination. The parties have the right to appeal the decision by the University to dismiss the formal complaint.

## D. Respondent

The term “Respondent” as used in this Policy, [The Policy on Preventing and Responding to Discrimination and Sexual Misconduct Involving Faculty or Staff](#), and in the [University’s Standards of Student Conduct](#) refers to the individual who has been alleged to be the perpetrator of conduct that may constitute sexual misconduct.

A Respondent can be a person of any gender, sexual orientation, gender identity or gender expression. The University Police Department will respond to reports of crimes within the Department’s jurisdiction regardless of the status of the Complainant and Respondent.

## E. Retaliation

Retaliation is retribution in any form against: (a) an individual who reports, in good faith, an actual, potential, or suspected violation of applicable laws, regulations, or University policies, including this Policy; or (b) an individual participating in the investigation of a sexual misconduct report. Retaliation is misconduct prohibited by the University. Retaliation includes both direct conduct and indirection conduct by a third party on behalf of the individual charged with retaliation.

## F. Sexual Misconduct

Sexual misconduct is a broad range of behavior that includes, but is not limited to dating violence, domestic violence, non-consensual sexual contact, non-consensual sexual intercourse, sexual assault, sexual exploitation, sexual harassment, and stalking.

Conduct prohibited as sexual misconduct under this Policy may also violate criminal law. As a result, in addition to any investigation and conduct proceeding by the University, such conduct may be investigated by the police and prosecuted in a court of law.

1. **Dating Violence** is any type of violence, including sexual or physical assault or abuse, or the threat of such assault or abuse, between adults who are in a social relationship of a romantic or intimate nature. The existence of such a relationship will be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence is sexual misconduct prohibited by the University.
2. **Domestic Violence** Includes: (a) a felony or misdemeanor crime committed by a current or former spouse or intimate partner of the Complainant; or (b) the use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over the Complainant, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior, by a person who is a current or former spouse or intimate partner of the victim, or person similarly situated to a spouse of the Complainant; is cohabitating or has cohabitated with the Complainant as a spouse or intimate partner, shares a child in common with the Complainant; or commits acts against a youth or adult Complainant who is protected from those acts under applicable family or domestic violence laws. Domestic violence is sexual misconduct prohibited by the University.
  - a. **Economic Abuse**, as used in the definition of Domestic Violence, means the behavior is coercive, deceptive, or unreasonably controls or restrains a person’s ability to acquire, use or maintain economic resources they are entitled including using coercion, fraud, or manipulation to: (i) restrict a person’s access to money, assets, credit or financial information; (ii) unfairly use a person’s personal economic resources, including money,

assets and credit for one's one advantage; or (iii) exert undue influence over a person's financial and economic behavior and decisions including forcing default on joint or other financial obligations, exploiting power of attorney, guardianship, or conservatorship, or failing or neglecting to act in the best interest of a person to who one has a fiduciary duty.

- b. **Technological Abuse**, as used in the definition of Domestic Violence, means an act or pattern of behavior that occurs within domestic violence, dating violence or stalking and is intended to harm, threaten, intimidate, control, stalk, harass, impersonate, exploit, extort, or monitor, except as otherwise permitted by law, another person, that occurs using any form of technology, including but not limited to: internet enabled devices, online spaces and platforms, computers, mobile devices, cameras and imaging programs, apps, location tracking devices, or communication technologies, or any other emerging technologies.
3. **Non-Consensual Sexual Contact** is any sexual contact that occurs without consent. Sexual contact means physical contact committed with the intent to sexually molest, arouse or gratify any person, where one person intentionally touches another's intimate parts or clothing directly covering such intimate parts or causes a person to touch their own intimate parts or clothing directly covering such intimate parts. Examples of sexual contact include, but are not limited to, the intentional touching of a person's genitalia, groin, breast, or buttocks or the clothing covering any of those areas, or using force to cause the person to touch their own genitalia, groin, breast, or buttocks. Non-Consensual Sexual Contact may also be referenced as fondling. Non-consensual sexual contact is sexual misconduct prohibited by the University.
4. **Non-Consensual Sexual Intercourse** is any act of sexual intercourse that occurs without consent. Sexual intercourse is defined by penetration (anal, oral, or vaginal), however slight, by a penis, tongue, finger, or inanimate object. Non-consensual sexual intercourse may also be referred to as rape. Non-consensual sexual intercourse may also constitute statutory rape or incest as defined by the Virginia state law. Non-consensual sexual intercourse is sexual misconduct prohibited by the University.
5. **Sexual Assault** is any sexual act directed against another person, without consent including instances where the victim is incapable of giving consent. Non-consensual sexual contact and non-consensual sexual intercourse constitute sexual assault under this policy. Sexual assault is sexual misconduct prohibited by the University.
6. **Sexual Exploitation**: Taking sexual advantage of another person without effective consent constitutes sexual exploitation. Sexual exploitation is distinct from sexual assault which constitutes a separate violation of this Policy. Examples of sexual exploitation include but are not limited to causing the incapacitation of another person for a sexual purpose; causing the prostitution of another person; electronically recording, photographing, or transmitting intimate or sexual utterances, sounds, or images of another person, including images of someone undressed or partially undressed; allowing third parties to observe sexual acts; engaging in voyeurism; distributing intimate or sexual information about another person; and knowingly a sexually transmitted disease to another person. Sexual exploitation is a form of sexual misconduct and is prohibited by the University.
7. **Sexual Harassment under Title IX** is defined as conduct on the basis of sex that satisfies one or more of the following:
  - a. Unwelcome conduct of a sexual nature as determined by a reasonable person to be so severe,

## GOV-3102 – Policy Prohibiting Sexual Misconduct

---

pervasive **and** objectively offensive that it effectively denies a person equal access to the University's education program or activity.

Unwelcome conduct of a sexual nature can be severe, pervasive and objectively offensive by a single or isolated incident, if sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents, particularly if the conduct is physical.

- b. A University employee conditions the granting of University aid, benefit or service on an individual's participation in unwelcome sexual conduct.
- c. Sexual assault, dating violence, domestic violence and stalking as defined in this policy.

Sexual Harassment under Title IX is sexual misconduct prohibited by the University.

8. **Sexual Harassment (Non-Title IX)** is defined as conduct on the basis of sex that satisfies one or more of the following:
  - a. Unwelcome conduct of a sexual nature as determined by a reasonable person to be sufficiently severe, persistent, **or** pervasive such that it limits or denies an individual's employment, academic performance, or ability to participate in or benefit from University programs or activities. Conduct must be deemed severe, persistent, or pervasive from both a subjective and an objective perspective.
  - b. Unwelcome conduct of a sexual nature can be created by persistent or pervasive conduct or by a single or isolated incident, if severe. The more severe the conduct, the less need there is to show a repetitive series of incidents, particularly if the conduct is physical.
  - c. Submission to unwanted sexual conduct is an implicit or explicit term or condition of an individual's employment, academic standing, or participation in any University programs and/or activities, or is used as the basis for University decisions regarding the individual who is the subject of the unwanted sexual conduct.

Sexual Harassment (non-Title IX) is sexual misconduct prohibited by the University.

9. **Stalking** is engaging in a course of unwanted conduct toward a specific person (including surveillance, repeated phone calls, emails, text messages, social media messages, use of other technology or in-person contact) that would cause a reasonable person to fear for their own safety or the safety of others or to suffer substantial emotional distress.

A course of conduct means two or more acts, including, but not limited to, acts in which the person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about, another person, or interferes with another 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. Any act that constitutes stalking under Virginia law is also prohibited under this Policy.

Stalking is sexual misconduct prohibited by the University.

10. **Sexual Violence** is any physical sexual act or acts perpetrated against a person's will or against a person incapable of giving consent. Examples of sexual violence include Non-consensual sexual contact and non-consensual sexual intercourse. Depending upon the circumstances, sexual violence may also include dating violence or domestic violence. Sexual violence is sexual misconduct prohibited by the University.

## **G. Supportive Measures**

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, reasonably available and without fee or charge. Supportive measures are designed to restore or preserve equal access to the University's education program or activity without unreasonably burdening either party and/or to protect the safety of all parties; or the University's educational environment; or to deter sexual harassment. To the extent possible, supportive measures will remain confidential.

Reasonable and appropriate supportive measures may be implemented regardless of whether the Complainant wishes to file a formal complaint, participate in a criminal investigation or any other disciplinary proceeding.

Supportive measures will be tailored to meet the needs of the individuals. Listed below are examples of the type of supportive measures that the Title IX Coordinator may implement when appropriate:

- Issuing a “No Contact” order to the involved individuals prohibiting the Respondent and the Complainant from having any contact with each other, including face-to-face, telephonic or electronic (e.g., texting, email, social media, etc.) contact. A “No Contact” order will be issued when requested by one of the parties involved in a report or when the Title IX Coordinator determines it is necessary to ensure safety or to prevent the creation of a hostile environment. To the extent appropriate under the circumstances, the terms of a “No Contact” order issued will not unreasonably burden either the Complainant or the Respondent;
- Making changes to the class assignment or class schedule of either the Complainant or the Respondent to eliminate or limit, to the extent possible, contact between the parties;
- Changing residence hall assignments for the party seeking the supportive measure;
- Changing work schedules or job assignments;
- Contacting faculty members on behalf of the Complainant, Respondent or witnesses for academic accommodations such as approved absences from class or work, extensions on class assignments, or permission to withdraw from a class or be granted an incomplete;
- Providing information about and facilitating access to counseling and health care resources both on and off campus;
- Engaging the University Police Department in the creation of a personal safety plan for the Complainant, Respondent, and/or witnesses;
- Engaging the University Police Department in seeking a protective order.

## ***3102.4 – Roles and Responsibilities***

### **A. The Title IX Coordinator**

The University's Title IX Coordinator shall have primary responsibility for coordinating the University's efforts to comply with and carry out its responsibilities under this Policy and Title IX. The Title IX Coordinator oversees the formal complaint and grievance processes relating to reports of sexual misconduct for the campus community, ensures the prompt and thorough investigation of any report of sexual misconduct, establishes processes to identify and address patterns or systemic problems that may arise during the investigation of a sexual misconduct complaint, and coordinates the activities of all Deputy Title IX Coordinators.

## GOV-3102 – Policy Prohibiting Sexual Misconduct

---

The Title IX Coordinator may delegate any of the responsibilities set forth in this Policy to the appropriate Deputy Title IX Coordinator and, as a result, references in this Policy to the Title IX Coordinator, should be construed to include the Deputy Title IX Coordinators.

The Title IX Coordinator receives and responds to reports of sexual misconduct falling within the scope of this Policy. When a Title IX Coordinator receives a report of possible sexual misconduct, the first priority is to ensure that the Complainant is safe and that the members of the campus community are protected.

As detailed in Section 3102.7(B)(1) of this Policy, the Title IX Coordinator provides Complainants and Respondents with information about their respective rights, a description of the grievance process, the availability of supportive measures, with or without the filing of a formal complaint, and the process for filing a formal complaint.

The Title IX Coordinator will respond to and/or meet with any member of the campus community who wishes to report possible sexual misconduct and/or has questions relating to this policy or Title IX.

The Title IX Coordinator is responsible for evaluating and implementing supportive measures, where appropriate, as described in Section 3102.7(B)(2) of this Policy. The Title IX Coordinator may delegate responsibility for the investigation to a trained Title IX investigator, in accordance with Section 3102.8(A)(1) of this Policy.

The Title IX Coordinator is responsible for ensuring that University students, faculty, and staff receive training regarding Title IX, sexual misconduct, and this Policy, including reporting and responding to possible incidents of sexual misconduct. The Title IX Coordinator also implements educational programs and communication plans designed to inform students of their rights under this Policy and Title IX and how to file a Title IX formal complaint or Sexual Misconduct formal complaint.

### **B. The University Police Department**

The University of Richmond Police Department (URPD) is a full-service law enforcement agency accredited by the Commission on Accreditation for Law Enforcement Agencies and the International Association of Campus Law Enforcement Administrators.

The University Police Department responds to all reports of criminal activity occurring on campus to include incidents of sexual assault, domestic violence, stalking, and dating violence. The police department enforces Virginia law and will coordinate certain investigations with the Commonwealth Attorney. In response to a call for service, the University of Richmond Police Department will dispatch an officer to assist the victim with filing an incident report. The University of Richmond Police Department notifies the University's Title IX coordinators of any report of sexual misconduct and all Title IX violations. The detectives from the University Police Department will investigate a report of criminal sexual misconduct occurring on the University's campus or will assist students in reporting to other law enforcement agencies if the misconduct occurs off campus.

URPD is the designated reporter under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act for the University of Richmond, issues Timely Warnings, and maintains the University's crime log.

### **C. The College Deans' Offices and Deans of Students**

The University college deans' offices and, the deans or directors responsible for student affairs in the Law School, School of Professional and Continuing Studies, and the MBA Program are important

# GOV-3102 – Policy Prohibiting Sexual Misconduct

---

sources of information, support, and guidance to students involved in a sexual misconduct proceeding. They do not conduct sexual misconduct investigations or sexual misconduct hearings, but they do provide individuals with information on the University’s sexual misconduct policies and procedures, connect individuals with the Title IX Coordinators and the University Police Department, and assist the Title IX Coordinator with the implementation of supportive measures including academic accommodations to students involved in a sexual misconduct report

The staff of the college dean’s offices and the deans or directors responsible for student affairs in the Law School, School of Professional and Continuing Studies, and the MBA Program are Responsible Employees, as defined in Section 3102.4(E) of this Policy and, as a result, will promptly notify the Title IX Coordinator of any report of sexual misconduct they receive.

For undergraduate students, contact the Richmond College Dean’s Office at (804) 289-8061 or the Westhampton College Dean’s Office at (804) 289-8468. For law students, contact Alex Sklut, Associate Dean Student Services, Law School Dean’s Office, (804) 289-8013. For MBA students, contact Debbie Fisher, Associate Director, MBA Program, (804) 289-8012. For SPCS students, contact David Kitchen, Associate Dean, School of Professional and Continuing Studies, (804) 287-8382.

## D. Human Resource Office

The University’s Human Resource Office serves as an important source of information, support, and guidance to employees involved in a sexual misconduct proceeding. Under certain circumstances, this office plays a crucial role in investigating and adjudicating allegations of sexual misconduct involving faculty and staff in accordance with the University’s [Policy Prohibiting Discrimination and Harassment Involving Faculty and Staff](#).

Geraldine Sullivan, Chief Human Resource Officer and Deputy Title IX Coordinator for Employees can be reached at (804) 289-8747.

## E. Responsible Employees

The term “Responsible Employee” as used in this Policy and as defined by Virginia law refers to an employee of the University who has the authority to take action to redress alleged sexual misconduct, including sexual violence, who has been given the duty of reporting acts of sexual misconduct, to the Title IX Coordinators, or is a person whom a student could reasonably believe has the authority to take action.

The following University employees are Responsible Employees because they have the authority to take action to redress alleged sexual misconduct, including sexual violence:

- The Title IX Coordinators;
- The Vice President for Student Development;
- The Deans, Associate Deans, and Assistant Deans of Westhampton College and Richmond College, the Law School’s Associate Dean for Student Services & Administration, the Law School Dean's Office, the Program Coordinator for Graduate Studies in Business, and the Associate Dean, School of Professional and Continuing Studies;
- The University’s Conduct Officers;
- Chief Human Resource Officer; and
- The sworn officers of the University of Richmond Police Department.

Other than individuals designated as [confidential resources](#), the following University employees are Responsible Employees because they have a duty to report acts of sexual misconduct, including sexual violence, to the appropriate Title IX Coordinator:

# GOV-3102 – Policy Prohibiting Sexual Misconduct

---

- All faculty members;
- All University employees with the title of Assistant Director, Associate Dean or above;
- Residence Life & Housing staff including Resident Assistants and Area Coordinators;
- All employees engaged in academic advising;
- University staff accompanying students on off-campus programs or other University-related trips, within and outside the United States;
- All employees identified as Campus Security Authorities (CSA) under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) including:
  - University of Richmond Police Department (URPD);
  - Other individuals with security responsibilities, such as those monitoring access to campus property (e.g., parking lots, residence halls, and athletic venues);
  - Individuals or organizations designated in the institution’s security policy as those to whom students and employees should report crimes;
  - Officials with significant responsibility for student and campus activities, such as student housing, student discipline, and campus judicial proceeding.
- All employees who are designated as Responsible Employees under Virginia Law and this policy in the following divisions, departments, or offices:
  - Academic Deans;
  - Academic Skills Center;
  - Admissions;
  - Athletics;
  - Bursar;
  - Events Conferences and Support Services
  - Career Services;
  - Chaplaincy (Non-Ordained Staff Members);
  - Financial Aid;
  - Human Resources;
  - International Education;
  - President’s Office;
  - Provost’s Office;
  - Registrar;
  - Student Development; and
  - University of Richmond Public Safety Department.

## ***3102.5 – Immediate Actions, Help, and Resources***

### **A. Immediate Actions**

Any individual who has experienced sexual misconduct, is encouraged to do the following as promptly as possible:

- Get to a safe place as soon as possible.
- Try to preserve all physical evidence. Do not wash clothes or use the toilet. Put all clothing you were wearing at the time of the incident in a paper bag, not in a plastic bag. All physical evidence should be provided to police as soon as possible.
- Contact University Police by calling 8911 (from a campus phone) or (804) 289-8911. The University Police Department can assist in contacting other local law enforcement agencies for incidents occurring off campus. On campus, a blue light emergency phone will connect

# GOV-3102 – Policy Prohibiting Sexual Misconduct

---

callers directly to the [University Police](#) dispatcher.

- Get medical attention as soon as possible. The University Police can provide transportation to the hospital if needed. A medical examination will provide any necessary treatment and collect important evidence. Injuries may not be immediately apparent. The Student Health Center can assist with injuries, preventative treatment for sexually transmitted diseases, and other health services.
  - It is important to seek immediate and follow-up medical attention for several reasons:
    - To assess and treat any physical injuries that may have sustained.
    - To determine the risk of sexually transmitted diseases or pregnancy and take appropriate medical measures.
    - To gather evidence that may aid criminal prosecution.
- A special hospital exam (PERK: Physical Evidence Recovery Kit) should be performed by an emergency department. University students can receive the exam at St. Mary's Hospital or through the Virginia Commonwealth University Health System.
  - The hospital emergency departments follow national standards for survivor care, sexual assault exams, and evidence collection procedures.
  - Anyone concerned about anonymity or having their parents being notified, can speak with hospital personnel regarding options for confidentiality. Inform the triage nurse of this request for anonymity upon arrival to an emergency room. There are many resources available to individuals that may assist with PERK exam costs, and medical personnel will provide more information. At the hospital, individuals may choose to undergo a PERK exam even if they are unsure whether they want to report the sexual misconduct to the police and want time to think about it. Hospital nurses will collect the evidence without revealing the identity of the individual to the authorities. The evidence will be held for at least two years before being discarded. The individual must contact the storage facility in writing for an extension beyond that point.

## B. Counseling and Emotional Support Resources

### 1. On-Campus Resources

- *CAPS*. Counselors at the University's [Counseling and Psychological Services \(“CAPS”\)](#) are available to assist in a crisis and to provide information about options, including medical assistance, psychological counseling, University disciplinary procedures, and legal prosecution. CAPS counselors can be reached at (804) 289-8119 during regular office hours. The CAPS staff also maintains an on-call schedule for emergencies and may be reached through the University Police dispatcher at (804) 289-8715.

Counselors at CAPS can provide safe, confidential support during this difficult period. They can inform you of common reactions to crisis situations and discuss coping methods that may assist you immediately following the misconduct and later. Talking about your concerns with one of these counselors may help you sort through feelings and decide what to do. You do not need to disclose your name if you call CAPS for information. Counselors will not reveal your identity to anyone without your permission. All CAPS Counselors are Affirming Spaces and Title IX-trained. This resource is available for students only.

- *C.A.R.E Advocate*. The C.A.R.E Advocate (*Advocate*) is a confidential resource to students

## GOV-3102 – Policy Prohibiting Sexual Misconduct

---

that have experienced, or are experiencing, sexual misconduct. The Advocate can assist students in understanding reporting options and navigating the reporting process, provide accompaniment to medical and legal services as requested, and aid with crisis intervention. The Advocate can be reached at (804) 801-6251 or [advocate@richmond.edu](mailto:advocate@richmond.edu). This resource is available for students only.

- *Chaplaincy.* Members of the University community seeking pastoral care and support may contact the Office of the Chaplaincy at (804) 289-8500. Reports to ordained members of the Chaplaincy are confidential. (See Section 3102.6(E)(2) of this Policy).
- *Employee Assistance Program.* All employees have access to the University's Employee Assistance Program (EAP) offered through the University's insurance provider, Cigna. The EAP provides personal advocates who will work with employees and their household family members to help resolve issues they may be facing, connect them with mental health professionals, and direct them to a variety of helpful resources in the community. EAP can be reached 24 hours a day, seven days a week at 1-877-622-4327 or by logging onto the MyCigna website using the employer ID 'richmond'. This resource is available to employees only.
- *Onsite Behavioral Health Counselor.* The Behavioral Health Counselor will assist employees in an environment to support and foster personal well-being. The Behavioral Health Counselor will also help employees' access EAP services. Confidential appointments are available on Wednesdays from 10:00 am – 2:00 pm. The Onsite Behavioral Health Counselor can be reached at 804-240-8628.
- *URPD Victim/Witness Services.* The University of Richmond Victim/Witness Assistance Program is operated out of the University Police Department, which is located on the ground floor of the Special Programs Building, and may be contacted by calling (804) 289-8715, 24 hours a day, seven days a week. University of Richmond Detectives serve as liaisons between the City of Richmond and the County of Henrico courts systems. Detectives assist victims to obtain services to include counseling and psychological support, guidance to area resources, and assistance through the court process. This resource is available to students and employees.

### 2. Off-Campus Resources

- *Greater Richmond Regional Hotline.* The Greater Richmond Regional Hotline, available at (804) 612-6126, is a crisis response system for people across the region impacted or affected by domestic, intimate partner, and/or sexual violence. This resource is available to students and employees.

Calling the hotline will connect callers to a local specialist who can offer support and information about resources and experts in the Richmond area. The hotline is available 24 hours per day, seven days a week and is open to survivors and supporters. The YWCA, Safe Harbor, and other area organizations, sponsor the hotline.

- *Safe Harbor.* [Safe Harbor](#) supports those who are experiencing or have experienced domestic and/or sexual violence. Safe Harbor offers comprehensive services for survivors of sexual and/or intimate partner violence including: a [24-hour helpline](#) at (804) 612-6126, children/youth services, community education and training, counseling, court advocacy, emergency shelter, and hospital accompaniment. This resource is available to students and employees.
- *Virginia Anti-Violence Project.* The [Virginia Anti-Violence Project](#) offers support for lesbian, gay, bisexual, transgender, queer, and questioning survivors of sexual assault and/or

## GOV-3102 – Policy Prohibiting Sexual Misconduct

---

intimate partner violence as well as hate-motivated violence. Virginia's 24/7 LGBTQ+ Helpline can be reached by calling 1-866-356-6998. This resource is available to students and employees.

### C. Other Available Resources

#### 1. Transportation

The University Police are always available to transport victims of sexual misconduct to the hospital. To ask for transportation, call the University Police dispatcher at (804) 289-8715 and ask for immediate assistance. Members of the University Richmond Police Department are considered Responsible Employees and have an obligation to report information regarding sexual misconduct to the Title IX Coordinator.

#### 2. Non-Emergency Medical Procedures

Even if someone chooses not to have a hospital exam, it is still important to get medical attention. An exam, in these instances, will include treatment of any physical problems and lab tests for sexually transmitted diseases and/or pregnancy. Any non-emergency treatment can be arranged on campus by calling the [Student Health Center](#) at (804) 289-8064 and making an appointment. Students and employees may seek medical services after hours and on weekends at St. Mary's Hospital and other local hospitals.

### ***3102.6 – Reporting Sexual Misconduct***

The University of Richmond strongly supports and encourages prompt reporting of sexual misconduct to the Title IX Coordinator and to the University Police Department. Reporting provides resources to Complainants and contributes to keeping the campus safe.

Unless designated as a [confidential resource](#) under Section 3102.6(E)(2) of this Policy, all [Responsible Employees](#), as defined in Section 3102.4(F) of this Policy, are required to report incidents of possible sexual misconduct to the Title IX Coordinators and those employees designated as Campus Security Authorities must also report to the University Police.

#### **A. Reporting Sexual Misconduct to University Officials**

Members of the University community who have experienced or anyone who knows of someone who may have experienced sexual misconduct, are encouraged to report incidents to the University's Title IX Coordinators and to the University Police Department. Sexual misconduct may violate both this Policy and criminal law. As a result, the University encourages Complainants to pursue their reports through both the University's procedures and through the criminal justice system. If a Complainant makes a report to the University Police or if the University Police otherwise become aware of possible sexual misconduct (for example, as a result of transporting a student to the hospital), the University Police will notify the Title IX Coordinator of the report. If the Complainant reports first to the Title IX Coordinator, the Title IX Coordinator will assist the Complainant with making a report to the University police, if the Complainant chooses to do so.

##### 1. University of Richmond Police Department.

Reports to the University Police can be made 24/7 by calling 8911 (from a campus phone) or (804) 289-8911. On campus, a blue light emergency phone will connect directly to the University Police dispatcher. Members of the campus community may also contact Eric Beatty, Major, University Police at 804-289-8723, for general information about reporting options and the University's

policies and procedures.

## 2. Title IX Coordinators.

Reports of possible sexual misconduct can be made to any one of the University of Richmond's Title IX Coordinators. Students should contact Tracy Cassalia, Deputy Title IX Coordinator for Students at (804) 289-8464. Faculty and staff should contact Geraldine Sullivan, Chief Human Resources Officer, and Deputy Title IX Coordinator for Employees, (804) 289-8747. They can discuss options on campus and make connections to resources in the University community. The University's Title IX Coordinators are Affirming Spaces trained.

## 3. Online Incident Report.

All members of the University community can file a report using the University's online incident report form, which can be found [here](#). ***This form should not be used for emergency situations.*** In an emergency situation, please call the University Police at 8911 (from a campus phone) or (804) 289-8911. University faculty and staff designated as Responsible Employees using this form must provide all requested information, if known, including the name and contact information of the reporter.

## **B. University Employees Required to Report Sexual Misconduct**

All University faculty and staff, except those designated as [confidential resources](#) in this Policy, are encouraged to report to one of the University's Title IX Coordinators as soon as they become aware of possible sexual misconduct.

Under Virginia law and University Policy, all [Responsible Employees](#), as defined in this Policy, who, in the course of their employment by the University, obtain information regarding a possible act of sexual misconduct, including but not limited to sexual violence, against either:

- a University student; or
- any person on campus, in a non-campus building or property, or on public property falling within the scope of this Policy

must report to one of the University's Title IX Coordinators as soon as practicable after attending to the immediate needs of the person who experienced sexual misconduct. The report must contain all relevant information, including the identity of the individuals involved, if known. This report may be made by calling the Title IX Coordinator or, if it is not an emergency, or using the University's online [incident reporting form](#).

This reporting requirement does not apply to University employees who are designated as a [confidential resource under this Policy](#).

All University employees are also encouraged to report potential crimes, including sexual misconduct, to the University Police Department. All employees designated a Campus Security Authority under the Clery Act must report to the University Police Department.

## **C. Time Frame for Reporting / Reporting an Incident from the Past**

The University encourages individuals to report possible sexual misconduct to the University Police and the University's Title IX Coordinators as soon as possible. Making a prompt report allows Complainants to get help and access resources quickly. It also allows the University to conduct a timely and thorough investigation and contributes to campus safety. A prompt report to the University Police will enable the University Police to gather evidence that could be used should the Complainant choose

to pursue a criminal investigation. A delay in reporting to the University Police or other appropriate law enforcement officials may result in the loss of important evidence.

However, the University recognizes that many individuals who experience sexual misconduct do not tell anyone about it at the time of the incident. If someone experienced sexual misconduct weeks ago or even years ago, supportive measures are still available.

Upon filing a formal complaint, the University will investigate a report of possible sexual misconduct even if it is made weeks, months or years after the incident, although the ability to gather important information may be affected by the passage of time. The University's Title IX Coordinator will investigate a report of sexual misconduct as long as any of the involved individuals are members of the University community (e.g., students, staff, or faculty). The University Police will investigate all reports over which it has jurisdiction, regardless of whether an involved individual is a member of the University community.

### **D. Reporting Will Not Result in a Conduct Charge for Alcohol or Drugs**

If a case involves underage drinking or use of other illicit substances, the University will not pursue a conduct or disciplinary charge for a violation of the University's Alcohol, Tobacco & Other Drug Policy against the individual rendering assistance to someone who may have experienced sexual misconduct, individuals reporting possible sexual misconduct, the Complainant, the witnesses, and other individuals participating in an investigation or hearing.

### **E. Anonymous or Confidential Reports**

#### **1. Anonymous Reporting**

The University encourages individuals who may have experienced sexual misconduct or who have witnessed an incident of sexual misconduct to report directly to the Title IX Coordinators.

However, the University recognizes that, in some cases, individuals may be reluctant to make a direct report. Individuals may report an incident anonymously by filling out the [incident report form](#).

Faculty and staff should also use the [incident report form](#). Faculty and staff who are designated as Responsible Employees are required to provide identifying information when known. Faculty and staff cannot report anonymously.

#### **2. Reporting to Confidential Resources**

The following confidential resources are available on-campus and to students only

- *CAPS and Student Health*. Students can discuss an incident of sexual misconduct, on a confidential basis, with any licensed health care professional in the University's Counseling and Psychological Services ("CAPS") or in the University's Student Health Center.
  - Counseling and Psychological Services ("CAPS")  
(804)-289-8119  
Office Hours: Monday - Friday 8:30 a.m. to 5:00 p.m. Summer: Closed to Patient Care
  - Student Health Center (SHC)  
(804)-289-8700  
Office Hours: Mon. – Fri. 8:30 a.m. to 4:30 p.m. Summer: Closed to Patient Care  
*After Hours Resources:* Students may call 804-289-8700 to be connected to an after-

## GOV-3102 – Policy Prohibiting Sexual Misconduct

---

hours nurse advice line where the registered nurse will assess your concerns and direct you to the most appropriate care. Please note: the nurse advice line *cannot* assist with scheduling appointments or prescription refills.

- *Office of the Chaplaincy.* Students may also discuss an incident of sexual misconduct, on a confidential basis, with ordained personnel within the Office of the Chaplaincy.
  - Wilton Center (804)-289-8500  
Office Hours: Mon. – Fri. 8:30 a.m. to 5:00 p.m.

Licensed health care professionals at CAPS, the Student Health Center, and the Office of the Chaplaincy’s ordained personnel will only disclose a confidential report if:

- the individual making the reports consents to such disclosure;
  - there is an imminent threat of serious harm to the individual making the report or to another individual; or
  - to the extent required by Virginia law (e.g., in the case of a report of abuse or neglect of a minor).
- *C.A.R.E. Advocate.* Students may also report on a confidential basis to the on campus C.A.R.E. Advocate. The Advocate and can be reached at (804) 801-6251 or [advocate@richmond.edu](mailto:advocate@richmond.edu).
  - *Healthy Relationships & Violence Prevention Educator.* Students can confidentially report an incidence of sexual misconduct to the Healthy Relationships & Violence Prevention Educator. The Healthy Relationships & Violence Prevention Educator is located in the Center for Awareness, Response and Education (C.A.R.E) and can be reached at [ktingle@richmond.edu](mailto:ktingle@richmond.edu) or by phone at 804-289-8654. Please note, the Healthy Relationships and Violence Prevention Educator is also designated a Campus Security Authority under the Cleary Act. As such, they are required to disclose reports of sexual misconduct without identifying information to the University of Richmond Police Department for crime statistics purposes.
  - *Peer Sexual Misconduct Advisors (PSMA).* These are UR students who serve as confidential peer advisors trained in Title IX policy, procedure, and emotional support resources.
    - Undergraduate PSMA – [psma@richmond.edu](mailto:psma@richmond.edu) or at 804-346-7674

The following off-campus options are also available to individuals who wish to discuss an incident of sexual misconduct on a confidential basis. These resources are available to students and employees.

- *The Greater Richmond Regional Hotline.* The Greater Richmond Region Hotline, (804) 612-6126, is a crisis response system for people across the region impacted or affected by domestic, intimate partner, and/or sexual violence. The hotline reaches a local specialist who can offer support and information about resources and experts in the Richmond area. The hotline is available 24 hours per day and open to survivors and supporters.
- *Safe Harbor.* Safe Harbor supports those who are experiencing or have experienced domestic and/or sexual violence. Safe Harbor offers comprehensive services for survivors of sexual and/or intimate partner violence including a 24-hour helpline at (804) 612-6126, children/youth services, community education and training, counseling, court advocacy, emergency shelter, and hospital accompaniment.

## GOV-3102 – Policy Prohibiting Sexual Misconduct

---

- *The Virginia Anti-Violence Project.* The [Virginia Anti-Violence Project](#) offers support for lesbian, gay, bisexual, transgender, queer, and questioning survivors of sexual assault and/or intimate partner violence as well as hate-motivated violence. The LGBTQ Partner Abuse and Sexual Assault 24/7 Helpline at 1-866-356-6998.

### 3. Confidentiality Requests to the Title IX Coordinator

When a report is made to the Title IX Coordinator, the Complainant may request confidentiality and may share as much or as little information with the Title IX Coordinator as they choose. Additionally, the Complainant has the right not to file a formal complaint requesting an investigation or to enter voluntary mediation.

In cases in which the Complainant wishes to keep the report or incident confidential, chooses to keep their name, the name of the Respondent, the names of witnesses, and other information confidential, or decides not to file a formal complaint of sexual misconduct, the Title IX Coordinator will inform the Complainant that:

- Under Virginia law, personally identifiable information, including the name of the Complainant and Respondent, must be disclosed to the Sexual Misconduct Review Subcommittee;
- The Title IX Coordinator has an obligation to notify the University Police of a report of a possible crime, but, upon request of the Complainant, will do so without sharing the Complainant's name;
- It may not be possible to ensure confidentiality and that, in some cases, the safety of others or the campus community requires the Title IX Coordinator to file a formal complaint and investigate despite the Complainant's request, and
- In those instances where the Title IX Coordinator files a formal complaint keeping the Complainant's name confidential or declining to identify the Respondent may limit the University's ability to investigate.
- The Complainant has the right not to file a formal complaint or participate in the investigation. In such case, the Title IX Coordinator's will continue to make available to the Complainant supportive measures.

In those instances where the Title IX Coordinator files a formal complaint and the Complainant's request for confidentiality limits the University's ability to investigate an incident, the Title IX Coordinator, in collaboration with other University officials, also will consider and, where appropriate, implement actions or other measures targeted at the broader campus community, such as increased monitoring or security at the location where the conduct occurred, creating additional education or training for students and/or employees, and revising and publicizing the University's Policy Prohibiting Sexual Misconduct and other resources.

#### *Title IX Coordinator Filing a Formal Complaint*

Under certain circumstances, the Title IX Coordinator will file a Formal Complaint even if the Complaint has elected not to do so. In those circumstances, the Title IX Coordinator will seek to balance a Complainant's request for confidentiality with the need to protect students and the campus community. Factors considered by the Title IX Coordinator will include the following:

- The seriousness of the alleged sexual misconduct;
- Circumstances indicating increased risk of additional acts by the Respondent;
- Prior complaints against the Respondent;

## GOV-3102 – Policy Prohibiting Sexual Misconduct

---

- Any history of the Respondent’s arrests;
- Threats from the Respondent;
- The involvement of multiple alleged perpetrators;
- Any pattern of perpetration via drugs or alcohol at a given location or by a given group;
- The age of Complainant; and
- The ability of the University to gather relevant evidence.

The Title IX Coordinator may consult with the Sexual Misconduct Review Subcommittee and other University officials when considering these factors.

If the Title IX Coordinator determines that there is a material risk to either the Complainant or the University community, the Title IX Coordinator will file a formal complaint and the University will move forward with an investigation, despite the request for confidentiality.

If the Title IX Coordinator determines that they must file a formal complaint and move forward with an investigation, the Title IX Coordinator will use reasonable measures to honor the Complainant’s request for confidentiality to the extent possible. If it becomes necessary to inform the Respondent of the Complainant’s identity, the Title IX Coordinator will:

- Prior to disclosing the Complainant’s identity, inform the Complainant that the University will be disclosing their identity to the Respondent;
- Take whatever steps are necessary to protect the Complainant and the University community; and
- If the Complainant requests that the University not investigate or pursue disciplinary action against the Respondent and they request that the University inform the Respondent of this request (even when the University decides to move forward), then the University will inform the Respondent that the Complainant made this request.

### ***3102.7 – Responding to and Investigating Reports of Sexual Misconduct***

#### **A. Response by the University Police Department**

##### **1. Filing a Report with the University Police**

All members of the University community are encouraged to report sexual misconduct that may constitute a crime to the University Police Department.

A Complainant may speak with a University Police detective before deciding whether to file a police report. A detective will meet with a Complainant, along with an advisor of their choosing and/or a victim advocate, to explain the criminal justice process, discuss options to protect the safety of the Complainant, including the option of seeking a Protective Order, and provide information on the importance of preserving evidence, including clothing and electronic communications.

A Complainant may file a report with the University Police even if they have not decided whether to pursue a criminal investigation. Reporting an incident is a separate step from choosing to pursue a criminal investigation and prosecution. A Complainant who files a report with the University Police, or another local law enforcement agency, is not required to continue with criminal proceedings.

If the Complainant wishes to pursue a criminal investigation, the University Police will

# GOV-3102 – Policy Prohibiting Sexual Misconduct

---

investigate the incident reported to determine if a crime has been committed.

The criminal investigation is independent from any investigation undertaken by the Title IX Coordinators under this Policy. However, the University Police and the Title IX Coordinators will collaborate to the extent possible and will seek to avoid unnecessary burdens on the Complainant.

By reporting to the University Police, a Complainant:

- Preserves future options regarding criminal prosecution, University disciplinary action, and/or civil action against the accused individual; and
- Becomes eligible for the Virginia Victims Fund; and
- Accesses the investigative resources of the local law enforcement agency and the Commonwealth of Virginia

When a Complainant makes a report to the University Police, a University Police officer will meet with the Complainant about the report and may take notes during the conversation. The Complainant may be asked about the identity of the Respondent, including physical descriptions (e.g., clothing, hair color, etc.), the location(s) of the incident(s), whether there are any other witnesses, and what happened before, during, and after the incident.

Many people are afraid to report alcohol or drug use to the police; however, it is important that the detective know all the relevant facts. If a case involves underage drinking or use of illicit substances, the University will not pursue disciplinary charges against the Complainant, the witnesses, and other individuals reporting, in good faith, incidents of and/or assisting victims of sexual misconduct. The police officers and detectives are trained to act with sensitivity and respect and to protect privacy to the extent possible.

The police officer will create a written report, which is important should a Complainant wish to bring charges, immediately or later.

## 2. Criminal Investigation and Charges

If a Complainant chooses to pursue criminal charges, the assigned detective and the [Commonwealth's Attorney, and Victim/Witness Services](#) representative will be available to assist the Complainant in understanding and following through with the process. The case itself will usually come under the jurisdiction of the courts of either [Henrico County](#) or the [City of Richmond](#), depending on the location of the offense.

The Commonwealth Attorney from the appropriate jurisdiction will handle the criminal proceedings and will speak with the Complainant regarding the case. The Commonwealth Attorney makes the decision about whether to prosecute the Respondent. If the Commonwealth Attorney moves forward with a prosecution, the Complainant usually will be called as a witness in any criminal trial.

## **B. Response by the University's Title IX Coordinators**

The University's Title IX Coordinators will respond to all reports of sexual misconduct, regardless of whether the report is made directly by the Complainant, by another student, faculty member, staff member, or other third party. The Title IX Coordinator will respond to reports or information regarding sexual misconduct that occur on campus or off campus, as specified in this Policy. Regardless of the location of an incident, students, faculty, and staff are encouraged to report such incidents so that supportive measures can be provided to the individual or individuals involved.

### 1. Preliminary Response and Outreach

## GOV-3102 – Policy Prohibiting Sexual Misconduct

---

Upon receipt of a report involving possible sexual misconduct, the Title IX Coordinator will promptly reach out to the Complainant. The Title IX Coordinator will respond to all reports of sexual misconduct, regardless of the source of the report or information. The nature and extent of the response will vary based on the specific circumstances of the incident.

When required under this Policy or applicable law, the Title IX Coordinator will also share the report with, and convene the University's Sexual Misconduct Review Subcommittee, described in Section 3102.7(B)(1)(e) of this Policy.

### *a. Outreach to the Complainant*

If the identity of the Complainant can be determined from the report or initial fact-finding, the Title IX Coordinator will contact the Complainant in writing and provide the Complainant with a summary of their rights under this Policy and related University policies such as [The Policy on Preventing and Responding to Harassment and Sexual Misconduct Involving Faculty and Staff](#) and the [Standards of Student Conduct](#), offer supportive measures and state their availability with or without the filing of a formal complaint, an explanation of the process for filing a formal complaint and reporting to law enforcement. The Title IX Coordinator shall also offer to meet with the Complainant. The Complainant has the right to select an advisor of their choice and may have the advisor present during all meetings with the Title IX Coordinator.

When the Title IX Coordinator meets with the Complainant, the Coordinator provides the following information:

- The Complainant's Title IX rights and rights under this policy and related University policies, including the [Policy Preventing and Responding to Harassment and Sexual Misconduct Involving Faculty and Staff](#) and the [Standards of Student Conduct](#);
- The University's obligation to treat both the Complainant and the Respondent equitably;
- The University's obligation to investigate promptly a formal complaint of sexual misconduct under Title IX and this policy.
- The Complainant's reporting rights, including the right to pursue or not to pursue criminal action.
- The importance of the collection and preservation of evidence;
- The importance of seeking appropriate medical attention;
- The available options for a protective order;
- The Complainant's right to participate or decline to participate in any investigation;
- That the Respondent is presumed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the end of the grievance process.
- That the [University's Policy Prohibiting Retaliation](#) protects students, faculty and staff from retaliation and provides that making a report "in good faith" means the individual making the report has a reasonable basis to believe that there has been or may have been a violation of applicable laws or regulations or University policies or that there is a reasonable possibility that such a violation may occur in the near future. Individuals who make frivolous or false

## GOV-3102 – Policy Prohibiting Sexual Misconduct

---

reports shall not be deemed to be acting in good faith.

- The Complainant’s right to an advisor of their choosing;
- Resources on campus and within the Richmond community, including counseling services, sexual assault crisis centers, and domestic violence crisis centers;
- Information about the grievance and mediation processes and University procedures for pursuing a formal complaint against a student, faculty member, staff member, or third party, including the University's protections from retaliation;
- Examples of possible retaliation and procedures for reporting any acts of retaliation;
- Possible options for supportive measures (as defined in this policy) to avoid contact with the Respondent and to ensure the Complainant’s well-being.
- The Title IX Coordinator’s obligation to provide the Complainant with periodic update as the grievance process and progresses; and
- The process for handling requests for confidentiality or requests to not move forward with a formal complaint.

The Title IX Coordinator will provide the Complainant time to consider their rights and options and to determine whether the Complainant wishes to move forward with the filing of a formal complaint of the reported sexual harassment under Title IX or sexual misconduct.

### *b. Outreach to the Respondent*

If the Complainant wishes to move forward with filing a formal complaint, or if the Title IX Coordinator determines, pursuant to this Policy, that a formal complaint should be filed despite the Complainant’s request for confidentiality or decision not to participate, the Title IX Coordinator will notify the Respondent in writing of the formal complaint and provide the Respondent with a summary of their rights under this Policy and related University policies such as the [Policy Prohibiting and Responding to Sexual Misconduct Involving Faculty and Staff](#) and [Standards of Student Conduct](#), offer supportive measures.

The Title IX Coordinator will provide the following information in the notice to the Respondent:

- The Respondent’s Title IX rights and rights under this Policy and related University policies, including the [Policy on Prohibiting Harassment and Sexual Misconduct Involving Faculty and Staff](#) and the [Standards of Student Conduct](#);
- A summary of the allegations of conduct potentially constituting sexual harassment under the University’s Policy Prohibiting Sexual Misconduct including information on the identities of the Complainant in the incident(s), if known, and the date and location of the incident(s), if known.
- The Respondent is presumed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the end of the grievance process;
- Respondent’s right to participate or decline to participate in the grievance process;
- The University's obligation to treat both the Complainant and the Respondent equitably;
- The University's obligation to investigate promptly a formal complaint of sexual misconduct under Title IX and this Policy;

## GOV-3102 – Policy Prohibiting Sexual Misconduct

---

- Information about the grievance or mediation processes and University procedures for pursuing a formal complaint;
- Resources on campus and within the Richmond community, including counseling services;
- Possible options for supportive measures to avoid contact with the Complainant and to ensure the Respondent's well-being;
- The Respondents right to have an advisor of their choosing;
- The Complainant's right to pursue criminal action in addition to the University's student conduct process;
- Notification of any subsequent allegations not included in the original notice;
- A dismissal by the University of the formal complaint (if applicable) including the reason for the dismissal;
- Examples of possible retaliation and procedures for reporting any acts of retaliation.
- That the [University's Policy Prohibiting Retaliation](#) protects students, faculty, and staff from retaliation and provides that making a report "in good faith" means the individual making the report has a reasonable basis to believe that there has been or may have been a violation of applicable laws or regulations or University policies or that there is a reasonable possibility that such a violation may occur in the near future. Individuals who make frivolous or false reports shall not be deemed to be acting in good faith.
- The Title IX Coordinator's obligation to provide the Respondent with periodic updates as the grievance process progresses.

The Title IX Coordinator will also offer to meet with the Respondent to discuss their rights and any supportive measures they may need. The Respondent has the right to select an advisor of their choice and may have the advisor present during all meetings with the Title IX Coordinator.

### *c. Outreach to Potential Witnesses*

The Title IX Coordinator may also meet with individuals who may be witnesses to the reported sexual misconduct. The Title IX Coordinator will contact any potential witnesses in writing and will provide the following information:

- The University's obligation to treat the Complainant and Respondent equitably;
- The University's obligation to investigate promptly formal complaints of sexual misconduct;
- The Respondent is presumed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the end of the grievance process;
- Options for supportive measures to avoid contact with the Complainant or Respondent and to ensure the witnesses well-being;
- Resources on campus and within the Richmond community including counseling services;
- Information about the grievance process and University procedures for pursuing a formal complaint against a student, faculty member, staff member, or third party, including the

University's protections from retaliation;

- Examples of possible retaliation and procedures for reporting any acts of retaliation.
- That the [University's Policy Prohibiting Retaliation](#) protects students, faculty and staff against retaliation and provides that making a report "in good faith" means the individual making the report has a reasonable basis to believe that there has been or may have been a violation of applicable laws or regulations or University policies or that there is a reasonable possibility that such a violation may occur in the near future. Individuals who make frivolous or false reports shall not be deemed to be acting in good faith.

*d. Notification to the University Police*

If the Complainant wishes to file a police report, the Title IX Coordinator will assist the Complainant in contacting the University Police. Additionally, the Title IX Coordinator will notify the University Police of any report that may be required to be included in the crime log and disclosed under the Clery Act. Unless the Complainant wishes to make a police report, their name or other personally identifiable information will not be included in the report to the University Police, although law enforcement members of the Sexual Misconduct Review Subcommittee, described in Section 3102.7(B)(1)(e), below, may have access to identifying information. In addition, victim names are never published in the crime log, included in any timely warning message, or as part of the annual Campus Security Report required by the Clery Act.

Whether a report comes directly from a Complainant, the Title IX Coordinator or another source, the University Police may determine that a serious or continuing threat possibly exists and may release either an "emergency notification" or a "timely warning" to the campus community. Emergency notifications must be issued immediately upon confirmation of a significant emergency or dangerous situation, and timely warnings must be issued if the crime is considered by the institution to represent a serious or continuing threat. The Complainant's name or other personally identifiable information will never be included in emergency notifications or timely warnings. The Title IX Coordinator will attempt to notify the Complainant in advance if an emergency notification or a timely warning is going to be distributed.

*e. The Sexual Misconduct Review Subcommittee of the Threat Assessment Team*

The Sexual Misconduct Review Subcommittee is a subset of the University's Threat Assessment Team. The Sexual Misconduct Review Subcommittee receives reports from the Title IX Coordinators regarding possible sexual violence, including sexual harassment, sexual assault, stalking, sexual exploitation, dating violence, and domestic violence.

The membership of the Sexual Misconduct Review Subcommittee shall include:

- The Title IX Coordinator (and/or their designee);
- The Chief or Assistant Chief of the University Police Department (or a designee who shall be a sworn police officer of the University Police Department);
- The Vice President for Student Affairs (or a designee who shall be a member of the Student Development Division); and
- Such other members of the University's Threat Assessment Team as the Title

# GOV-3102 – Policy Prohibiting Sexual Misconduct

---

IX Coordinator deems appropriate.

The Sexual Misconduct Review Subcommittee will convene within 72 hours of receiving the report of an incident from the Title IX Coordinator. The responsibilities of the Sexual Misconduct Review Subcommittee include:

- Providing advice and guidance to the Title IX Coordinator regarding the grievance process, appropriate supportive measures, and available resources for the involved individuals; and
- Determining if the disclosure of information regarding the incident, including personally identifiable information, is necessary to protect the health or safety of the Complainant or other individuals, consistent with applicable FERPA regulations including 34 C.F.R. §99.36. If the committee, or the representative from the University Police Department, determines this disclosure is necessary, the representative from University Police Department will immediately disclose the information, including personally identifiable information about the individuals involved, to the appropriate law enforcement agency. The Title IX coordinator will notify the Complainant in advance of any disclosure that is made.

If the alleged incident would constitute a felony violation under Code of Virginia §18.2-61, the representative of the University Police Department will consult with the Commonwealth Attorney responsible for prosecuting the alleged act within 24 hours of the review committee meeting and shall provide the information received by the Sexual Misconduct Review Subcommittee, without disclosing personally identifiable information about the individuals involved.

The Sexual Misconduct Review Subcommittee will have the access to law enforcement, criminal history, education, personnel, and health records relevant to the report of sexual misconduct to the extent necessary to assess any potential risk to members of the campus community and fulfill the Subcommittee's legal responsibilities, and as permitted by applicable law.

The Sexual Misconduct Review Subcommittee when appropriate will conduct an individualized safety and risk analysis to determine if there is an immediate threat to physical health or safety of any student or other individual arising from the allegations of sexual harassment and consequently, emergency removal is warranted.

After its initial meeting regarding a report, the Sexual Misconduct Review Subcommittee will reconvene upon the request of the Title IX Coordinator to provide guidance regarding a pending investigation or report or to assess and respond to potential risks or threats associated with the reported incident.

## 2. Supportive Measures

The Title IX Coordinator will offer appropriate supportive measures upon receipt of a report of sexual misconduct, during the grievance process and any conduct proceeding that may follow, and upon conclusion of the investigation and/or any conduct proceeding. Supportive measures may be put in place on behalf of the Complainant, the Respondent, and/or witnesses in the grievance process or to protect the campus community. Supportive measures may also be implemented to prevent retaliation. In determining and implementing certain supportive measures, the Title IX Coordinator may confer with or seek the assistance of other University officials, including but not

limited to the University Police or the college dean’s office.

If the Title IX Coordinator determines that supportive measures are reasonable and appropriate, the Title IX Coordinator will provide written notification of the supportive measure(s) to the individual on whose behalf the measure(s) is implemented, and, if affected by the measure(s), other individuals. The supportive measure(s) will be kept confidential on whose behalf it is implemented except to the extent disclosure to other individuals, including students and University employees, is necessary in order to implement effectively the supportive measure(s)

### ***C. Interim Suspension and Administrative Leave***

- The University may remove a Respondent from the education program or activity on an emergency basis if after an individualized safety and risk analysis, the Sexual Misconduct Review Sub-committee determines that there is an immediate threat to physical health or safety of any student or other individual arising from the allegations of sexual harassment. The University will provide the respondent with notice and an opportunity to challenge the decision immediately following the removal decision in a written appeal to the University Provost.
- The University may place a non-student employee Respondent on administrative leave during the pendency of a grievance process.

### ***3102.8 – Options for Addressing Allegations of Sexual Misconduct***

The University recognizes the needs of individuals vary. As such, the University offers two options to address sexual misconduct under this Policy. After filing a formal complaint (Title IX or Sexual Misconduct) Complainants will have the option of pursue:

- the grievance process including both an investigation and hearing or
- a voluntary mediation with the Respondent.

#### **A. Responding to a Formal Complaint through the Grievance Process:**

##### *1. Assignment of an Investigator*

The Title IX Coordinator may delegate responsibility for the investigation to a trained Title IX investigator. In the case of a formal complaint involving possible dating violence, domestic violence, non-consensual sexual contact, non-consensual sexual intercourse, sexual assault, sexual exploitation, sexual harassment, and stalking, the Title IX Coordinator will engage an independent investigator or investigators to conduct the investigation on behalf of the University. In the case of reports of other types of sexual misconduct, the Title IX Coordinator may conduct the investigation or delegate that responsibility to a trained staff member who has been designated as a Title IX investigator. The individual(s) conducting the investigation is referred to as “the Investigator” for purposes of this Policy.

##### *2. Time Frame for Grievance Process*

The University shall complete the investigative and the grievance process in a prompt manner designed to provide all parties with a reasonably timely resolution. However, the timeframe for completion of a specific matter may vary depending upon a number of factors, including, but not limited to, the complexity of the case or investigation, the availability of witnesses, and the academic calendar.

##### *3. Process for Conducting the Investigation and Preparing an Investigative Report*

The Investigator is tasked with the preparation of an investigative report that will include a summary of key interviews and other evidence, copies of relevant documentary evidence, and an analysis of the evidence and findings of fact in the investigation. To prepare that report, the Investigator will interview the Complainant, Respondent and other witnesses who may have information about the incident(s). The Investigator may also conduct one or more follow-up interviews with the Complainant, Respondent, or other witnesses. The interviews will be recorded by the Investigator for purposes of preparing the investigative report. The Investigator has the discretion to determine what witnesses will be interviewed as part of the investigation.

The Investigator is not required, but may in their discretion, speak with character witnesses.

The Complainant and the Respondent each have the right to services of an advisor of their choice. The advisor may be an attorney. The Complainant and the Respondent may have their advisor present for any interview with the Investigator. The Complainant and Respondent should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the interview(s), as delays will not normally be allowed due to the scheduling conflicts of an advisor.

The role of the advisor is to provide support, guidance, and advice to the Complainant or Respondent. However, the Complainant and Respondent are each responsible for presenting their own information during the interview. Advisors may ask questions regarding process but are not permitted to speak on behalf of the Complainant or Respondent or object to interview questions.

Choosing an advisor who is also a witness in the process creates a potential for bias and conflict of interest. A party who chooses an advisor who is also a witness can anticipate that issues of potential bias will be explored by the University Hearing Board.

The Investigator will also gather relevant evidence, including, but not limited to documents, email messages, text messages, social media postings, video evidence, and other records and documents.

Both parties will have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations in the formal complaint. This includes (1) evidence upon which the University does not intend to rely on in reaching a determination; (2) inculpatory or exculpatory evidence whether obtained from a party or other source.

Prior to completion of the investigative report, the investigator will send to each party and the party's advisor, the evidence subject to inspection and review (electronically or hard copy). The parties will have 10 days to submit a written response which the Investigator will consider prior to completion of report. The Title IX Coordinator, in their sole discretion, may extend this time period for good cause. It is not the role of the Investigator to draw a conclusion as to whether a violation of this Policy took place. The Investigator will not make recommendations regarding the outcome of conduct or disciplinary process or the imposition of sanctions. The Investigator will transmit the final investigative report to the Title IX Coordinator.

### *Coordination with Pending Criminal Investigations*

Except in very unusual circumstances, the Title IX investigation will not be delayed because of a pending criminal investigation. When an incident is reported to both the University Police and the Title IX Coordinator, they will share information to the extent possible and as appropriate and will seek to avoid unnecessary burdens on the Complainant or Respondent.

In certain situations, law enforcement officials may request that the Title IX Coordinator temporarily

## GOV-3102 – Policy Prohibiting Sexual Misconduct

---

suspend an investigation while law enforcement officials gather evidence in a criminal investigation. The Title IX Coordinator will comply with such requests, but will promptly resume the investigation as soon as they are notified that the law enforcement officials have completed gathering evidence. The suspension of an investigation under these circumstances will not limit the availability of supportive measures or other assistance and support to a Complainant, Respondent, witness, or other individuals.

#### 4. *Notice to the Complainant and Respondent*

Upon receipt of the investigative report, the Title IX Coordinator shall provide the Complainant and the Respondent with written notice of the completion of the final investigative report and make the report available to the parties (electronically or hard copy) at least 10 days prior to a hearing. The Complainant and Respondent, and their respective advisors, have the right to review, but not to copy, the investigative report. The Complainant and Respondent have the right to provide their respective objections to the investigative report prior to the hearing.

#### 5. *Grievance Procedures*

##### *For Students:*

The procedures, rights, and responsibilities set forth in [Appendix A of the Standards of Student Conduct](#), shall apply to all grievance procedures in which the Respondent is charged with a violation of the University's Policy Prohibiting Sexual Misconduct. These procedures, rights, and responsibilities shall apply to all hearings in which at least one charge involves an alleged violation of the University's Policy Prohibiting Sexual Misconduct.

At any point prior to a finding by the University Hearing Board, the Complainant or the Respondent may request that the parties pursue mediation in lieu of the grievance process. Both the Complainant and the Respondent must agree to participate in the mediation process. If either party declines to participate in mediation, the grievance process will continue, unless the Complainant permanently withdraws the Complaint. If the Complainant and Respondent participate in mediation and reach a mutually agreed upon resolution, the Complaint shall be deemed to have been withdrawn and the grievance process shall be terminated. If the Complainant and the Respondent participate in mediation, but do not reach a mutually agreed upon resolution, the grievance process will continue, unless the Complainant permanently withdraws the Complaint.

##### *For Faculty & Staff:*

The procedures, rights, and responsibilities set forth in [Policy Preventing and Responding to Discrimination and Sexual Misconduct Involving Faculty or Staff](#) and the Faculty Handbook shall apply to all grievance procedures in which the Respondent is charged with a violation of the University's Policy Prohibiting Sexual Misconduct. These procedures, rights, and responsibilities shall apply to all hearings in which at least one charge involves an alleged violation of the University's Policy Prohibiting Sexual Misconduct.

At any point prior to a finding by a hearing board, the Complainant or the Respondent may request that the parties pursue mediation in lieu of the grievance process. Both the Complainant and the Respondent must agree to participate in the mediation process. If either party declines to participate in mediation, the grievance process will continue, unless the Complainant permanently withdraws the Complaint. If the Complainant and Respondent participate in mediation and reach a mutually agreed

upon resolution, the Complaint shall be deemed to have been withdrawn and the grievance process shall be terminated. If the Complainant and the Respondent participate in mediation, but do not reach a mutually agreed upon resolution, the grievance process will continue, unless the Complainant permanently withdraws the Complaint.

### 6. *Closing the Grievance Process*

Upon closure of the grievance process, the Title IX Coordinator will offer to meet with the Complainant and the Respondent individually to see feedback on the grievance or mediation process, assess the need for other types of supportive measures for the Complainant, the Respondent, other involved individuals; and provide information on available support resources.

The Title IX Coordinator also will consider and, where appropriate, implement, remedial actions targeted at the broader campus community, such as increased monitoring or security at the location where the conduct occurred, creating additional education or training for students and/or employees, and revising and publicizing the University's Policy Prohibiting Sexual Misconduct and resources.

### 7. *Confidentiality of Investigative Records*

The University considers the records of a Title IX sexual misconduct investigation to be confidential and the University uses reasonable methods to protect the confidentiality of those records. Records will be maintained for a period of not less than 7 years. Information gathered in the course of a sexual misconduct investigation will be disclosed to University officials only to the extent such officials require such information to perform their responsibilities to the University. Information gathered during an investigation may be shared with other involved individuals (for example the Complainant or Respondent) to the extent necessary to conduct a thorough and equitable investigation, in the course of a student conduct or other disciplinary proceeding, and as permitted or required by applicable law or court order. Information gathered in the course of a sexual misconduct investigation will not be disclosed to third parties except as required by law, court order or with appropriate written consent.

Virginia law requires that a prominent notation be added to the academic transcript of any student who is suspended for, permanently dismissed for, or withdraws from the University while under investigation for an offense involving sexual violence. This transcript notation will be removed if a student is subsequently found not to have committed an offense involving sexual violence or if the student completes their term of suspension and is determined to be in good standing according to applicable University Policy. Consistent with state law and federal regulations, the notation will be removed from a transcript after three years for a student that withdraws while under investigation or is permanently dismissed from the University.

Health care and counseling records are confidential and will only be disclosed with appropriate written consent or as required by applicable law or court order.

## **B. Responding to a Formal Complaint through Mediation**

Mediation is available under this Policy as an alternative method of addressing sexual misconduct. Mediation is a voluntary, remedies-based, structured interaction, facilitated by a trained mediator, that incorporates support and accountability for the parties, but does not involve a formal conduct charge against a Respondent. A mediation resolution is designed to eliminate reoccurrence of the prohibited conduct, and provide a remedy that meets the needs of both the Complainant and Respondent while maintaining the safety of the campus community. All mediation proceedings are confidential. Mediation proceedings cannot be recorded by the University or participating parties.

## GOV-3102 – Policy Prohibiting Sexual Misconduct

---

There are some circumstances under which mediation will not be appropriate including situations where the Respondent had been alleged to have previously committed sexual violence or harassment, a weapon was allegedly used or threats of future sexual violence or harassment were made. The Title IX Coordinator will make a determination on whether mediation is appropriate when there is sufficient information about the nature and scope of the conduct.

Mediation is never appropriate and will not be allowed in cases involving allegations that an employee has sexual harassed a student.

The Title IX Coordinator will inform the Complainant and Respondent if they are unable to pursue a resolution through mediation.

### *Process for Mediation Resolution in Sexual Misconduct*

After the filing of a Title IX Formal Complaint or Sexual Misconduct Formal Complaint, the Title IX Coordinator will review the matter to confirm that the case is appropriate for mediation and that the parties want to participate in the mediation process without pressure from others. If mediation is pursued, the goal is to address the conduct, prevent its reoccurrence and develop a mediation resolution agreement between the parties.

For cases where parties have voluntarily agreed to mediation and the University has indicated that the case is appropriate for mediation, the parties will receive simultaneous written notification of the decision to initiate the mediation process. The Mediator would then meet with both parties individually in a pre-mediation session to explain the process of mediation, the benefits and limitations of mediation, and the potential outcomes of the process. Both parties may be accompanied by an advisor of their choosing during the mediation process and any related meetings. If a party does not have an advisor, the Title IX Coordinator will assist in identifying an advisor.

If the parties reach agreed upon resolution, the Title IX Coordinator will review the Mediation Resolution Agreement to ensure it is consistent with University policy and is feasible. If the draft agreement is not consistent with University policy, the mediator will be notified and will work with the parties to try to conform the agreement. The Title IX Coordinator is not an active participant in the mediation and will not provide input into the outcomes of the mediation.

In cases selected for mediation resolution:

1. Participation in mediation is voluntary and all participants must consent in writing to their voluntary participation in the mediation process;
2. The University will not pressure or compel a Complainant or Respondent to engage in mediation or to reach any particular resolution;
3. Either the Complainant or Respondent may request to end the mediation process at any time prior to a resolution and may choose to pursue either the Title IX grievance process or Sexual Misconduct grievance process;
4. Information gathered in the mediation process cannot be used in any other University conduct process, including the Title IX grievance process or sexual misconduct grievance process, or any criminal proceedings. For more information on the Virginia Mediation Statute (Virginia Code Chapter 21.2) please visit: <https://law.lis.virginia.gov/vacode/title8.01/chapter21.2/section8.01-581.22/>

## GOV-3102 – Policy Prohibiting Sexual Misconduct

---

5. The mediator, together with both parties, will determine the most effective procedure for conducting the mediation;
6. All participants must agree to maintain confidentiality. The parties must agree to keep confidential the discussions that take place during the mediation;
7. Because the mediation proceedings are confidential, the proceedings are not part of a student's conduct record. If a mediation resolution is achieved, the Title IX Coordinator will obtain a copy of the mediation resolution agreement so that the University can verify adherence to the agreement. If a Complainant or Respondent fails to adhere to the mediation resolution agreement, they will be referred to the appropriate Dean's office for a possible violation of the [Standards of Student Conduct](#) and/or the Policy Prohibiting Sexual Misconduct. Employees that fail to adhere to the mediation agreement are subject to disciplinary action; and
8. The University's [Policy Prohibiting Retaliation](#) applies at every stage of the mediation process. Coercion from either party to participate or not participate in mediation will be considered a violation of that policy.

The mediation process ends when a mediation resolution agreement has been reached or when a party decides to end the process. If a resolution is not reached, the Complainant has the option of moving forward with the Title IX grievance process, the Sexual Misconduct grievance process or not proceeding with any process.

### ***3102.8 – Retaliation is Prohibited***

All members of the University community, including faculty, staff, and students, who have a good faith concern regarding possible sexual misconduct are encouraged to report that concern to the Title IX Coordinators and/or the University Police Department. All Responsible Employees, other than confidential resources, are required to report possible sexual misconduct to the Title IX Coordinators. All Campus Security Authorities are required to report potential crimes to the University Police Department.

The University prohibits retaliation or retribution, in any form, against an individual who reports, in good faith, an actual, potential, or suspected violation of this Policy Prohibiting Sexual Misconduct. As used in this Policy, reporting "in good faith" means the individual making the report has a reasonable basis to believe that there has been or may have been a violation of this Policy.

Individuals who make frivolous or false reports shall not be deemed to be acting in good faith.

Anyone who engages in or attempts to engage in retaliation or retribution against an individual who reports, in good faith, a potential violation of this Policy or against an individual who participates in an investigation or hearing shall be subject to discipline in accordance with the policies and procedures of the University, including this Policy and the [Standards of Student Conduct](#) and the [Policy on Preventing and Responding to Discrimination and Sexual Misconduct Involving Faculty or Staff](#).

### **RELATED POLICIES:**

---

Policy Prohibiting Discrimination  
Policy Prohibiting Retaliation

# GOV-3102 – Policy Prohibiting Sexual Misconduct

---

Policy on Preventing and Responding to Discrimination and Sexual Misconduct Involving Faculty & Staff

Policy on Preventing and Responding to Discrimination and Harassment Against Students

[Standards of Student Conduct](#)

Alcohol, Tobacco & Other Drug Policy FERPA

Policy

[Title IX Coordinators Policy](#)

[Timely Warning Policy](#)

[Transcript Notation Policy](#)

Athletics Sexual Misconduct Prevention and Education Policy

Faculty Handbook

## **POLICY BACKGROUND:**

---

The August 2020 version this policy includes major revisions to be in compliance with the Final Rule for Non-Discrimination on the Basis of Sex in Education Programs or Activities receiving Federal Financial Assistance (Title IX) issued from the Department of Education on May 19, 2020.

The August 2021 version of this policy makes the August 2020 interim policy final.

Minor revisions made to the policy in September 2021; revised policy effective 10/1/21.

The revision for the 2022-23 school year including updating the Domestic Violence definition to reflect the reauthorization of the Violence Against Women's Act (VAWA) and minor revisions to correct drafting errors.

Non-substantive revisions made for 2023-2024 school year to update links and contacts made in August 2023.

## **POLICY CONTACTS:**

---

Director of Compliance and Title IX Coordinator

Deputy Title IX Coordinator for Students

Chief Human Resource Officer & Deputy Title IX Coordinator for Faculty & Staff



# UNIVERSITY OF RICHMOND

## Policy Manual

|                               |            |   |  |
|-------------------------------|------------|---|--|
| <b>Policy #:</b>              | STU-1002   | <b>Policy Title:</b>                    | Alcohol, Tobacco and Other Drug Policy   |
| <b>Effective:</b>             | 08/15/2023 | <b>Responsible Office:</b>              | Compliance & Title IX  |
| <b>Date Approved:</b>         | 08/01/2019 | <b>Approval:</b>                        | Vice President for Student Development   |
| <b>Replaces Policy Dated:</b> | 08/01/2022 | <b>Responsible University Official:</b> | Deputy Title IX Coordinator for Students & Substance Misuse Education and Prevention Coordinator |

### PURPOSE:

In accordance with the Drug Free Schools and Communities Act and its implementing regulations, the University of Richmond is required to communicate the following information regarding unlawful possession, use or distribution of alcohol, tobacco, marijuana, and illegal drugs to its students and employees. The purpose of this policy is to protect the health, safety and welfare of the members of the University community and the public served by the University.

### SCOPE:

The Alcohol, Tobacco and Other Drug Policy applies to all students, staff, and faculty as well as third party users of University facilities. This policy applies to conduct that occurs on the campus of the University, on or in off-campus buildings or property of the University and at University sponsored activities, including off-campus education programs and activities and public property adjacent to the University.

This policy also applies to University students studying abroad through a University approved study abroad program.

### INDEX:

- 1002.1.....Policy & Rules
- 1002.2.....Alcohol Policy
- 1002.3.....Tobacco Policy

# STU-1002 – Alcohol, Tobacco and Other Drug Policy

---

- 1002.4 ..... Marijuana Policy
- 1002.5.....Drug Policy
- 1002.6.....Sanctions for Alcohol, Tobacco and Other Drugs
- 1002.7.....Federal and Commonwealth of Virginia Penalties
- 1002.8.....Prevention and Education
- 1002.9.....Health Risks
- 1002.10.....Resources

## **POLICY STATEMENT:**

---

### ***1002.1 – Policy & Rules***

The University of Richmond strives to achieve a healthy living, learning and work environment. The unlawful manufacture, dispensing, possession, use or distribution of alcohol, tobacco, marijuana or illegal drugs by students or employees on University property is prohibited.

The University does not condone the illegal or otherwise irresponsible use of alcohol, tobacco, marijuana or other drugs. In accordance with federal and state law, the University prohibits the unlawful possession, sale, use or distribution of alcohol, tobacco, marijuana and other drugs on University property. The University of Richmond Police Department has the primary responsibility for the enforcement of state and federal laws pertaining to alcohol, tobacco, marijuana and other drugs.

It is the responsibility of students and employees to know relevant University policies, as well as state and federal laws, and to conduct themselves in accordance with these laws and policies. Any student found in violation of this policy is subject to the entire range of sanctions outlined in the [Standards of Student Conduct](#). University employees found in violation of the policy are subject to applicable personnel sanctions. Additionally, a student or employee may be referred to an appropriate evaluation or rehabilitation program.

The University of Richmond supports an environment free from retaliation. Retaliation against any student or employee for bringing forth a good faith concern or participating in an investigation is prohibited. The University’s Policy Prohibiting Retaliation can be found [here](#).

Any student that renders aid to a student needing emergency medical care or receives emergency medical assistance is covered by the Safe Spiders Protocol provided they adhere to the conditions outlined in that protocol. A copy of the Safe Spiders Protocol can be found at:

<https://studentdevelopment.richmond.edu/student-handbook/SafeSpidersProtocol-06-2023.pdf>

### **Intercollegiate Athletics Alcohol & Drug Policy**

The University of Richmond Athletic Department has additional written policies that are presented to each student-athlete annually prior to participation. These policies encompass mandatory drug testing, sanctions as a result of positive drug tests, educational programs relative to drug and alcohol use, misuse and counseling.

## **Drug Free Workplace Policy**

The University is a drug-free workplace. The University does not tolerate the unlawful manufacture, dispensing, possession, use, or distribution of illegal drugs, marijuana and/or alcohol by employees on the University's property, or as part of its activities, except in compliance with this and related policies. Individual departments, due to the nature of their work, may have more stringent policies concerning prescription drugs.

The University of Richmond does not conduct random drug or alcohol testing, but does reserve the right to test for drugs and/or alcohol for cause. Should the University have a reasonable suspicion that an employee is under the influence of illegal drugs, alcohol or marijuana or if the employee is in an accident causing damage to University property, the employee may be required to submit to drug/alcohol testing and/or mandatory referral into a substance misuse assistance or rehabilitation program. Refusal by an employee to comply with the applicable requirements may be grounds for immediate dismissal from employment.

## **Annual Notification**

The University will disseminate the Alcohol, Tobacco & Other Drug Policy to all students and employees on a semiannual basis. A notification email will be sent in January and September after the "add/drop" period for classes.

## ***1002.2 – Alcohol Policy***

All members of the University community and third-party users of University facilities are responsible for knowing and acting in accordance with the applicable laws and University policy concerning the purchase, possession, consumption, sale and storage of alcoholic beverages.

### **Rules for Individuals:**

1. The use of alcoholic beverages shall comply with federal, state, and local laws and University policy.
2. Alcoholic beverages shall not be consumed by, possessed by, sold to, or given to persons under 21 years of age, which is the legal age to consume and possess alcohol.
3. State law prohibits, among other conduct, drinking in public spaces that are not covered by an Alcohol Beverage Commission (ABC) license; possession of an alcoholic beverage by a person under the legal drinking age; falsely representing one's age for the purposes of procuring alcohol; and purchasing alcohol for a person who is under the legal drinking age.
4. All persons consuming or possessing alcohol must carry a valid driver's licenses or state identification card, military ID card or passport. Students are expected to have their University of Richmond ID and another form of legal age identification documentation in their personal possession. A University official may request to see age identification from the student if it is suspected that the student is under the legal drinking age or is in the process of or has committed an alcohol policy violation. Students that fail to show the required identification may be charged with a violation of the Standards of Student Conduct.

## STU-1002 – Alcohol, Tobacco and Other Drug Policy

---

5. Any individual will be considered in possession of alcohol if the alcohol can be reasonably associated with them. Examples of association include, but are not limited to, the following: any alcohol found within a resident's room or apartment, any alcohol being carried or transported by an individual, and any open container of alcohol resting near an individual.

### Rules for Organizations, Departments and Approved Campus Guests:

1. All events with alcohol must comply with the University of Richmond's Alcohol, Tobacco & Other Drug Policy; the [Policy for Events with Alcohol on Campus](#); and the Commonwealth of Virginia laws and regulations.
2. University residence halls and student apartments shall not be used for organization/departmental events with alcohol.
3. The possession or use of common containers of alcohol including, but not limited to, kegs, ¼ kegs and party balls are prohibited on University property.
4. The consumption of alcoholic beverages in a designated campus area is limited to approved functions sponsored by recognized organizations/departments of the University of Richmond or approved third party users of University facilities. These events shall be open only to members of the sponsoring organization/department or approved third-party users of University facilities and their personally invited guests.
5. All University of Richmond organizations/departments sponsoring off-campus functions at which alcoholic beverages are served, are expected to act as representatives of the campus community and to respect the University's valuation of personal responsibility and accountability. Although the University cannot monitor the environment external to the University campus, student organizations, departments or individuals may be held responsible for their actions off campus.

### Approved Locations:

The consumption of alcoholic beverages at registered or approved events is limited to approved locations on campus. All other areas of the campus are considered public areas where the use of alcohol is prohibited. For a complete list of approved locations, please visit:

<https://events.richmond.edu/events/policies/alcohol/approved-location.html>

***NOTE:** All event and location reservations will be reviewed to ensure that the facility, as well as type of food and beverage being served, are appropriate. Outdoor locations must be clearly defined by an existing barrier or by an approved temporary barrier. Rain locations must also be identified at the time of reservation, as this information is required by Virginia ABC. For more information, please visit: <https://events.richmond.edu/events/policies/alcohol/index.html>.*

### Public Consumption:

Virginia law prohibits the consumption of alcoholic beverages, whether in primary or secondary containers, in public areas. Virginia Code § 4.1-100 defines a public area as any place, building or conveyance where the public has access or is permitted to have access. Examples include, but are not limited to, hallways/corridors, lounge areas and sidewalks. Alcohol use on campus is restricted to approved locations, as defined above, and residence hall rooms, Gateway Apartments, University Forest Apartments, Law School student housing and other housing identified by the University. The University does not permit transportation of alcoholic beverages in open primary or secondary containers outside of these areas.

## **Alcoholic Beverage Deliveries**

Third-party vendors are prohibited from delivering alcoholic beverages to the University of Richmond campus for personal consumption or for consumption at student events for which an ABC license has not been secured.

## **Advertising**

Any publication, advertisement or announcement of any University-sponsored event distributed or intended to be distributed to persons under 21 years of age must not mention or depict alcoholic beverages. Distribution of any publication, advertisement or announcement that mentions or depicts alcoholic beverages must be limited to persons 21 years of age or older and such publication, advertisement or announcement must state that proof of age will be required to consume alcohol.

## **Registration Policy and Deadlines**

### *Official University Events and Third-Party Use of University Facilities:*

All alcoholic beverages to be consumed at University approved events must be supplied by University Catering or in conjunction with a University approved caterer with an ABC license. Spider Brews and events with beer trucks are the only exceptions. For more information on events with beer trucks, please see the [Policy for Events with Alcohol on Campus](#).

Any event held in a University facility where alcoholic beverages are present or consumed must be registered and approved at least 10 working days in advance by University Events, Conferences and Support Services. Events that utilize the University of Richmond's Dining Services ABC license must be coordinated with University Dining Services a minimum of five days prior to the scheduled event. These timelines are provided by Virginia ABC and are subject to change. For more information on scheduling an event on campus with alcohol, please refer to the [Policy for Events with Alcohol on Campus](#).

### *Residential Student Events:*

Students who wish to host an event with alcohol in their residence hall or apartment should do so in accordance with the event registration process established by Residence Life & Housing. Students interested in registering an event in their residence, should review the following: <https://residencelife.richmond.edu/residence-life/Community/event-registration.html>.

### *Student Organizational Events*

All student organizations, including Greek organizations, that wish to host events with alcohol on campus must comply with the [procedures](#) established by the Center for Student Involvement (CSI).

## **1002.3 – Tobacco Policy**

All members of the University community and third-party users of University facilities are responsible for knowing and acting in accordance with the applicable laws and University policy concerning the purchase, possession, consumption and sale of tobacco and nicotine products.

No individual under the age of 21 shall purchase, possess or consume tobacco products (chewed, absorbed, dissolved or ingested), nicotine vapor products, and/or alternative nicotine products. Any individual under 21 purchasing, possessing or consuming tobacco products, nicotine vapor products or alternative nicotine products will be in violation of Virginia law and University policy and are subject to disciplinary action.

## Rules for Individuals:

1. The use of tobacco products (chewed, absorbed, dissolved or ingested), nicotine vapor products, and/or alternative nicotine products on campus shall comply with federal and state laws.
2. Tobacco products (chewed, absorbed, dissolved or ingested), nicotine vapor products, and/or alternative nicotine products shall not be consumed by, possessed by, sold to, or given to persons under 21 years of age, which is the legal age to consume and possess tobacco and nicotine products in the Commonwealth of Virginia.
3. All persons on University property consuming or possessing tobacco or nicotine products on campus must carry a valid driver's license or state identification card, military ID card or passport. Students are expected to have their University of Richmond ID and another form of legal age identification documentation in their personal possession. A University official, may request to see age identification from the student if it is suspected that the student is under the legal age or is in the process of or has committed a policy violation. Students that fail to show the required identification may be charged with a violation of the Standards of Student Conduct.
4. Any individual under 21 will be considered in possession of tobacco/nicotine if the tobacco/nicotine can be reasonably associated with them. Examples of association include, but are not limited to, the following: tobacco/nicotine paraphernalia found within a resident's room or apartment, any tobacco/nicotine being carried or transported by an individual, and any tobacco/nicotine resting near an individual.

## Advertising

Any publication, advertisement or announcement of any University-sponsored event distributed or intended to be distributed to persons under 21 years of age must not mention or depict tobacco products (chewed, absorbed, dissolved or ingested), nicotine vapor products, and/or alternative nicotine products.

## Tobacco & Nicotine Use on Campus

### *Smoking:*

The University prohibits smoking, including e-cigarettes, inside classrooms and administrative buildings, residential facilities, dining areas, athletic facilities and university owned vehicles. Smoking is prohibited within 25 feet of the outside of any building to prevent smoke and e-cigarette vapors from entering through entrances, windows, ventilation systems, or other means.

### *Tobacco and Nicotine Sales:*

Vending machines that sell tobacco products, nicotine vapor products, and/or alternative nicotine products are prohibited on campus.

## **1002.4 Marijuana**

Virginia law allows for adults over 21 years old to possess and cultivate a specified amount of marijuana for recreational use, however, as described below, marijuana is not permitted on

campus, in off-campus University buildings, or at off-campus University programs and activities

The possession, use and distribution of marijuana in any form, including without limitation tinctures, edibles and topicals, are still considered federal offenses under the Controlled Substances Act (CSA) which classifies marijuana as a schedule 1 drug which prohibits the use, possession and or cultivation of marijuana. Therefore, the use, possession, cultivation or sale of marijuana violates federal law. The University of Richmond must comply with the Drug Free Schools and Communities Act (DFSCA) (20 U.S.C.1011i; 34 C.F.R part 86) as well as the Drug Free Workplace Act which requires a drug free campus environment. Failure to comply with the DFSCA, can result in loss of federal funding such as financial aid.

As such, the possession, use, cultivation, manufacturing or distribution of marijuana in any form, including medical marijuana, is prohibited on University property. Any student, staff or faculty member that violates this policy prohibiting the use and/or possession of marijuana on campus is subject to disciplinary action.

## **Rules for Individuals, Organizations, and Campus Guests:**

1. No individual shall possess, use, cultivate, transfer, distribute, manufacture or attempt to manufacture marijuana on University-owned or leased property, at University-sponsored or supervised functions, or under other circumstances involving a direct and substantial connection to the University. If there is sufficient evidence that a student or employee is distributing, transferring or trafficking marijuana (or is in possession of such amounts), interim actions may be taken to protect the health and safety of the University community.
2. Possession of marijuana paraphernalia is prohibited. Marijuana paraphernalia found in University owned or leased property will be confiscated by University personnel and destroyed.
3. Any individual will be considered in possession of marijuana if the marijuana can be reasonably associated with them. Examples of association include, but are not limited to, the following: marijuana and/or marijuana paraphernalia found within a resident's room or apartment; any marijuana being carried or transported by an individual; any marijuana resting near and individual; and being present when drugs are being cultivated, distributed, or manufactured.
4. Students and employees that violate state and/or federal laws may be referred by University authorities for criminal prosecution and, if convicted, may be subject to criminal prosecution. Whether or not criminal charges are brought, students and employees are subject to disciplinary action. Sanctions can range from substance education to permanent separation.

## ***1002.5– Other Drugs Policy***

The unauthorized manufacture, distribution and possession of “controlled substances” (illegal drugs), including but not limited to cocaine, ecstasy and LSD, are prohibited by both state and federal law and are punishable by severe penalties. The University does not tolerate or condone such conduct. Students and employees who violate state and federal law may be referred to law enforcement authorities for criminal prosecution and, if convicted, may be subject to the penalties described herein.

## **Rules for Individuals, Organizations, and Campus Guests:**

1. No individual shall possess, use, transfer, distribute, manufacture or attempt to manufacture, or traffic illegal drugs on University-owned or leased property, at University-sponsored or supervised functions, or under other circumstances involving a direct and substantial connection to the University. If there is sufficient evidence that a student is distributing, transferring or trafficking illegal drugs (or is in possession of such amounts), interim actions may be taken to protect the health and safety of the University community.
2. Synthetic or counterfeit substances that are analogue for controlled substances are prohibited under this policy.
3. The misuse, transfer or sale of legal substances such as prescription drugs and inhalants are prohibited.
4. Possession of drug paraphernalia is prohibited. Any drug paraphernalia found in University owned or leased property will be confiscated by University personnel and destroyed
5. Any individual will be considered in possession of drugs if the drugs can be reasonably associated with them. Examples of association include, but are not limited to, the following: drugs and/or drug paraphernalia found within a resident's room or apartment, and being present when drugs are being distributed or manufactured.
6. Students and employees that violate state or federal drug laws may be referred by University authorities for criminal prosecution and, if convicted, may be subject to criminal prosecution. Whether or not criminal charges are brought, students and employees are subject to disciplinary action. Sanctions can range from substance education to permanent separation.

## ***1002.6 – Sanctions for Alcohol, Tobacco and Other Drugs***

### **Student Sanctions**

Students and recognized organizations that violate the Alcohol, Tobacco and Other Drug Policy will be subject to sanctions as outlined in [Article VII of the Standards of Student Conduct](#), up to and including separation from the University. Sanctions are determined based on the nature and circumstances of the case. In determining the appropriate sanction for a violation of the Alcohol, Tobacco and Other Drug Policy, the Conduct Officer, may, at minimum, consider the following circumstances:

1. How was the violation committed;
2. Amount and nature of the illegal substance involved;
3. The level of knowledge and intent of the student;
4. Delivery or attempted delivery of the substance;
5. Prior offenses of the student;
6. Pending criminal charges.

### **Employee Sanctions – Alcohol, Tobacco & Other Drugs**

The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance by employees on University property, or while conducting business on behalf of the University off campus, is prohibited. Violations of this prohibition by employees may result in the imposition of sanctions under applicable University policies up to and including termination of employment. The

severity of the disciplinary action for violations of this policy shall be determined on a case-by-case basis. Additionally, employees may be referred to an appropriate substance misuse assistance or rehabilitation program.

### ***1002.7 – Federal and Commonwealth of Virginia Penalties***

In addition to University policies for alcohol, tobacco, marijuana and drugs, members of the campus community are also required to abide by federal and state laws governing consumption, sale or possession of alcohol, tobacco, marijuana and other drugs. University of Richmond Police Department reserves the right to issue a citation for violation of state or federal laws when deemed appropriate.

Federal and Virginia law penalizes the unlawful manufacturing, distribution, use and possession of controlled substances, including prescription drugs. Synthetic designer drugs, such as bath salts, contain mixtures of many different chemicals, including those that resemble cocaine, methamphetamines, and MDMA. Federal law makes the distribution of “analogue” substances marketed for human consumption illegal if those substances are chemically similar to scheduled illegal drugs and have the same pharmacological effects on the user. The penalties vary based on many factors, including the type and amount of drug involved and whether there is intent to distribute. Federal law holds that any person who distributes, possesses with intent to distribute, or manufactures a controlled substance within one thousand feet of an educational facility is subject to doubling of the applicable maximum punishments and fines. A similar Commonwealth of Virginia law carries sanctions between one- and five-year’s imprisonment and up to a \$100,000 fine for similar violations.

### **Virginia Laws Governing Alcohol, Tobacco & Drugs**

Virginia’s Alcoholic Beverage Control Act contains a variety of laws governing the possession, use and consumption of alcoholic beverages. The Virginia’s Alcoholic Beverage Control Act applies to all students and employees of the University.

The unlawful possession, distribution, and use of controlled substances and illegal drugs, as defined by the Virginia Drug Control Act, are prohibited in the Commonwealth of Virginia. Controlled substances are classified under the under the Act into “schedules”, ranging from Schedule I through Schedule VI, as defined in sections 54.1-3446 through 54.1.3456 of the Code of Virginia.

The Virginia’s Alcoholic Beverage Control Act and the Virginia Drug Control Act apply to all students and employees of the University. Some of the pertinent laws, including sanctions for their violations are listed below.

#### 1. Alcohol

The minimum legal age for the possession and consumption of alcoholic beverages in Virginia is 21.

- ***Underage alcohol consumption/possession is a Class 1 misdemeanor***
  - Mandatory driver’s license suspension – 6-month minimum (1-year max.)
  - \$500 fine or 50 hours of community service
  - Possible jail sentence: up to one year
- ***Drinking alcohol in a public place/public intoxication is a Class 4 misdemeanor***
  - Possible fine up to \$250

- Possible 1-day jail sentence
- ***Purchasing, Giving, Providing or Assisting in Providing Alcohol to Person under 21 is a Class 1 misdemeanor***
  - Mandatory driver's license suspension -6-month minimum (1-year max.)
  - Mandatory minimum \$500 fine (max. of \$2500 or 50 hours of community service)
  - Possible jail sentences up to one year
  - Any alcohol purchased is contraband and subject to forfeit
- ***Using a fake ID to buy alcohol***
  - Mandatory driver's license suspension -6-month minimum (1-year max.)
  - Mandatory minimum \$500 fine (max. of \$2500 or 50 hours of community service)
  - Possible jail sentences up to one year
  - Any alcohol purchased is contraband and subject to forfeit
- ***Underage driving under the influence***
  - Zero Tolerance Laws in Virginia; drivers under the age of 21 cannot have a BAC test result of .02 or higher.
  - Mandatory driver's license suspension for one year.
  - Offenders do not have the option of requesting a blood test instead of a breath test for an alcohol- related offense.
- ***Driving under the influence 21 yrs. & above***
  - Drivers 21 years of age or older cannot have a BAC test result of .08 or higher.
  - Conviction of a first or subsequent DUI offense may result in a mandatory driver's license suspension for one year, ignition interlock, mandatory jail time and mandatory alcohol education classes
  - Implied consent laws require a driver who is suspected of DUI to submit to chemical testing (breath, blood, or urine). Refusal to submit to such tests carries a penalty of up to one year's suspension of the driver's license.
- ***Possess, sell, buy or use powdered or crystalline alcohol while under 21 years of age***
  - Powdered and/or crystalline alcohol is included in the definition of alcoholic beverages.
  - Law prohibits powdered or crystalline alcohol substances to be sold in or shipped into the Commonwealth
  - Purchase, possession, offering for sale or use, selling or using powdered or crystalline alcohol is a Class 1 misdemeanor
  - Mandatory driver's license suspension for one year
  - Mandatory minimum \$500 fine (max. of \$2,500) **or** 50 hours of community service
  - Possible jail sentence: Up to one year.
- ***Safe reporting of overdoses***
  - "Overdose" means a life-threatening condition resulting from the consumption or use of a controlled substance, alcohol, or any combination of substances.
  - **PROVIDES:** Affirmative defense to prosecution of an individual for the unlawful purchase, possession, or consumption of alcohol, public intoxication, or possession of marijuana, a controlled substance or controlled paraphernalia **IF:**
    - In good faith, you seek emergency medical attention for yourself or another by reporting the overdose to 911, law enforcement or medical personnel

- Remain at the scene of the overdose until a law-enforcement officer responds
- Identify yourself to the law-enforcement officer
- If requested, substantially cooperate in any investigation of any criminal offense reasonably related to the alcohol or controlled substance(s) that resulted in the overdose; AND
- The evidence for the prosecution of an offense was obtained as a result of the individual seeking or obtaining emergency medical attention.

### 2. Tobacco

Prohibiting purchase or possession of tobacco products, nicotine vapor products, and alternative nicotine products by a person under 21 years of age or sale of tobacco products, nicotine vapor products, and alternative nicotine products to persons under 21 years of age

- **First violation** – Civil penalty not to exceed \$100. In lieu of a civil penalty, the court may prescribe up to 20 hours of community service. Failure to adhere to complete community services as outlined will result in a civil penalty.
- **Second violation** – Civil penalty not to exceed \$250. In lieu of a civil penalty, the court may prescribe up to 40 hours of community service. Failure to adhere to complete community services as outlined will result in a civil penalty.

### 3. Marijuana and Other Drugs

#### ➤ Marijuana

Virginia law may allow certain marijuana related activities, such as limited medical marijuana use and other recreational use and possession. However, using and possessing marijuana in any form, including without limitation tinctures, edibles and topicals, remains a crime under federal law. At the federal level, the Controlled Substances Act criminalizes the growing and use of marijuana, and it is well settled that federal enforcement agencies can prosecute users and growers of marijuana. As a controlled substance, use and possession of marijuana is also prohibited by the [Standards of Student Conduct](#) and is not permitted on campus. In addition to being a federal offense under the act, use of medical marijuana in the workplace and on campus is restricted by federal laws, such as the Drug-Free Workplace Act and the Drug-Free Schools and Communities Act. These federal laws require the University to prohibit the use of marijuana on campus. It remains illegal to import, ship, transport or bring marijuana products into the Commonwealth of Virginia.

- Possession of more than one ounce to 4 ounces on a person or in any public place
  - Civil penalty of \$25
- Possession of more than 4 ounces but not more than a pound on a person or in any public place
  - Class 3 misdemeanor – up to a \$500 fine
  - Class 2 misdemeanor (second or subsequent offense) - confinement in jail for not more than six months and a fine of not more than \$1,000, either or both.
- Possession of one pound or more
  - A Felony punishable by a term of imprisonment of not less than one year nor more than 10 years and a fine of not more than \$250,000, or both
- Selling, manufacturing, or distributing or possession with the intent to do so
  - Not more than one ounce: Class 1 misdemeanor punishable with up to 12 months in jail and a fine up to \$2500

# STU-1002 – Alcohol, Tobacco and Other Drug Policy

---

- Distribution of more than one ounce but less than 5 pounds is a class 5 felony punishable with up to 5 years in prison and a fine up to \$2500.
  - Distribution of more than 5 pounds of marijuana is punishable with 5-30 years in prison.
  - Distribution of 100 kg or more of a mixture or substance containing marijuana: Felony 20 years – life and \$1,000,000 fine
  - Manufacture of marijuana: Felony 5-30 years and a fine not to exceed \$10,000.
- **Other Drugs**
- Possession
    - *Schedule I or II Drugs* – Felony- imprisonment from 1 to 10 years or jail for up to 12 months and a fine of up to \$2,500.
    - *Schedule III Drugs* – Misdemeanor – jail for up to 12 months and a fine up to \$2500
    - *Schedule IV Drugs* – Misdemeanor – jail for up to 6 months and a fine up to \$1000
    - *Schedule V Drugs* – Misdemeanor – fine up to \$500
    - *Schedule VI Drugs* – Misdemeanor – fine up to \$250
  - Sales/Distribution – Schedule I or II Drugs
    - Felony – imprisonment from 5 to 40 years and a fine up to \$100,000
  - Sales/Distribution – Schedule III – V Drugs
    - Misdemeanor – fine up to \$250

## Federal Laws Governing Alcohol & Drugs

Federal law prohibits the possession, use, or distribution of illegal drugs. There are strict penalties for drug convictions, including mandatory prison terms for many offenses. The following information, although not complete, is an overview of federal penalties for first convictions. All penalties are doubled for any subsequent drug conviction.

### A. Forfeiture of Personal Property and Real Estate 21 U.S.C. 853

Any person convicted of a federal drug offense punishable by more than one year in prison shall forfeit to the United States any personal or real property related to the violation, including houses, cars, and other personal belongings. A warrant of seizure is issued and property is seized at the time an individual is arrested on charges that may result in forfeiture.

### B. Federal Drug Trafficking Penalties 21 U.S.C. 841

Penalties for federal drug trafficking convictions vary according to the quantity of the controlled substance involved in the transaction. The list below is a sample of the range and severity of federal penalties imposed for first convictions. Penalties for subsequent convictions are twice as severe.

If death or serious bodily injury results from the use of a controlled substance, which has been illegally distributed, the person convicted on federal charges of distributing the substance faces a mandatory life sentence and fines ranging up to \$8 million.

Persons convicted on federal charges of drug trafficking within 1,000 feet of a University (21 U.S.C. 845a) face penalties of prison terms and fines, which are twice as high as the regular penalties for the offense, with a mandatory prison sentence of at least one year.

### C. Civil Penalty for Possession of Small Amounts of Certain Controlled Substances 21 U.S.C 844a

Civil penalties for possession of “personal use” amounts of certain controlled substances.

- a. **First Conviction:** Up to one year imprisonment and fined up to \$10,000.
- b. **After one prior state or federal drug conviction:** At least 15 days in prison and up to two years in prison and fined a minimum of \$2,500 but no more than \$250,000, or both.
- c. **After two or more prior drug convictions:** At least 90 days in prison and up to three years in prison and fined at least \$5,000 but no more than \$250,000, or both.
- d. **Special sentencing provisions for crack cocaine:** Mandatory five years and up to 20 years in prison and fined up to \$250,000, or both if:
  - i. First conviction and amount of crack cocaine possessed exceeds five grams.
  - ii. Second conviction and the amount of crack cocaine possessed exceeds three grams.
  - iii. Third or subsequent conviction and the amount of crack cocaine possessed exceeds one gram.

### D. Federal Drug Possession Penalties

Persons convicted on federal charges of possessing any controlled substance face penalties of up to one year in prison and a mandatory fine of no less than \$1,000 up to a maximum of \$100,000. Second convictions are punishable by not less than 15 days but not more than two years in prison and a minimum fine of \$2,500.

Subsequent convictions are punishable by not less than 90 days but not more than three years in prison and a minimum fine of \$5,000. The penalties vary based on the type of drug involved, possession and intent to distribute.

Further information regarding Federal penalties can be found at:

[https://www.dea.gov/sites/default/files/drug\\_of\\_abuse.pdf#page=30](https://www.dea.gov/sites/default/files/drug_of_abuse.pdf#page=30) (page 30-31)

### *1002.78– Prevention and Education*

The University of Richmond uses multiple strategies to provide comprehensive education regarding alcohol, tobacco and other drugs.

#### **WELL 100: Introduction to College Life**

The University of Richmond requires all full-time, degree seeking students to complete a comprehensive alcohol education and prevention session during their first semester on campus, as a component of the WELL 100 course. Successful completion of the requirement is mandatory for graduation from the University. In order to fulfil the requirement, students must complete Alcohol Edu prior to arrival on campus, and the WELL 100 course within their first semester.

Additionally, the Health Promotion Department coordinates educational programming related to substance misuse prevention for the University community. Requests for programming are made by a variety of audiences including, but not limited to residence halls, student groups, fraternity and sorority life and athletics. To request a program or for more information, contact the Health Promotion Department at 804- 662-3004 or [mturner@richmond.edu](mailto:mturner@richmond.edu). More information regarding

alcohol and other drug prevention and education can be found at <https://healthpromotion.richmond.edu/alcohol-drugs/index.html>.

## **Sanction Education**

Students receiving a sanction for a violation of the Alcohol, Tobacco & Other Drug Policy may be required to attend one of the following alcohol education programs: Alcohol Edu for Sanctions, Marijuana 101, BASICS, or an individual alcohol or drug assessment with the Substance Misuse Prevention Coordinator or with a Substance Misuse Clinician

## **Recovery Support**

The University of Richmond supports a collegiate recovery community led by a professional, with "lived" experience in addiction and recovery. This community provides resources for students in recovery and is also open to students seeking to learn more about substance use, addiction, and recovery. Resources include one-to-one coaching, recovery literature, mutual aid meetings, education-based seminars, substance-free activities, and events with other students in recovery.

The collegiate recovery community is a voluntary, positive, supportive group that respects one another's privacy. For more information, please visit the webpage at:

<https://healthpromotion.richmond.edu/Spiders-Support-Recovery/index.html>.

## **1002.9 – Health Risks**

The negative physical and mental effects of the use of alcohol, tobacco and other drugs are well documented. Use of these drugs may cause blackouts, poisoning and overdose, physical and psychological dependence; damage to vital organs; inability to learn and remember information and psychological problems. For more information about the health risks associated with the misuse of alcohol, tobacco and illicit drugs, please visit <https://www.drugabuse.gov/drugs-abuse/commonly-abused-drugs-charts>.

## **1002.910– Resources**

The University of Richmond offers prevention education, intervention and support for minimizing and addressing concerns related to alcohol, tobacco and other drugs.

### ***The following on-campus resources are available to students:***

|  |              |
|--|--------------|
| Counseling & Psychological Services      | 804-289-8119 |
| Health Promotion                         | 804-662-3004 |
| Law School Dean's Office                 | 804-289-8740 |
| Recovery Support Specialist              | 804-287-1236 |
| Richmond College Dean's Office           | 804-289-8061 |
| Sports Medicine (student athletes only)  | 804-289-8928 |
| Student Health Center                    | 804-289-8064 |
| Substance Misuse Prevention Coordinator  | 804-289-8464 |
| University of Richmond Police Department | 804-287-8715 |
| Westhampton College Dean's Office        | 804-289-8468 |

# STU-1002 – Alcohol, Tobacco and Other Drug Policy

---

## *The following resources are available to Faculty & Staff:*

|                                   |              |
|-----------------------------------|--------------|
| Cigna Employee Assistance Program | 877-622-4327 |
| Cigna Tobacco Cessation Program   | 855-246-1873 |

## *Community resources available to all members of the University community*

|                         |              |   |
|-------------------------|--------------|---|
| Al-Anon                 | 804-569-5155 | <a href="http://alanonrichmond.org/">http://alanonrichmond.org/</a>                     |
| Alcoholics Anonymous    | 804-355-1212 | <a href="https://www.aarichmond.org/index.php">https://www.aarichmond.org/index.php</a> |
| Narcotics Anonymous     | 800-407-7195 | <a href="http://www.narcotics.com/">www.narcotics.com/</a>                              |
| RVA Narcotics Anonymous | 804-965-1871 | <a href="https://rvana.org/">https://rvana.org/</a>                                     |
| Quit Now Virginia       | 800-784-8669 | <a href="https://quitnow.net/virginia">https://quitnow.net/virginia</a>                 |

## **RELATED POLICIES:**

---

ENM-1106 Financial Aid  
Fleet Safety Policy  
SEC-2001 Smoking Policy  
PRM-4001 Policy for Events with Alcohol on Campus  
Policy for Undergraduate Student Events with Alcohol  
STU1001 – Hazing Policy  
GOV-1004 Policy Prohibiting Retaliation

## **POLICY BACKGROUND:**

---

The Alcohol, Tobacco and Other Drug Policy is reviewed on an annual basis by a sub-committee of the Advisory Committee for Alcohol & Drugs. The policy was revised for the 2020-21 academic year to include campus policies related to marijuana legalization in Virginia. The policy revisions for the 2022-23 academic year include changes to marijuana criminal penalties in the Commonwealth of Virginia.

## **POLICY CONTACTS:**

---

Deputy Title IX Coordinator for Students and Substance Misuse Education and Prevention Coordinator

# Standards of Student Conduct

Division of Student Development  
updated August 18, 2023

## Statement of Purpose

The mission of the University of Richmond is to educate in an academically challenging, intellectually vibrant, and collaborative community dedicated to the holistic development of students and the production of scholarly and creative work. A Richmond education prepares students for lives of purpose, thoughtful inquiry, and responsible leadership in a diverse world.

To that end, the University has established the following Standards of Student Conduct in order to foster an environment that is most conducive to meeting the University's mission. The Standards of Student Conduct are in place to promote a safe, secure, and inclusive campus community and an appropriate environment for living and learning.

These Standards describe conduct that is prohibited at the University and sets forth procedures by which student conduct matters will be handled at the University. Student conduct matters shall be handled in a prompt, fair, and impartial manner. The Standards shall govern the conduct of students and their guests on the campus of the University of Richmond, at University-sponsored activities and functions and as otherwise provided herein.

All students of the University are expected to conduct themselves, both within the University and elsewhere, in such a manner as to be a credit to them and to the University of Richmond. As responsible citizens and members of the University community, students are expected to comply with local, state, and federal laws, and with all published University policies and regulations.

In order to fulfill its functions as an educational institution and to protect all members of the University community, the University of Richmond has the right to maintain order within the University and to exclude persons who disrupt the educational process.

Matriculation and/or continued enrollment at the University of Richmond is a privilege, not a right. Any revocation of such a privilege would be an intention to protect or support the standards of the University community. All students are expected to familiarize themselves with the details of these standards, issued annually or more frequently by the University.

The Vice President for Student Development is the person designated by the University President to be responsible for the administration of the Standards of Student Conduct.

The Standards of Student Conduct, University policies, and related conduct procedures are not contracts and do not confer contractual rights upon any individual. The University has the right to amend or modify the Standards of Student Conduct, University policies, and related conduct procedures from time to time, without prior notice. Additionally, the Standards of Student Conduct, University policies, and related conduct procedures are not intended to replicate or supersede state, federal, criminal, or civil laws or procedures. University policies differ from the criminal and civil justice system and a finding of responsibility for a violation of the Standards of Student Conduct or a University policy shall not be construed as a finding that any criminal or civil statute has been violated.

## Table of Contents

| Article   | Page               |
|---|--------------------|
| I: Definitions  | <a href="#">3</a>  |
| II: Standards of Student Conduct Authority  | <a href="#">5</a>  |
| III: Jurisdiction and Prohibited Conduct  | <a href="#">6</a>  |
| IV: Reporting, Charges, Preliminary Hearing, and Interim Suspension   | <a href="#">10</a> |
| V: Student Rights and Responsibilities  | <a href="#">13</a> |
| VI: Student Conduct Board Procedures  | <a href="#">16</a> |
| VII: Sanctions  | <a href="#">20</a> |
| VIII: Appeals   | <a href="#">22</a> |
| IX: Interpretation and Revision   | <a href="#">23</a> |
| Appendix A:<br>Procedures Specific to Matters Involving the University's Policy Prohibiting Sexual Misconduct | <a href="#">24</a> |
| Appendix B:<br>Student Organization Conduct Process   | <a href="#">36</a> |

## Article I: Definitions

[RETURN TO TABLE OF CONTENTS](#)

- A. *Administrator / Staff Member.* The terms “staff member” and “administrator” mean any person employed by the University to conduct administrative, professional, or trade assignments.
- B. *Appellate Administrator.* The term “Appellate Administrator” means any person authorized by the Vice President for Student Development to consider an appeal from a Student Conduct Board.
- C. *Bias-Related Prohibited Conduct.* The term “bias-related prohibited conduct” means prohibited conduct (as listed in Article III(B)), motivated in whole or part by bias against race, religion, ethnicity, national origin, sexual orientation, gender, gender identity or expression, or disability.
- D. *Campus.* The term “campus” includes any building or property owned or controlled by the University within the same reasonably contiguous geographic area of the University and used by the University in direct support of, or in a manner related to, its educational purposes, including residence halls and apartments and any building or property within or reasonably contiguous to the campus that is owned by the University, is frequently used by students, and supports University purposes.
- E. *Chair.* The term “Chair” means the chairperson of the applicable Student Conduct Board.
- F. *College.* The term “College” means either “Richmond College” or “Westhampton College.”
- G. *Complainant.* The term “Complainant” means the student or other individual who is alleged to be the victim or subject of conduct that forms the basis for a disciplinary charge.
- H. *Conduct Officer.* The term “Conduct Officer” means any person or persons authorized on an on-going or a case-by-case basis by the Vice President for Student Development to: (i) charge a student with a violation of the Standards of Student Conduct; (ii) conduct preliminary hearings; and (iii) impose sanctions upon any student(s) who accept(s) responsibility for a violation of the Standards of Student Conduct. Conduct Officers of the rank of Dean are empowered to impose a sanction of suspension, to issue No Contact Orders, and to impose Interim Suspensions.
- I. *Copy.* The term “copy” includes all methods of duplication to include, but not limited to, use of a camera, recording device, mobile phone and/or mobile phone application(s), scanner and copy machine,
- J. *Faculty Member.* The term “faculty member” means any person hired by the University to conduct classroom or teaching activities or who is otherwise considered by the University to be a member of the faculty.
- K. *Hearing Officer.* The term “Hearing Officer” means any person or persons authorized on an on-going or a case-by-case basis by the Vice President for Student Development to conduct the pre-hearing and hearing process on behalf of the University Hearing Board. The Hearing Officer is not a member of the University Hearing Board and does not vote on any decision of the University Hearing Board.
- L. *Hearing Officer for Specific Matters Involving the University’s Policy Prohibiting Sexual Misconduct.* The term “Hearing Officer” means any person or persons authorized on an on-going or a case-by-case basis by the Vice President for Student Development to conduct the hearing process on behalf of the University Hearing Board. The Hearing Officer is considered a non-voting member of the University Hearing Board. The Hearing Officer shall not be an employee of the University.
- M. *May.* The term “may” is used in the permissive sense.
- N. *Member of the University Community.* The term “member of the University community” includes any person who is a student, faculty member, staff member, administrator, University official, or any other person employed by the University or acting as a University volunteer. The Vice President for Student Development or their designee shall determine a person’s status in a particular situation.

- O. *Off-Campus Buildings or Property.* The term “off-campus buildings or property” means any building or property owned or controlled by a student organization officially recognized by the University and any building or property owned or controlled by the University, used in direct support of, or in relation to, the University’s educational purposes, and frequently used by students.
- P. *Off-Campus Education Programs and Activities.* The term “off-campus programs and activities” means educational, extra-curricular, or athletic activities involving organizations or programs or activities recognized or sponsored by the University, such as University-sponsored trips, athletic team travel, events for organizations that occur off campus (e.g., a debate team trip to another school or to a weekend competition).
- Q. *Organization.* The term “organization” or “organizations” means any number of persons who have complied with the formal requirements for University recognition and registration.
- R. *Presiding Officer.* The term “Presiding Officer” means the Advisor of the Student Conduct Council or the Hearing Officer of the University Hearing Board.
- S. *Public Property.* The term “public property” means streets, sidewalks, or parking facilities within the campus or immediately adjacent to and accessible from campus.
- T. *Respondent.* The term “Respondent” means any student charged with violating the Standards of Student Conduct or a University policy.
- U. *School.* The term “School” means the School of Arts & Sciences, the Robins School of Business, the Jepson School of Leadership Studies, the University of Richmond School of Law, or the School of Professional and Continuing Studies.
- V. *Shall.* The term “shall” is used in the mandatory sense.
- W. *Student.* The term “student” includes all persons taking courses at the University, either full-time or part-time, pursuing undergraduate, graduate, or professional studies. Persons who withdraw during an investigation or with a pending conduct charge or proceeding, or who are not officially enrolled for a particular term but who have a continuing relationship with the University are considered “students” for purposes of these Standards of Student Conduct.
- X. *Student Conduct Administrator.* The term “Student Conduct Administrator” means any person authorized by the Vice President for Student Development to follow the Standards of Student Conduct in determining the appropriate Conduct Officer, Presiding Officer, or Conduct Board authorized to hear each matter.
- Y. *Student Conduct Board.* The term “Student Conduct Board” or “Board” means a group authorized by the Vice President for Student Development to determine whether a student, students, or a student organization has violated the Standards of Student Conduct and to determine sanctions that may be imposed when a violation has been committed. This term includes the Student Conduct Council and the University Hearing Board.
- Z. *Student Conduct Council.* The term “University of Richmond Student Conduct Council” or “Student Conduct Council” means a specific Student Conduct Board comprised of students specially selected and trained by the University.
- AA. *University.* The term “University” means “University of Richmond”.
- BB. *University Hearing Board or UHB.* The term “University Hearing Board” or “UHB” means a specific Student Conduct Board comprised of University staff members specially selected and trained by the University.
- CC. *University Official.* The term “University official” includes any individual employed by the University, performing assigned administrative or professional duties. A University official may include student staff such as Resident Advisors and Emergency Medical Technicians.
- DD. *University Policy.* The term “University policy” means any policy, rule, or regulation of the University.

EE. *University Premises.* For purposes of these Standards of Student Conduct, the term “University premises” includes: (1) any building or property that is part of the University’s campus; (2) any building or property that is not located on or adjacent or contiguous to the campus, but is owned or controlled by a University recognized organization or that is used in direct support of or in relation to the University’s educational purposes and is frequently used by students; (3) public property within the campus or immediately adjacent to and accessible from campus (such as public roads, sidewalks, parking lots); or (4) other areas that are within the patrol jurisdiction of the University Police Department.

## Article II: Standards of Student Conduct Authority

[RETURN TO TABLE OF CONTENTS](#)

- A. The Vice President for Student Development or their designee shall develop policies for the administration of the student conduct system and procedural rules for the conduct of the Student Conduct Board Hearings that are not inconsistent with the provisions of the Standards of Student Conduct.
- B. Subject to the appeal rights set forth in these Standards, decisions made by a Student Conduct Board and/or Conduct Officer shall be final.

## Article III: Jurisdiction and Prohibited Conduct

[RETURN TO TABLE OF CONTENTS](#)

### A. *Jurisdiction of the Standards of Student Conduct*

The Standards of Student Conduct shall apply to conduct that occurs on the campus of the University, on or in off-campus buildings or property of the University, and at University sponsored activities, including off-campus education programs and activities, or on public property, as defined in Article I. The Standards of Student Conduct also apply to University students studying abroad through a University approved study abroad program.

The Standards of Student Conduct apply to conduct by a University student occurring at other locations or in connection with other activities if the Vice President for Student Development or their designee determines that such conduct may adversely affect any member of the University community, the University itself, or its educational programs.

Allegations of Bias-Related Prohibited Conduct will be investigated in that light and students found responsible for Bias-Related Prohibited Conduct may be subject to enhanced or additional sanctions. For matters involving sexual harassment under Title IX covered by the University's Policy Preventing Sexual Misconduct, jurisdiction is limited to conduct that has occurred within the University's education program or activity which includes locations, events, or circumstances over which the University exercised substantial control over both the respondent and the context in which the sexual harassment occurs and also includes any building owned or controlled by a student organization that is officially recognized by the University. Title IX actions involve conduct that has occurred within the United States only.

Each student shall be responsible for their conduct from their first day on campus through the actual awarding of a degree (even though the conduct may occur before classes begin or after classes end) as well as during the academic year and during periods between terms of actual enrollment. Students who have accepted admittance to the University but have not yet enrolled are expected to comport themselves according to the Standards. The Standards of Student Conduct shall apply to a student's conduct even if the student withdraws from the University while a disciplinary matter is pending.

### B. *Prohibited Conduct.* The following conduct is prohibited by the University.

#### 1. Violence.

Any act of violence, force, coercion, threat, or intimidation that includes, but is not limited to:

- a. Physical abuse of or assault upon any person;
- b. Conduct that threatens, intimidates, or endangers the health or safety of any person;
- c. Physical detainment of any person against their will; or
- d. Possession, storage, use of, or attempt or threat to use any kind of ammunition, explosives, firearms, or weapon.

#### 3. Harassment.

- a. Acts of harassment and/or discrimination, or violation of the University's Policy on Preventing and Responding to Discrimination and Harassment Against Students.
- b. Violation of the University's Hazing Policy.
- c. Violation of the University's Retaliation Policy.
- d. Violation of a "No Contact Order" issued by a University official.

#### 6. Disruption.

- a. Obstruction, disruption, or attempts at obstruction or disruption of teaching, research, administration, disciplinary procedures, or other University or University-authorized activities, functions, events, or operations.
- b. Unauthorized entry into, presence in, seizure, or occupation of any University facility or area that is locked, closed to student activities, or otherwise restricted as to its use where one's presence is unauthorized.
- c. Blocking the entrance or exit of any University facility or building, or any corridor or room therein.

- d. Blocking or impeding normal pedestrian or vehicular traffic on or adjacent to University property.
  - e. Disorderly conduct.
  - f. Disturbing the residence hall/community.
  - g. Inciting others to violate University policy.
4. Sexual Misconduct.  
Violation of the University's Policy Prohibiting Sexual Misconduct including:
- a. Sexual Harassment under Title IX;
  - b. Sexual Harassment (non-Title IX);
  - c. Sexual Assault;
  - d. Non-Consensual Sexual Intercourse (NCSI);
  - e. Non-Consensual Sexual Contact (NCSC);
  - f. Stalking;
  - g. Dating Violence;
  - h. Domestic Violence;
  - i. Sexual Exploitation; and
  - j. Sexual Violence.
5. Property.
- a. Theft or possession of University property or the property of others.
  - b. Vandalism or damage to, defacement, or destruction of University property or the property of others.
  - c. Alteration, fabrication, misuse, or destruction of University documents including records, identification cards, or parking stickers/permits.
6. Failure to Comply.
- a. Failure to present proper identification upon request by a University official.
  - b. Lying or intentionally misleading University officials performing their assigned duties. Lying includes knowing misrepresentations or material omissions.
  - c. Failure to comply with the direction of, and/or interfering with, a University official acting in the authorized performance of duty.
  - d. Failure to comply with University health and safety guidelines or policies.
7. Alcohol, Tobacco, & Other Drugs.  
Violation of rules and regulations including those pertaining to the University's Alcohol, Tobacco & Other Drug Policy. Students charged through the student conduct system for alcohol violations and found responsible will be issued sanctions as outlined in the University's Alcohol, Tobacco & Other Drug Policy.
- a. Alcohol
    - i. Consumption of alcohol under the legal drinking age.
    - ii. Possession of alcohol under the legal drinking age.
    - iii. Possession and/or use of false identification.
    - iv. Possession of an open container of alcohol in a public space.
    - v. Hosting an illegal/unregistered on campus event with alcohol.
    - vi. Hosting a registered on-campus event with alcohol that violated the University's alcohol regulations.
    - vii. Hosting an off-campus event with alcohol that disturbs the community.
    - viii. Hosting an off-campus event with alcohol that violated the University's alcohol regulations.
    - ix. Having an underage guest who possessed and/or consumed alcohol while in attendance at your event.
    - x. Contribution of alcohol to a person under the legal drinking age.
    - xi. Consumption of an alcoholic beverage in public.
    - xii. Public intoxication.
    - xiii. Violation of Alcohol and Beverage Control (ABC) Laws.
    - xiv. Driving under the influence and/or while intoxicated.

- xv. Violation of the alcohol policy at The Cellar.
  - b. Tobacco
    - i. Purchase, possession, or consumption of tobacco products, nicotine vapor products, and/or alternative nicotine products under the age of 21.
  - c. Other Drugs
    - i. Possession and/or use of illegal drugs, narcotics, pharmaceuticals, and/or drug paraphernalia.
    - ii. Distribution or sale of illegal drugs, narcotics, pharmaceuticals, and/or drug paraphernalia.
8. Violation of Local, State, or Federal Law.
- a. Conduct that the University determines may violate local, state, or federal laws.
  - b. Conviction of any felony or conviction of a misdemeanor involving, fraud, theft, lying or moral turpitude.
    - i. A student may, at the discretion of the Conduct Officer or Student Conduct Board Chair, be found responsible of Prohibited Conduct III (B)(5)(f) solely upon the introduction into evidence at a Preliminary or Student Conduct Board Hearing of a certified copy of an order of conviction or other document satisfactorily evidencing conviction of a felony or of a misdemeanor.
9. University Housing
- a. Violation of University policies or regulations including, but not limited to, those governing University housing.
  - b. Failure to comply with or respond truthfully to reasonable requests of any Residence Life & Housing (RLH) or other University official when acting in the performance of their duties, administrative instructions, or deadlines, including but not limited to the following:
    - i. Being verbally abusive or argumentative with an RLH or other University official.
    - ii. Failure to leave premises when asked by an RLH or other University official.
    - iii. Attempts to bribe an RLH or other University official.
    - iv. Giving false, misleading, or partially truthful information to an RLH or other University official.
    - v. Interference or disruption with processes including but not limited to attempts to influence, intimidate or threaten.
10. Use of Recorded Material.
- Classes may be recorded and faculty may prepare video recordings of lectures or teaching segments. Recordings of any type will be made available only to students registered for the course and should be used only for personal study by students enrolled in the course.
- a. Students shall not disclose, share, trade, or sell these recordings with/to any other person, organization, business, or institution.
  - b. Students shall not post/store these recordings in a location accessible by anyone other than the student, including but not limited to social media accounts.
  - c. Students must comply with any instructions or directions from their faculty regarding the use of such recordings.
  - d. Students are required to destroy any recordings that were made when they are no longer needed for the student's academic work.
11. Other Regulations and Policies
- a. Violation of a University policy or policies.
  - b. Providing information about a member of the University Community to organizations or individuals that are not affiliated with the University without the member's permission.

C. *Violation of Law and University Discipline.*

1. University disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and the Standards of Student Conduct or University policy (that is, if both possible violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest or prosecution. At the discretion of the Vice President for Student Development, and consistent with other University policies, proceedings under the Standards of Student Conduct may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus.

Determinations made or sanctions imposed under the Standards of Student Conduct shall not be subject to change because criminal or civil charges arising out of the same facts giving rise to violation of University rules were dismissed, reduced, or resolved in favor of or against the criminal or civil law defendant.

2. When a student is charged by federal, state, or local authorities with a violation of the law, the University will not request or agree to special consideration for that individual because of their status as a student. If the alleged offense is also being processed under the Standards of Student Conduct, the University may advise off-campus authorities of the existence of the Standards of Student Conduct and of how such matters are typically handled within the University community. Subject to applicable laws, the University will attempt to cooperate with law enforcement and other agencies in the enforcement of criminal laws on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators (provided that the conditions do not conflict with campus rules or sanctions).

D. *Exceptions.*

1. If a student is charged with an alleged violation of the *Standards of Student Conduct* outlined in section C above, the University will not pursue a conduct charge against the student if they are rendering urgent or emergent assistance to someone in medical (psychological, psychiatric, or physical) distress.
2. If a student is charged with an alleged violation of the *Standards of Student Conduct* outlined in section C above, the University will not pursue a conduct charge against the student if they are rendering urgent or emergent assistance to someone who may have experienced sexual misconduct.

## Article IV: Reporting, Charge, Preliminary Hearing, and Interim Suspension

[RETURN TO TABLE OF CONTENTS](#)

[Please see **Appendix A** for specific reporting and emergency removal procedures for matters involving the University's Policy Prohibiting Sexual Misconduct.]

### A. *Reporting.*

Any member of the University community with knowledge of an act by a student that may constitute a violation of the Standards of Student Conduct, including a violation of University policy, may file a complaint in writing to the appropriate dean of the College or School.

Complaints should be submitted as soon as possible following the event that precipitated the complaint, preferably within seven (7) days. However, no complaint will be dismissed solely on the basis of the time it was filed.

### B. *Preliminary Investigation and Charge.*

1. Upon receipt of a complaint, the Student Conduct Administrator shall determine whether there has been any preliminary investigation or inquiry into the facts underlying the complaint (for example, by the University of Richmond Police Department).
  - a. If there has been a preliminary inquiry or investigation, the Student Conduct Administrator shall review the findings of that inquiry or investigation to determine whether a preliminary charge under the Standards of Student Conduct is warranted. The Student Conduct Administrator, at their sole discretion, may conduct a follow-up investigation in order to gain sufficient information to determine whether a preliminary charge is warranted.
  - b. In the process of assessing whether a preliminary charge is warranted, the Student Conduct Administrator, at their sole discretion, may seek the advice and counsel of individuals not involved in the potential hearing process. These individuals include but are not limited to University Police, University Counsel, and other administrators.
2. The Student Conduct Administrator shall assign the complaint to the appropriate Conduct Officer. The Student Conduct Administrator shall share the preliminary charges and the findings of any inquiries or investigations conducted to that point with the Conduct Officer.
  - a. A complaint that may require the imposition of a No Contact Order and/or Interim Suspension, result in suspension of the Respondent as a possible sanction, or would result in a referral to the University Hearing Board shall be assigned to a Dean.
  - b. A complaint that involves an allegation of a Bias-Related Prohibited Conduct shall be referred to a Conduct Officer with the rank of Dean.
  - c. A complaint that involves students living in off-campus residences shall be referred to a Conduct Officer with the rank of Dean.
  - d. The Conduct Officer, at their sole discretion, may conduct follow-up or additional investigation in order to gain sufficient information to determine if the specific preliminary charges are appropriate or if additional charges are warranted.
    - i. In the process of determining appropriate and specific charges, the Conduct Officer, at their sole discretion, may seek the advice and counsel of individuals not involved in the potential hearing process. These individuals include but are not limited to University Police, University Counsel, and other administrators.
  - e. The final decision on whether a formal charge under the Standards of Student Conduct is warranted rests with the Conduct Officer. The Conduct Officer, at their discretion, may seek advice and counsel in the determination of formal charges.

- i. Conduct Officers with the rank of Area Coordinator shall consult with a Dean of the Respondent's College.
  - ii. Conduct Officers with the rank of Dean shall consult with the Respondent's College Dean.
  - iii. A complaint shall be reassigned from a Conduct Officer with the rank of Area Coordinator to a Conduct Officer with the rank of Dean if, in the process of determining appropriate and specific charges, the complaint may require: (a) the imposition of a No Contact Order, (b) an Interim Suspension, (c) the suspension of the Respondent as a possible sanction, and/or (d) the decision of the Respondent as outlined in Article IV (C)(2) would result in a referral to the University Hearing Board.
- f. In determining whether to formally charge a student with a violation of the Standards of Student Conduct, the Conduct Officer will consider whether the results of the investigation provide sufficient facts and evidence upon which a reasonable decision-maker could find, by a preponderance of the evidence, that the Respondent violated the Standards of Student Conduct. However, the decision to initiate a conduct or other disciplinary proceeding is not a final determination of responsibility and will not be used as evidence in any subsequent hearing or proceeding.
- C. *Preliminary Hearing.*
1. The Conduct Officer shall notify the Respondent of the charge(s) and date of the preliminary hearing in writing and request the attendance of the Respondent at that hearing. During the preliminary hearing, the Conduct Officer shall:
    - a. Provide the Respondent with a copy of the *Standards of Student Conduct* as appropriate;
    - b. Review the complaint filed against the Respondent;
    - c. Explain the charge(s) and any associated policy or policies; and
    - d. Review the options available for resolution of the charge(s), including possible sanction(s).
  2. The Respondent is asked if they accept responsibility for the alleged violation(s) charged.
    - a. The Respondent may accept responsibility for the alleged violation(s) charged.
      - i. If the Respondent accepts responsibility for the violation(s) and accepts the sanction(s) assigned by the Conduct Officer, the Respondent waives their right to a hearing and an appeal.
      - ii. If the Respondent accepts responsibility, but does not accept the sanction(s) assigned by the Conduct Officer, the matter will be referred to the appropriate Student Conduct Board for a hearing to determine appropriate sanctions.
        - a. In limited circumstances, the matter will be referred to the Presiding Officer of the appropriate Student Conduct Board for an administrative hearing to determine the appropriate sanction.
    - b. The Respondent may deny responsibility for the alleged violation(s) charged. If the Respondent denies responsibility, the matter will be referred to the appropriate Student Conduct Board for a hearing and a determination of responsibility and sanctions, if any.
    - c. The Conduct Officer may conclude that there is insufficient evidence to warrant a charge, or that a student was not present or involved in the alleged violation.
      - i. If the conclusion is that there is insufficient evidence to warrant a charge, the Respondent will be found Not Responsible for the charge.
      - ii. If the conclusion is that the Respondent was not present or involved in the alleged violation, the Respondent will be found Not Responsible/Charges Unfounded for the charge.

3. Within twenty-four (24) hours after the preliminary hearing, the Respondent must advise the Conduct Officer in writing of their choice of the available procedural options.
    - a. If the Respondent does not advise the Conduct Officer in writing of their choice within twenty-four hours, the Respondent will be found responsible and will be subject to the sanction(s) assigned by the Conduct Officer in accordance with the Standards of Student Conduct. The respondent will be notified in writing of the determination of the Conduct Officer and any possible sanctions.
    - b. The Conduct Officer at their discretion can extend this deadline up to seventy-two (72) hours, with good cause.
      - i. If the Respondent does not advise the Conduct Officer in writing of their choice within seventy-two hours, the Respondent will be found responsible and will be subject to the sanction(s) assigned by the Conduct Officer in accordance with the Standards of Student Conduct. The Respondent will be notified in writing of the determination of the Conduct Officer and any possible sanctions.
  4. Referral to Student Conduct Board.
    - a. If the matter is referred to a Student Conduct Board, the Conduct Officer will prepare a statement for the Student Conduct Board listing the specific charges against the Respondent, summarizing the facts supporting each charge, setting forth the recommended sanction(s) and summarizing the rationale for sanction(s), if applicable.
- D. *Interim Suspension and Class Removal.*
1. In certain circumstances a University or housing “interim” suspension may be imposed. Interim suspensions shall be imposed by a Conduct Officer with the rank of Dean, the Vice President of Student Development in their role as Chair of the Threat Assessment Team, or by the Title IX Coordinator, on their own accord or after consultation with other University officials.
  2. An interim suspension may be imposed when there is a reasonable basis to conclude that: (a) the continued presence of the Respondent on campus or in a residence hall may create a risk to the health or safety of one or more students or of other members of the University community; or (b) the Respondent poses an ongoing threat of disruption of, or interference with, the normal operations of the University.
  3. During the period of interim suspension, the Respondent must leave campus immediately and shall not participate in academic, extracurricular, or other activities of the University except as may be authorized by the party who imposed the interim suspension. The Respondent is not permitted on the campus without the prior written consent from the party who imposed the interim suspension.

Such interim suspension, if imposed, shall be in addition to any other interim remedial measures, such as No Contact Orders, put into place by University officials, including the Title IX Coordinator. The interim suspension does not replace the regular hearing and appeal process, which shall proceed on the normal schedule. Unless provided with explicit, written permission for an exception in advance, as above, the Respondent subject to an interim suspension will be permitted to return to campus solely for purposes of participating in a hearing before the appropriate Student Conduct Board.
  4. A Respondent may be denied attendance in a specific class if there is a reasonable basis to conclude that the Respondent may pose an ongoing threat to the health and safety of any person in the class. Arrangements will be made for the Respondent to either attend another section of the class or to make an arrangement with the instructor of record to complete the course in another manner.
  5. See **Appendix A** for information regarding interim suspensions in connection with alleged violations of the University’s Policy Prohibiting Sexual Misconduct.

## Article V: Student Rights and Responsibilities

[RETURN TO TABLE OF CONTENTS](#)

[Please see **Appendix A** for specific rights and responsibilities for matters involving the University's Policy Prohibiting Sexual Misconduct.]

- A. *Rights and Responsibilities of the Respondent.* The Respondent shall be afforded the following rights and responsibilities throughout the conduct process:
1. **Hearing.** The Respondent has the right to a hearing, conducted in accordance with the Standards of Student Conduct and the procedures of the appropriate Student Conduct Board.
    - a. The Respondent has the right to a conduct process outcome based on reliable evidence presented during the conduct process, including reasonable inferences drawn from such evidence, and reasonable determinations by the fact finder as to the credibility of witness testimony.
  2. **Rules and Procedures.** The Respondent has the right to a copy of the rules and procedures of the University's conduct process.
  3. **Advisors.** The Respondent has the right to the services of an advisor of their choice. The advisor must be a member of the University community and may not be an attorney.
    - a. Advisors are not permitted at the preliminary hearing.
    - b. The Respondent is responsible for presenting their own information, and therefore, advisors are not permitted to participate in any hearing before a Student Conduct Board, including, but not limited to making oral arguments or statements, questioning witnesses, or raising objections during a hearing. An advisor may request a brief recess of the proceedings to provide advice to the Respondent.
    - c. The Respondent should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the Student Conduct Board hearing, as delays will not normally be allowed due to the scheduling conflicts of an advisor.
  4. **Attorney.** The Respondent has the right to the services of an attorney of their choice at their own personal expense. The Respondent does not have the right to have an attorney present during any interviews or during any hearing.
  5. **Right to Remain Silent.** The Respondent has the right to remain silent and is advised that any statement they make may be used in evidence against them.
  6. **Access to Complaint.** The Respondent has the right to read the complaint during the preliminary hearing upon request. The Respondent does not have the right to obtain a copy of the complaint or reproduce the complaint in any manner from the preliminary hearing.
  7. **Notice of Hearing.** If the Respondent seeks to have the charge(s) and/or the sanctions determined by a Student Conduct Board in accordance with these Standards, the Presiding Officer of the Student Conduct Board or their designee shall prepare and deliver to the Respondent a notice of hearing. Such notice may be delivered to the Respondent in person, electronically, by U.S. Mail, or by campus mail. The date of the hearing shall not be less than five (5) or more than twenty (20) business days from the date of such notice. The time frame for conducting the hearing may be extended by the Presiding Officer of the Student Conduct Board, for good cause. The notice of hearing shall include:
    - a. The name and address of the Respondent.
    - b. The date, time, and location of the Student Conduct Board hearing.
    - c. The alleged violations of Article III (B) of the Standards of Student Conduct.
    - d. The date, and place of the alleged violation (if known).
    - e. The name of the Complainant and, if not the same, the name of the person who filed the complaint.

- f. The name and administrative title of the Presiding Officer of the Student Conduct Board.
  - g. The names and administrative titles of the voting members of the Student Conduct Board.
8. Bias or Conflict of Interest on the Part of Student Conduct Board Member. The Respondent has the right to petition that any member of the Student Conduct Board be removed on the basis of bias or conflict of interest.
- a. The Respondent must submit a written petition to the Vice President for Student Development at least ninety-six (96) hours prior to the scheduled hearing seeking removal of a member of the Student Conduct Board and stating the reasons for such request.
  - b. The Vice President for Student Development shall respond to such request, in writing, within forty-eight (48) hours of receipt of the request.
9. Witness List. The Respondent has the right to receive the list of witnesses that the Presiding Officer of the Student Conduct Board intends to call at a Student Conduct hearing at least forty-eight (48) hours in advance of the scheduled hearing. If the Presiding Officer of the Student Conduct Board identifies an additional witness or witnesses, who were previously unknown to the Presiding Officer of the Student Conduct Board, within such forty-eight (48) hour time frame, they shall promptly notify the Respondent prior to commencement of the hearing.
- a. Witness Statements. If a witness submits a written statement, the Respondent will be provided an opportunity to review, but not copy, such statement at least twenty-four (24) hours prior to the hearing. If the Presiding Officer of the Student Conduct Board identifies an additional witness or witnesses, who were previously unknown to the Presiding Officer of the Student Conduct Board within such twenty-four (24) hour time frame, they shall promptly notify the Respondent prior to commencement of the hearing. The Respondent will be provided with copies of witness statements that the Presiding Officer of the Student Conduct Board intends to introduce at the commencement of the hearing. In order to ensure the confidentiality of the disciplinary hearing and to protect the privacy rights of the Respondent and other witnesses, the Respondent shall not copy, reproduce, disseminate, or disclose to anyone other than their advisor any such witness statements and shall return such witness statements to the Presiding Officer at the conclusion of the hearing. Following the hearing, the Presiding Officer shall permit the Respondent to have access to such witness statements to the extent needed for any appeal conducted under these Standards of Student Conduct.
10. Documentary Evidence. Subject to applicable privacy laws, including FERPA, the Respondent has the right to review, but not copy, all documentary evidence that the Presiding Officer of the Student Conduct Board intends to present at the hearing at least twenty-four (24) hours prior to commencement of the hearing. If the Presiding Officer of the Student Conduct Board identifies additional documentary evidence previously unknown to the Presiding Officer of the Student Conduct Board within such twenty-four (24) hour time frame, the Presiding Officer of the Student Conduct Board shall notify the Respondent prior to commencement of the hearing. The Respondent will be provided with copies of all documentary evidence that the Presiding Officer of the Student Conduct Board intends to introduce at the commencement of the hearing. In order to ensure the confidentiality of the disciplinary hearing and to protect the privacy rights of the Respondent, Complainant, and other witnesses, the Respondent shall not copy, reproduce, disseminate, or disclose to anyone other than their advisor any such documentary evidence and shall return such documentary evidence to the Presiding Officer at the conclusion of the hearing. Following the hearing, the Presiding Officer shall permit the Respondent to have access to such documentary evidence to the extent needed for any appeal conducted under these Standards of Student Conduct.
11. Attendance at the Hearing. The Respondent and their advisor have the right to attend the entire Student Conduct Board hearing except for the deliberations of the Student Conduct Board.
12. Right to Offer Evidence and Witness Testimony. The Respondent has the right to offer evidence and oral testimony of witnesses that is relevant or reasonably related to the issues before the Student Conduct Board. The Respondent must inform the Presiding Officer, in writing of the names, and email addresses of any

witness at least seventy-two (72) hours in advance of the scheduled hearing. If the Respondent identifies an additional witness or witnesses, who were previously unknown to the Respondent within such seventy-two (72) hour time frame, they shall promptly notify the Presiding Officer of the Student Conduct Board prior to commencement of the hearing.

13. Right to Offer Witnesses Statements. The Respondent has the right to offer written statements of witnesses that are relevant or reasonably related to the issues before the Student Conduct Board. The Respondent must inform the Presiding Officer, in writing, of the names and email addresses of those witnesses whose statement they intend to offer into evidence at least seventy-two (72) hours before the scheduled Student Conduct Board hearing.
  - a. Witnesses must submit written statements (either in print or electronically) directly to the Presiding Officer at least forty-eight (48) hours in advance of the scheduled hearing in order to be introduced to the Student Conduct Board at the hearing. If the Respondent identifies an additional witness or witnesses, who were previously unknown to the Respondent within such forty-eight (48) hour time frame, they shall promptly provide the Presiding Officer of the Student Conduct Board with copies of any written statement of such witness or witnesses prior to commencement of the hearing.
14. Questions for Witnesses. The Respondent has the right at a Student Conduct Board hearing to submit to the Presiding Officer of the Student Conduct Board a list of questions that the Respondent wishes the Presiding Officer of the Student Conduct Board to ask any witness who gives oral testimony. The Respondent must submit their initial list of questions to the Presiding Officer of the Student Conduct Board at least twenty-four (24) hours prior to the hearing. The Presiding Officer shall use their reasonable discretion in determining the relevance or appropriateness of any proposed question submitted by the Respondent and the Presiding Officer shall not be obligated to ask all of the questions proposed by the Respondent. Where appropriate, the Respondent may request a brief recess of the hearing to prepare such questions. The Presiding Officer, in their reasonable discretion, may grant or deny such request.
15. Closed Hearing. Student Conduct Board hearings are closed to the public. Admission of any person not directly connected to the hearing shall be at the sole discretion of the Presiding Officer.
16. Failure to Attend Hearing. The Respondent has the responsibility to attend the scheduled Student Conduct Board hearing. If the Respondent, without valid excuse or authorization from the Vice President for Student Development, fails to attend the hearing as scheduled, the Student Conduct Board may proceed in the Respondent's absence to a determination of the matter, and if appropriate, impose sanctions.
17. Notice of Outcome. The Respondent has the right to written notice of the outcome and sanctions (if applicable) of the Student Conduct Board hearing by 5:00 PM on the second business day following the conclusion of the hearing. The Presiding Officer of the board at their discretion can extend this timeline.
18. Appeal. The Respondent has the right to appeal the decision of the Student Conduct Board, in accordance with the standards for appeal established in Article VIII of the Standards of Student Conduct.

## Article VI: Student Conduct Board Procedures

[RETURN TO TABLE OF CONTENTS](#)

[Please see **Appendix A** for specific conduct board procedures for matters involving the University's Policy Prohibiting Sexual Misconduct.]

- A. *Procedures Applicable to all Student Conduct Board Hearings.* The following procedures will apply to all Student Conduct Board hearings. Specific rules and guidelines for the University of Richmond Student Conduct Council are outlined in the Statutes of the Council.
1. In situations where more than one student is accused of violating Article III of the Standards of Student Conduct, the Presiding Officer, at their discretion, may permit the Student Conduct Board Hearings concerning each student to be conducted either separately or jointly.
  2. Student Conduct Hearings shall be closed to the public. Admission of any person not directly connected to the hearing shall be at the sole discretion of the Presiding Officer.
  3. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in Student Conduct Board proceedings.
  4. There shall be a single verbatim record, typically an audio recording, of all Student Conduct Board hearings except for deliberations of the Student Conduct Board, which shall not be recorded. The record shall be the property of the University.
    - a. If it appears vital to the disposition of the case, the Presiding Officer or the Vice President for Student Development, at their sole discretion, may order that the proceedings be transcribed in addition to the recording.
    - b. The Respondent and the Complainant (if applicable) may request the opportunity to review the recording of the hearing, but will not be provided with a copy of the recording and may not copy the recording in any manner.
  5. The Presiding Officer, at their sole discretion, shall determine the admissibility of evidence, witness testimony, and witness statements and shall only admit evidence, testimony, or witness statements that is relevant or reasonably related to the issues before the Student Conduct Board.
  6. All procedural questions are subject to the final decision of the Presiding Officer of the Student Conduct Board.
  7. After the portion of the Student Conduct Board hearing concludes in which all evidence, witness testimony, and witness statements have been received, the Student Conduct Board shall deliberate in private to determine whether the Respondent is responsible for the violation or violations of Article III (B) of the Standards of Student Conduct for which the Respondent was charged.
  8. The Student Conduct Board's determination shall be made based on a preponderance of the evidence standard, meaning that in order to find the Respondent responsible, the Student Conduct Board must find that the greater weight of the evidence presented at the hearing supports a finding of responsibility for the violation(s) of Article III (B) with which the Respondent was charged. A preponderance or the greater weight of the evidence is a matter of quality, not quantity.
- B. *Procedures Specific to the University Hearing Board.* The University Hearing Board is charged with the disposition of charges as outlined in Article IV (C)(2)(a)(ii) and Article IV (C)(2)(b) of the Standards of Student Conduct. The Vice President for Student Development shall assign a Hearing Officer to be responsible for the administration of the University Hearing Board.
1. Composition of the University Hearing Board. The University Hearing Board shall consist of three (3) voting members chosen from the University Hearing Board pool.

- a. The University Hearing Board pool shall consist of a minimum of ten (10) staff/administrators appointed annually by the Vice President for Student Development and who have received annual training on issues related to sexual misconduct, Title IX, the impact of trauma on victims, the investigative and disciplinary process, and the hearing process.
  - b. Any member of the University Hearing Board pool selected to serve on a University Hearing Board must disqualify themselves for any bias or conflict of interest.
2. Pre-Hearing Procedures.
- a. The Hearing Officer shall notify the Respondent in accordance with the Standards of Student Conduct.
  - b. The Respondent shall be afforded the opportunity to meet (in person or by telephone or videoconference) with the Hearing Officer prior to the hearing. The purpose of this meeting is to advise the Respondent of the hearing procedures and their rights in connection with the hearing.
  - c. The Hearing Officer shall create six (6) copies of an evidence packet containing all submitted information to be considered during the hearing. The packets are distributed as follows:
    - i. One (1) copy for the Hearing Officer's use which will be added to the official case file;
    - ii. Three (3) copies distributed to the University Hearing Board Members at the Pre-Hearing Meeting;
    - iii. One (1) copy given to the Respondent in accordance with the time frames set forth in these Standards of Student Conduct; and
    - iv. One (1) copy is made available for witness reference during the hearing.
  - d. The Hearing Officer or their designee shall convene a Pre-Hearing Meeting of the members of the University Hearing Board to review the charge(s), go over the contents of the evidence packet, and to answer any procedural questions.
3. General Procedural Rules of the University Hearing Board.
- a. The Hearing Officer shall preside over and conduct the hearing and is specifically empowered to:
    - i. Appoint a recording secretary or other staff as needed;
    - ii. Control the admission of persons to the hearing. The Hearing Officer may order any person in attendance that does not conduct themselves in an orderly and respectful manner to leave. Obstructive, contemptuous, disruptive, or noisy conduct in the presence of the hearing board by any person, including the Respondent, a witness, or an advisor, may result in that person being removed from the hearing and, if a student, charged with a violation of prohibited conduct as outlined in Article III (B) of the Standards of Student Conduct;
    - iii. Control the conduct of the University Hearing Board members and of the Respondent to protect witnesses from improper questions, insulting treatment, and unnecessary inquiry into their private affairs; and
    - iv. Exclude witnesses from the hearing room except when they are testifying.
  - b. All members of the University Hearing Board must be present throughout the hearing.
    - i. If a member of the University Hearing Board must leave the before the hearing is complete with good cause, the Hearing Officer may at their sole discretion recess the hearing and reconvene the hearing within twenty-four (24) hours.
    - ii. If a voting member disqualifies themselves or for good cause must withdraw from the hearing, the Hearing Officer shall select a replacement from the University Hearing Board Pool. The Hearing Officer shall, after consultation with the Respondent, in open session, provide the replacement with a summary of all prior proceedings.

- c. No person shall address the University Hearing Board or submit questions to the Hearing Officer for any witness (including the Respondent or an advisor) without first being recognized by the Hearing Officer.
  - d. The taking of photographs in the hearing room, the streaming or broadcasting from the hearing room of the proceedings by social media, telephone, radio or television, or the recording of the proceedings for non-official use, or for later release or broadcast to the general public, shall not be permitted.
4. Order of the Hearing.
- a. The Hearing Officer will ask the members of the University Hearing Board, the Respondent and the Respondent's advisor to introduce themselves.
  - b. The Hearing Officer shall read the charge(s) to the Respondent, and the Respondent shall state whether they accept responsibility for each charge.
    - i. In the absence of a response, the Respondent shall be deemed not to have accepted responsibility for the charge(s).
    - ii. If the Respondent does not accept responsibility for the charge(s), evidence, witness testimony, and/or witness statements shall be presented that will support or refute the charge.
    - iii. If the Respondent accepts responsibility for the charge(s), evidence, testimony, and/or witness statements shall be presented that will assist the University Hearing Board in assigning an appropriate sanction.
  - c. The Hearing Officer reminds all parties that the burden of proof shall be *preponderance of evidence*, meaning that in order to find the Respondent responsible, the University Hearing Board must find, based on a preponderance of the evidence presented at the hearing, that the Respondent is responsible for the violation charged.
  - d. The Respondent shall be provided an opportunity to make an opening statement.
  - e. The Members of the University Hearing Board shall direct the Hearing Officer to call witnesses and/or present evidence and witness statements.
  - f. The Respondent shall have the opportunity to present evidence and call witnesses.
  - g. Members of the University Hearing Board shall have the opportunity to ask questions of the Respondent.
  - h. The Respondent shall be given the opportunity to make a closing statement to the University Hearing Board.
  - i. The Hearing Officer shall excuse all parties and witnesses so that the members of the University Hearing Board may deliberate in private.
  - j. After deliberations are completed, the hearing will reconvene and the Hearing Officer will read the decision of the University Hearing Board and any sanctions if applicable.
  - k. The Hearing Officer will provide information related to notification of the decision and appeal information.
  - l. The Hearing Officer will adjourn the hearing.
5. Procedure for Oral Testimony. The following procedures shall apply to all oral testimony presented at the hearing:
- a. Witnesses shall testify under oath or affirmation.
  - b. The members of the University Hearing Board shall be given the opportunity to ask questions of the witness.

- c. The Hearing Officer will ask questions submitted by the Respondent under procedures outlined in Article VI of the Standards of Student Conduct.
  - d. The Members of the University Hearing Board shall have the opportunity to ask questions of the witness.
  - e. The Respondent shall have the opportunity to submit follow-up questions for the witness to the Hearing Officer. The Hearing Officer will ask questions for the witness under the procedures outlined in Article VI of the Standards of Student Conduct.
6. Procedure for Other Evidence and Witness Statements. The following procedures shall apply to all documentary or other evidence presented at the hearing:
- a. Evidence submitted by the Conduct Officer, and/or Respondent will be permitted at the sole discretion of the Hearing Officer.
  - b. Written statements of witnesses who cannot attend the hearing must be submitted in advance as outlined in the Standards of Student Conduct.
  - c. If the Hearing Officer permits evidence or witness statements, six (6) copies should be provided for distribution as outlined in Article VI (B)(2)(c) of the Standards of Student Conduct
7. Deliberation of the University Hearing Board.
- a. The members of the University Hearing Board shall deliberate in private and reach a decision based only upon the evidence introduced at the hearing. The Hearing Officer is present during the deliberation, but does not have a vote.
  - b. The members of University Hearing Board shall not make any finding of fact that is not supported by the evidence presented at the hearing.
  - c. If two or more University Hearing Board members find the Respondent responsible for a charge, the student is “responsible” for that charge.
  - d. If the Respondent is found responsible, the recommended sanction shall be chosen generally from those listed in Article VIII of the Standards of Student Conduct. In evaluation of the sanction(s), the University Hearing Board shall consult with any sanctioning guidelines implemented by the University and past precedent in similar cases.
  - e. The Hearing Officer shall write a brief statement outlining the rationale for the decision and sanction after the University Hearing Board has reached its decision. The members of the University Hearing Board shall sign the statement, and the statement will be placed in the case file.

## Article VII: Sanctions

[RETURN TO TABLE OF CONTENTS](#)

[Please see **Appendix A** for specific sanctions for matters involving the University's Policy Prohibiting Sexual Misconduct.]

- A. *List of Possible Sanctions.* Findings of responsibility for engaging in Prohibited Conduct as outlined in Article III of the Standards of Student Conduct may result in one or more of the following disciplinary sanctions. Students found responsible for Bias-Related Prohibited Conduct may be subject to enhanced sanctions or probationary requirements designed to address such bias. Additional sanctions, if any, are listed in the handbooks or official announcements of the School or College concerned. Following a determination of responsibility by a Student Conduct Board as outlined in Articles V and VI, the board will impose sanctions from the following:
1. Disciplinary Warning. A written notice that a continuation or repetition of prohibited conduct will be grounds for more serious disciplinary action.
  2. University Housing Probation. Action permitting the student to remain in residence on probationary status. During the period of probation, if the student is found responsible for additional violations, the student may be evicted from University housing.
  3. Housing Relocation. Serious housing matters or repeated violations of University policy may result in relocation from one University housing area to another.
  4. Housing Eviction. Serious housing matters or repeated violations of University policy may result in removal from University housing.
  5. Conduct Probation. Action permitting the student to remain at the University on probationary status. Students on conduct probation must fulfill the requirements of such probation, for example, making restitution or completing required education or training. During the period of probation, if the student is found responsible for further violations, the student may be subject to suspension, dismissal, or separation from the University. Students are prohibited from studying abroad in any semester for which they are on conduct probation for all or part of the semester.
  6. Suspension. A forced, temporary leave from the University. The time period of a suspension is typically a semester or a full academic year, but can be set for any duration. A suspension shall only be imposed by a Conduct Officer with a rank of Dean or by a Student Conduct Board.
  7. Separation. Immediate and permanent separation from the University. A student who is separated from the University is not eligible for readmission, and is typically barred from University events, activities, and property. Separation shall only be imposed by a Conduct Officer with a rank of Dean or by the University Hearing Board.
- B. *List of Additional Sanctions and Remedies.* A Student Conduct Board may also impose additional sanctions and remedies to the disciplinary sanctions listed in VII (A). Additional sanctions and remedies include, but are not limited to, the following:
1. Fine/Restitution. Reimbursement for damage to, destruction of, or misappropriation of property, to include but not limited to personal and medical reimbursement.
  2. No Contact Order. An order to have no contact in any form with an identified student or students. No Contact Orders are bilateral to protect all parties involved, and are issued by either the Title IX office or by the College Deans' Offices.
  3. Notification of parents/guardians by the College Dean or their designee if deemed appropriate.
  4. No Trespass Order. An order banning a student from specific buildings, portions of the campus, or from the entire campus or off-campus buildings or property. No Trespass Orders may be recommended by a Conduct Officer, a Student Conduct Board, the Chair of the Threat Assessment Team, or by the Title IX Coordinator. No Trespass Orders shall be imposed and enforced by the University of Richmond Police Department.

5. Revocation of Privilege. Including, but not limited to, registered events, using University dining facilities, having an automobile on campus, and/or access to other University facilities. In serious matters, a student may have additional privileges revoked during and/or while University charges are being processed through the University conduct system.
  6. Substance Abuse Education. Alcohol or other drug prevention program designed to assist students with making safe and healthier choices regarding their substance use.
- C. *Multiple Sanctions*. More than one of the sanctions listed above may be imposed for any single violation.
- D. *Open Charges*. Charges are considered open until all sanctions, including suspensions, are completed. When a student has completed all of the sanctions assigned to them, and/or when their period of probation has ended, the student shall be considered to be in good standing.
- E. *Record Retention*. Except as described in Article VII (F), below, disciplinary sanctions shall not be noted on the student's permanent academic transcript, but shall become part of the student's conduct record.
1. A student's conduct record shall consist of a sanction record and a conduct file. In cases that do not involve a sanction of suspension or permanent separation, the sanction record and conduct case file shall be maintained for a minimum period of seven (7) years after the student's graduation. In cases that do involve a sanction of suspension or permanent separation, the sanction record shall be maintained permanently and the conduct case file shall be maintained for a minimum period of seven (7) years after the student's graduation. Following the seven-year retention period, the student's conduct case file and, for sanctions other than suspension or permanent separation, the sanction record will be purged from the University's records in accordance with the University's record retention policy. The University may retain student conduct files and documentation of sanctions beyond the seven-year retention period when the University determines that such retention is necessary to meet the University's legal or operational needs.
  2. A student's conduct file is subject to disclosure to any University department with an educational need to know or outside entity consistent with FERPA or other applicable law.
- F. *Transcript Notation*.
1. Suspension or Permanent Separation. Generally, a student's suspension or permanent separation from the University will be noted on the student's academic transcript while the suspension is in effect. Except for those conduct violations described in Article VII(F)(2), the transcript notation shall not specifically reference a violation of the Standards of Student Conduct.
    - a. A student who is suspended shall not participate in any University-sponsored activity.
  2. Suspension, Separation or Withdrawal for Certain Violations of the Standards of Student Conduct. The University is required by Virginia law to include a prominent notation on the academic transcript of each student who has been suspended for, permanently separated for, or withdraws while under investigation for a violation of the Standards of Student Conduct involving sexual violence, as defined in the University's Policy Prohibiting Sexual Misconduct. This transcript notation will be removed if the student is subsequently found not to have committed an offense involving sexual violence or if the student completes the terms of their suspension and is determined to be in good standing according to applicable University policy. Consistent with state law and federal regulations, the notation will be removed from a transcript after three years for a student that withdraws while under investigation or is permanently dismissed from the University.

## Article VIII: Appeals

[RETURN TO TABLE OF CONTENTS](#)

[Please see **Appendix A** for specific appeal procedures for matters involving the University's Policy Prohibiting Sexual Misconduct.]

- A. *Right to Appeal.* The Respondent shall have the right to appeal the decision of the Student Conduct Board to the appropriate Appellate Administrator. In hearings that involved a violation of the University's Policy Prohibiting Sexual Misconduct, the Complainant also has the right to appeal the decision of the University Hearing Board.
- B. *Time for Filing Appeal.* An appeal must be received by the designated Appellate Administrator in writing (a document as an email attachment is acceptable) by 5:00 PM on the fifth business day after delivery of the written notification of the finding of the Student Conduct Board. The Presiding Officer of the Student Conduct Board may extend the time frame for submitting an appeal, at their sole discretion, for good cause upon written notice to the Respondent, and the Complainant (where appropriate) setting forth the reason for the extension.
- C. *Access to Hearing Record.* The party filing the appeal shall be provided with reasonable access to the hearing record in the hearing from which the appeal is taken.
- D. *Time for Deciding Appeal.* The decision on a request for an appeal shall be made within thirty (30) days of the receipt of the appeal, unless there is good cause for a reasonable extension of this time period. If an extension is deemed appropriate, the Appellate Administrator shall provide written notice to the Respondent, and, where applicable, the Complainant, setting forth the reason for the extension.
- E. *Review Board.*
  1. Matters Not Involving the University's Policy Prohibiting Sexual Misconduct.
    - a. The Appellate Administrator, at their sole discretion, may seek the advice and counsel of a Review Board. The final decision, however, rests with the Appellate Administrator.
    - b. The review board shall consist of two members of the appropriate Student Conduct Board membership who were not involved in the original hearing.
    - c. The Appellate Administrator does not hold a new hearing.
    - d. If the Appellate Administrator finds grounds to grant an appeal, the Appellate Administrator shall determine a remedy as prescribed in Article IX (F) of the Standards of Student Conduct.
- F. *Grounds for Appeal.* An appeal shall be granted to the person filing if the Appellate Administrator or Review Board finds, by clear and convincing evidence that one or more of the following occurred:
  1. A witness at the Student Conduct Board hearing lied and the testimony was both material and adverse to the appealing party.
  2. New evidence of a material nature is available that was not available at the time of the Student Conduct Board hearing, unless such evidence was or could have been available prior to or at the time of the Student Conduct Board hearing.
  3. The Student Conduct Board hearing was conducted in a manner materially inconsistent with the Standards of Student Conduct and the written procedures of such Student Conduct Board.

4. The sanction(s) determined by the Student Conduct Board was disproportionate to the findings.
- G. *Remedies.* If an appeal is granted, the Appellate Administrator or Review Board may determine the appropriate remedy at their sole discretion from the following:
1. The case may be remanded to the original Student Conduct Board for reconsideration of the finding or responsibility and/or the sanction(s), in which event, the Student Conduct Board may: (a) consider any evidence presented at the original hearing; (b) at the direction of the Appellate Administrator, disregard evidence presented at the original hearing; and/or (c) at the direction of the Appellate Administrator, consider new evidence that was not available and could not have been available prior to or at the time of the original hearing;
  2. The case may be remanded to a new Student Conduct Board for a hearing;
  3. The sanction(s) may be dismissed, amended, or revised; or
  4. The Appellate Administrator or Review Board may take such other action as is appropriate to remedy the issue upon which the appeal was granted in a fair and equitable manner.
- H. *Notice of Outcome.* Upon reaching a decision on a request for an appeal, the Appellate Administrator shall provide written notification of their decision to the Respondent, the Complainant (if applicable), and to the Chair of the original Student Conduct Board.
1. The written notification of the appeal decision should include:
    - a. The grounds for request for appeal as outlined in Article VIII (E) of the Standards of Student Conduct;
    - b. A description of the pertinent points the Appellate Administrator or Review Board considered in rendering a decision;
    - c. The decision of the Appellate Administrator or Review Board on the request for appeal; and
    - d. Any remedy or prescribed action if applicable.

## Article IX: Interpretation and Revision

[RETURN TO TABLE OF CONTENTS](#)

- A. The Vice President for Student Development has the final authority to interpret and apply Standards of Student Conduct.
- B. The Standards of Student Conduct shall be reviewed annually under the direction of the Vice President for Student Development or their designee.

## Appendix A

### Procedures Specific to Matters Involving the University's Policy Prohibiting Sexual Misconduct

[RETURN TO TABLE OF CONTENTS](#)

The procedures, rights, and responsibilities set forth in this Appendix shall apply to all grievance procedures in which the Respondent is charged with a violation of the University's Policy Prohibiting Sexual Misconduct. These procedures, rights, and responsibilities shall apply to all hearings in which at least one charge involves an alleged violation of the University's Policy Prohibiting Sexual Misconduct. The University shall respond to allegations of sexual misconduct in a prompt and equitable manner. The University shall complete the grievance process in a timely manner designed to provide all parties with a resolution. The time frame for completion of a specific matter may vary depending upon a number of factors, including, but not limited to, the complexity of the case or investigation, the availability of witnesses, and the academic calendar.

#### Section 1: Student Rights and Responsibilities

The Respondent and Complainant shall be afforded the following rights and responsibilities throughout the grievance process:

- A. Rules and Procedures. The Respondent and Complainant have the right to a written notice upon the filing of a formal complaint that includes notice of the following:
  1. A description of the University's grievance process as well as the University's mediation process.
  2. The allegations of conduct potentially constituting sexual misconduct under the University's Policy Prohibiting Sexual Misconduct including information on the identities of the parties involved in the incident(s), if known, and the date and location of the incident(s), if known.
  3. The Respondent is presumed to be not responsible for the alleged misconduct until a determination regarding responsibility is made at the end of the grievance process
  4. Any subsequent allegations not included in the original notice.
  5. A dismissal by the University of the formal complaint including reasons for the dismissal.
  6. The University's Policy Prohibiting Retaliation protects students, faculty, and staff from retaliation and provides that making a report "in good faith" means the individual making the report has a reasonable basis to believe that there has been or may have been a violation of applicable laws or regulations or University policies or that there is a reasonable possibility that such a violation may occur in the near future. Individuals who make frivolous or false reports shall not be deemed as acting in good faith.
- B. Advisors. The Respondent and Complainant have a right to the services of an advisor of their choice. The advisor may be an attorney.
  1. Advisors may attend any related meetings, proceedings, investigative interviews and/or hearing with the respective parties.
  2. During the outreach and investigative phase, the role of the advisor is to provide support, guidance, and advice to the respective parties. The Respondent and Complainant are responsible for presenting their own information. The advisor may not reach out to the opposing party or opposing party's witnesses to ask questions or gather information on behalf of the respective party.
  3. During a hearing before a University Hearing Board, the advisor, in addition to offering advice and guidance, will conduct cross-examination of all parties and witnesses on behalf of the respective party. An advisor may also request a brief recess of the proceedings to provide advice to the respective party.

4. The Respondent and Complainant should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the University Hearing Board hearing, as delays will not normally be allowed due to the scheduling conflicts of an advisor.
  5. Choosing an advisor who is also a witness in the process creates a potential for bias and conflict of interest. A party who chooses an advisor who is also a witness can anticipate that issues of potential bias and conflict of interest will be explored by the University Hearing Board.
  6. If the Respondent or the Complainant do not have an advisor to conduct cross examination at a hearing before a University Hearing Board, the University will provide an advisor of its choice, at no cost or fee to the respective party, to conduct cross examination on the respective party's behalf.
- C. Right Not to Participate. The Respondent and the Complainant have the right to not participate in any meetings, proceedings, interviews or hearing. The University Hearing Board cannot draw an inference about the determination regarding responsibility based solely on the party's absence at a hearing or refusal to submit to cross examination.
- D. Investigation. The Respondent and Complainant have the following rights involving an investigation of a formal complaint:
1. The right to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
  2. The ability to discuss the allegations under investigation and to gather and present relevant evidence.
  3. Written notice of the date, time, location, participants and purpose of their investigative interviews or other meetings with sufficient time to prepare to participate.
  4. An opportunity to inspect and review any evidence that is obtained as part of the investigation and that is directly related to the allegations, including evidence that the University does not intend to rely on in reaching a determination regarding responsibility including both inculpatory or exculpatory evidence. Neither the Respondent, Complainant nor their respective advisors have a right to reproduce the evidence in any manner.
  5. Prior to completion of the investigative report, the University will send to each party and the party's advisor, the evidence subject to inspection and review (electronically or hard copy). The parties will have ten (10) days to submit a written response which the investigator will consider prior to completion of the report.
  6. The University will provide the Respondent, the Complainant and their respective advisors with a complete investigative report that fairly summarizes relevant evidence at least 10 business days prior to a hearing by the University Hearing Board for review. Neither the Respondent, the Complainant nor their respective advisor will have the right to reproduce the investigative report in any manner.
  7. The Complainant and Respondent have the right to provide the Hearing Officer or their designee their respective objections to the investigative report prior to the hearing to be included in the hearing record. The Complainant and Respondent shall provide the University Hearing Board with their respective objections to the Title IX investigative report, if any, by 5:00 pm on the forth (4<sup>th</sup>) business day before the hearing.
- E. Hearing. The Respondent and Complainant have the right to a hearing conducted in accordance with the procedures set forth in Appendix A of the Standards of Student Conduct.
- F. Notice of Hearing: The Hearing Officer of the University Hearing Board or their designee shall prepare and simultaneously deliver to the Respondent and Complainant a notice of hearing. Such notice may be delivered to the Respondent and Complainant in person, electronically, by U.S. Mail, or by campus mail. The date of the hearing shall not be less than seven (7) business days from the date of such notice. The time frame for conducting the hearing may be extended by the Hearing Officer, for good cause and upon written notice to the Respondent and Complainant setting forth the reason for the extension. The notice of hearing shall include:
1. The name of the Respondent and Complainant.
  2. The date, time, and location of the University Hearing Board hearing.
  3. The alleged violations of Article III (B) (6) of the Standards of Student Conduct.

4. The date and place of the alleged violation(s) (if known)
  5. The name of the Hearing Officer of the University Hearing Board
  6. The names and administrative titles of the members of the University Hearing Board.
- G. Bias or Conflict of Interest on the Part of University Hearing Board Members. The Respondent and Complainant have the right to petition that any member of the University Hearing Board be removed on the basis of conflict of interest or bias for or against respondents or complainants generally or the individual Respondent or Complainant.
1. The party must submit a written petition to the Hearing Officer or their designee at least four (4) business days prior to the scheduled hearing seeking removal of a member of the University Hearing Board and stating the reasons for such request.
  2. The Hearing Officer or their designee shall respond to such request, in writing, within two (2) business days of receipt of the request.
- H. Witnesses
1. *Witness List.* The Respondent and Complainant have the right to call expert and/or fact witnesses at the hearing whose testimony is relevant to the issues before the University Hearing Board and provided the list of such witnesses is submitted to the Hearing Officer as specified in Appendix A, Section 2 (B) (1) of the Standards of Student Conduct. The parties have the right to access the list of witnesses that the University Hearing Board and/or the other party intend to call at a University Hearing Board hearing.
  2. *Witness Statements.* If a non-party witness is not available or willing to testify at the hearing, such witness may submit a written statement. The parties will be provided an opportunity to review, but not copy, any written witness statements three (3) business days prior to the hearing. In order to ensure the confidentiality of the disciplinary hearing and to protect the privacy rights of the parties and other witnesses, the Respondent/Complainant shall not copy, reproduce, disseminate or disclose to anyone other than their advisor any such witness statements and shall return such witness statements to the Hearing Officer at the conclusion of the hearing. Following the hearing, the Hearing Officer shall permit the Respondent/Complainant to have access to such witness statements to the extent needed for any appeal conducted under these Standards of Student Conduct.
  3. *Character Witnesses.* The Complainant and Respondent may provide written statements to be included as part of the hearing record for no more than two (2) character witnesses. Character witnesses will not be called to testify at the hearing. Any character witness statements provided will be available for the other party and University Hearing Board to review. The parties shall not copy, reproduce, disseminate or disclose to anyone other than their advisor any such witness statements. Character witness statements must be submitted to the Hearing Officer or their designee by 5:00 pm on the seventh (7<sup>th</sup>) business day before the hearing.
  4. *Documentary, Electronic and Other Evidence.* The Respondent and Complainant have the right to offer documentary, electronic, and other evidence that is relevant to the issues before the University Hearing Board. Subject to applicable privacy laws, including FERPA, the Respondent and Complainant have the right to review, but not copy, all documentary, electronic, and other evidence that the University Hearing Board and/or the other party intend to present at the hearing. In order to ensure the confidentiality of the hearing and to protect the privacy rights of the Respondent, Complainant, and other witnesses, the parties shall not copy, reproduce, disseminate or disclose to anyone other than their respective advisor any such documentary, electronic, or other evidence and shall return such evidence to the Hearing Officer at the conclusion of the hearing.
- I. Questions for Cross-Examination. The Respondent's and Complainant's respective advisors have the right to cross-examine the other party and any witnesses who give oral testimony at the hearing with relevant questions including those that challenge credibility. Before a party or witness answers any question, the Hearing Board will make a determination of the question's relevancy and will explain any decision to exclude a question as not relevant. The University Hearing Board shall protect witnesses,

including the parties from improper or irrelevant questions, insulting treatment and unnecessary or irrelevant inquiry into private affairs. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence are offered to prove that someone other than the Respondent committed the alleged conduct or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with the Respondent and are offered to prove consent. Where appropriate, the Respondent or Complainant may request a brief recess of the hearing to prepare such questions. The Hearing Officer, in their reasonable discretion, may grant or deny such request.

- J. Right to a Live Hearing. At the request of either party or the discretion of the Title IX Coordinator, the live hearing may occur with the parties in separate rooms with technology enabling the Hearing Officer, Hearing Board and parties to simultaneously see and hear the party and/or the witness answering questions.
- A. Attendance at the Hearing. The Respondent and the Complainant and their respective advisor have the right to attend the entire University Hearing Board hearing except for the deliberations of the University Hearing Board and the verbal notification of the outcome by the Hearing Officer to the other party.
- B. Failure to Attend. If the Respondent or Complainant fails to attend the hearing as scheduled, the University Hearing Board may proceed in the party's absence and will rely on whatever relevant evidence is available from the absent party through the investigation.

Any party or witness may choose not to offer evidence at the hearing, either because they do not attend the hearing, or because they attend but refuse to submit to cross-examination. The Hearing Board can only rely on whatever relevant evidence is available through the investigation and hearing in making the ultimate determination of responsibility. The University Hearing Board cannot draw an inference about the determination regarding responsibility based solely on the party's or witnesses' absence at a hearing or refusal to submit to cross examination.

If a party's advisor fails to attend a hearing, the University will provide an advisor of its choice, at no cost or fee to the party, solely for the purpose of cross examining the other party and any witnesses at the hearing on behalf of the party whose advisor is not present. If a party's advisor fails to attend, the hearing will be recessed until such time that the University can provide an alternate advisor of the University's choice at no cost or fee to the party, solely for the purpose of conducting cross examination on behalf of that party. If a party does not have an advisor for purposes of cross-examination or if a party knows their advisor will not be attending the hearing, the party shall notify the Title IX Coordinator ten (10) business days in advance of the hearing to request that the University to provide an advisor for purposes of cross-examination at the hearing.

- K. Notice of Outcome. The Respondent and Complainant have the right to a written notice of the outcome and sanctions (if applicable) of the University Hearing Board including:
1. Identification of the allegations potentially constituting sexual harassment;
  2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including notifications to the parties, interviews with the parties and witnesses, site visits (if any), methods used to gather evidence, and hearings held;
  3. Findings of fact supporting the determination;
  4. Conclusions regarding the application of the University's Policy Prohibiting Sexual Misconduct to the facts;
  5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility;
  6. A listing of all relevancy determinations made during the hearing;
  7. Disciplinary sanctions (if any) imposed on the Respondent;

8. Remedies (if any) that will be provided to the Complainant designed to restore or preserve equal access to the University's education program or activity; and
9. A description of the procedures and bases for appeal.

The written notice of the outcome will be provided by 5:00 PM on the third (3<sup>rd</sup>) business day following the conclusion of the hearing. The Hearing Officer, at their discretion, can extend this timeline upon written notice to the parties setting forth the reason for the extension. The notice(s) described in this section shall be sent simultaneously to the Respondent and the Complainant.

- L. Privacy of the Respondent and Complainant. The Respondent and Complainant have the right to preservation of privacy to the extent reasonably possible and allowed by law. The parties have the right not to have irrelevant prior sexual or relationship history admitted as evidence in a University Hearing Board hearing.
  1. The University will not access, consider, disclose or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting or assisting in their professional capacity, and which are made and maintained in connection with the provision of treatment of the party, without voluntary, written consent from the respective party.
  2. The Respondent and Complainant have the right not to have released to the public by University officials any personally identifiable information about the complaint, without their consent, except to the extent such disclosure is permitted by applicable law, regulation, or court order.
- M. Appeal. The Respondent and Complainant have the right to appeal the decision of the University Hearing Board in accordance with the standards for appeal established in Appendix A, Section 4 of the Standards of Student Conduct.

## Section 2: Interim Suspension and Administrative Leave

The University may remove a Respondent from the education program or activity on an emergency basis if after an individualized safety and risk analysis, the Sexual Misconduct Review Sub-Committee determines that there is an immediate threat to physical health or safety of any student or other individual arising from the allegations of sexual harassment.

- A. An interim suspension may be imposed when there is a reasonable basis to conclude that the continued presence of a Respondent on campus may create a risk to the physical health and safety of one or more students or of other members of the campus community.
  1. The decision to impose an interim suspension will be made by the Title IX Coordinator on their own accord or in consultation with other University Officials.
  2. During the period of interim suspension, the Respondent must leave campus immediately and shall not participate in academic, extracurricular, or other activities of the University. The Respondent is not permitted on campus without prior written consent from the Title IX Coordinator. The Respondent will be permitted to return to campus solely for the purposes of participating in a hearing before the University Hearing Board.
- B. The Respondent must be provided with written notice of the interim suspension and an opportunity to appeal the decision immediately following removal.
  1. Written Notice – The written notice of an interim suspension shall include the following: (a) information on the reported incident including the date of the alleged conduct; (b) the prohibited conduct as outlined in Article III, B (6)(c) of the Standards of Student Conduct; (c) the date and time the interim

suspension goes into effect: (d) the terms of the interim suspension and e) the appeal process.

2. Time for filing the appeal – An appeal must be received by the designated Appellate Administrator in writing (a document as an email attachment is acceptable) by 5:00 pm on the fifth (5) business day following the delivery of the written notice of the interim suspension. The Appellate Administrator may extend the time frame for filing the appeal, at their sole discretion, for good cause upon written notice to the Respondent.
3. Appeal Review – The decision to accept or deny the appeal is made by the Appellate Administrator on their own accord or after consultation with other University officials.
4. Time for deciding the appeal – The decision on a request for appeal of an interim suspension shall be made within five (5) business days of receipt of the written notice of appeal of the interim suspension, unless there is good cause for a reasonable extension of this time period. If an extension is needed, the Appellate Administrator will notify the Respondent in writing and provide the new deadline for deciding the appeal.
5. Notice of Appeal Outcome – Upon reaching a decision on an appeal, the Appellate Administrator shall provide written notification of the appeal decision to include:
  - a. The grounds for request of an appeal;
  - b. A description of the pertinent points the Appellate Administrator considered in rendering a decision;
  - c. The decision of the Appellate Administrator on the appeal; and
  - d. Any remedy or prescribed action.

### Section 3: Hearing Procedures

The University Hearing Board is charged with the disposition of charges as outlined in the Standards of Student Conduct. The Vice President for Student Development shall assign a Hearing Officer to be responsible for the administration of the University Hearing Board.

- A. Composition of the University Hearing Board. The University Hearing Board shall consist of three (3) voting members and one alternate chosen from the University Hearing Board Pool.
  1. The University Hearing Board pool shall consist of a minimum of ten (10) staff/administrators appointed annually by the University President and who have received training on the definition of sexual harassment in the University's Policy on Prohibiting Sexual Misconduct, the scope of the University's education program or activity, the hearing process, impartiality, conflicts of interest and bias, technology used during a hearing, relevance of questions and evidence and the investigative and disciplinary process.
  2. Any member of the University Hearing Board pool selected to serve on a University Hearing Board must disqualify themselves for any bias or conflict of interest.
- B. Pre-Hearing Submission Deadlines.
  1. *Submission of Witness Lists.* The Complainant and the Respondent shall provide the Hearing Officer or their designee with their respective lists of witnesses, including no more than two (2) written character witness statements, by 5:00 p.m. on the seventh (7th) business day before the hearing.
  2. *Submission of Documentary, Electronic, and Other Evidence.* The Complainant and the Respondent shall submit copies of all documentary, electronic, or other evidence to the Hearing Officer or their designee by 5:00 p.m. on the fourth (4<sup>th</sup>) business day before the hearing.
  3. *Access to Other Party's Pre-Hearing Submissions.* Upon receipt of a pre-hearing submission from either the Complainant or the Respondent, the Hearing Officer or their designee shall provide

the other party with access to such submission as soon as reasonably possible and in no event, later than one (1) business day following the submission.

4. *Statement of Objections to the Title IX investigative report.* The Complainant and Respondent shall provide the Hearing Board with their respective objections to the Title IX investigative report, if any, by 5:00 pm on the fourth (4<sup>th</sup>) business day before the hearing.
5. *University Hearing Board Witnesses, Documentary, Electronic, and Other Evidence.* The Hearing Officer or their designee shall provide the Complainant and the Respondent with access to the list of witnesses to be called by the University Hearing Board, and any documentary, electronic, or other evidence not included in the Title IX investigative report at least three (3) business days prior to the hearing.
6. *Removal of Hearing Board Member.* The party must submit a written petition to the Hearing Officer or their designee at least four (4) business days prior to the scheduled hearing seeking the removal of a member of the University Hearing Board and state the reason for such request.
7. *Notification of Advisor for purposes of cross-examination at the hearing.* The Complainant or Respondent shall notify the Title IX Coordinator ten (10) business days in advance of the hearing if they need the University to provide an advisor at no cost or fee to the party, solely for purposes of cross-examination at the hearing.
8. *Request for Hearing to Occur via Video Conferencing.* The Complainant, Respondent or Title IX Coordinator have the right to request that the hearing before the University Hearing Board be conducted via video conferencing. The Hearing Officer, Hearing Board, Complainant, Respondent and any witnesses must be able to see and hear the party or witness providing testimony. The request for the hearing to occur via video conferencing must be made ten (10) business days in advance of the hearing.
9. *Extension of Submission Deadlines.* The Hearing Officer or their designee may extend the time frame for submitting evidence, and witness lists, at their sole discretion, and only for good cause. If timelines are extended, the Hearing Officer or their designee shall provide written notice to the Respondent and the Complainant.

C. Pre-Hearing Procedures.

1. The Hearing Officer or their designee shall notify the Respondent and the Complainant of the scheduled hearing date in accordance with Appendix A of the Standards of Student Conduct.
2. The Respondent shall be afforded the opportunity to meet (in person, by telephone or videoconference) with the Hearing Officer or their designee prior to the hearing. The purpose of this meeting is to advise the Respondent of the hearing procedures and their rights in connection with the hearing. The Respondent's advisor is permitted to attend this meeting. If the Respondent fails to attend the meeting, the Hearing Officer or their designee will attempt to reschedule the meeting.
3. The Complainant shall be afforded the opportunity to meet (in person, by telephone or videoconference) with the Hearing Officer or their designee prior to the hearing. The purpose of this meeting is to advise the Complainant of the hearing procedures and their rights in connection with the hearing. The Complainant's advisor is permitted to attend this meeting. If the Complainant fails to attend the meeting, the Hearing Officer or their designee will attempt to reschedule the meeting.
4. The Hearing Officer shall review all written materials prior to submission to the University Hearing Board to ensure that the hearing record does not contain irrelevant, unfairly prejudicial, or inadmissible information. The Hearing Officer will call these matters to the attention of the Hearing Board for a determination on relevancy.

D. The Hearing Record

1. The Hearing Officer or their designee shall create a hearing record comprising the following:
  - a. The Title IX investigative report with its attachments;
  - b. The documentary, electronic, and other evidence submitted by the parties and the

University Hearing Board, including a list of all witnesses, witness statements, and written character statements.

2. The Hearing Officer or their designee shall provide the University Hearing Board, the Complainant, and the Respondent with access to the hearing record using a secure server at least two (2) business days prior to the hearing.
    - a. The Hearing Officer or their designee shall convene one or more pre-hearing meetings for the members of the University Hearing Board to review the charge(s), the contents of the hearing record, and to answer any procedural questions. This meeting shall be held at least twenty-four (24) hours prior to the hearing.
    - b. The Hearing Officer or their designee shall ensure there are sufficient copies of the hearing record available during the hearing for the Hearing Officer, all Hearing Board members, the Respondent and their advisor, the Complainant and their advisor, and for testifying witnesses to use during the hearing. If the hearing is conducted via teleconference, a copy of the hearing record will be made available electronically during the hearing.
- E. General Procedural Rules of the University Hearing Board.
1. The Hearing Officer shall preside over and conduct the hearing and is specifically empowered to:
    - a. Appoint a recording secretary or other staff to audio record the hearing.
    - b. Control the admission of persons to the hearing. The Hearing Officer may order any person in attendance that does not conduct themselves in an orderly and respectful manner to leave. Obstructive, contemptuous, disruptive or noisy conduct in the presence of the University Hearing Board by any person, including the Respondent, the Complainant, a witness, or an advisor, may result in that person being removed from the hearing and, if a student, charged with a violation of Article III (B)(6) (b) of the Standards of Student Conduct. If a party's advisor is removed from a hearing pursuant to this section, the hearing will be recessed until such time that the University can provide an alternate advisor of the University's choice at no cost or fee to the party, in order to conduct cross examination on behalf of that party.
    - c. Control the conduct of the University Hearing Board members and of the Respondent and Complainant to protect witnesses from improper questions, insulting treatment, and unnecessary inquiry into their private affairs.
    - d. Exclude witnesses from the hearing room except when they are testifying.
  2. All members of the University Hearing Board must be present throughout the hearing.
    - a. If a member of the University Hearing Board must leave before the hearing is complete with good cause, the Hearing Officer may at their sole discretion recess the hearing and reconvene the hearing within twenty-four (24) hours.
    - b. If a member of the University Hearing Board disqualifies themselves or for good cause must withdraw from the hearing, the Hearing Officer or their designee shall call upon the alternate to serve. The Hearing Officer shall, after consultation with the Respondent and the Complainant, in open session, provide the replacement with a summary of all prior proceedings.
  3. No person shall address the University Hearing Board or pose questions to any witness (including the Respondent, the Complainant or an advisor) without first being recognized by the Hearing Officer.
  4. The taking of photographs in the hearing room, the streaming or broadcasting from the hearing room of the proceedings by social media, telephone, radio or television (with the exception of videoconferencing as outlined in Appendix A, Section 1(K) of the Standards of Student Conduct), or the recording of the proceedings for non-official use, or for later release or broadcast to the general public, shall not be permitted.

F. Order of the Hearing

1. The Hearing Officer will ask the members of the University Hearing Board, the Respondent, the Respondent's advisor, the Complainant, and the Complainant's advisor to introduce themselves.
  - a. The Hearing Officer shall read the allegations to the Respondent, and the Respondent shall state whether they accept responsibility for each allegation.
  - b. In the absence of a response, the Respondent shall be deemed not to have accepted responsibility for the allegation(s).
  - c. If the Respondent does not accept responsibility for the allegation(s), evidence, witness testimony, witness statements admitted by the Hearing Officer shall be presented that will support or refute the allegation
2. If the Respondent accepts responsibility for the allegation(s), evidence, witness testimony, admitted by the Hearing Officer shall be presented that will assist the University Hearing Board in assigning an appropriate sanction.
3. The Hearing Officer reminds all parties that the burden of proof shall be *preponderance of evidence*, meaning that in order to find the Respondent responsible, the University Hearing Board must find, based on a preponderance of the evidence presented at the hearing, that the Respondent is responsible for the alleged violation.
4. The Respondent and Complainant shall each be provided an opportunity to make an opening statement.
5. The members of the University Hearing Board shall direct the Hearing Officer to call witnesses and/or present evidence.
6. The Complainant shall have the opportunity to testify, present evidence, and call witnesses. The Complainant's advisor shall have the opportunity to conduct cross examination of the Respondent and all witnesses called by the Respondent or University Hearing Board.
7. The Respondent shall have the opportunity to testify, present evidence, and call witnesses. The Respondent's advisor shall have the opportunity to conduct cross examination of the Complainant and all witnesses called by the Complainant or the University Hearing Board.
8. Prior to the initial deliberations by the University Hearing Board, the Complainant shall have the opportunity to make a closing statement summarizing their evidence. This statement shall not address the impact of the alleged incident, the investigation, or the hearing, on the Complainant.
9. Prior to the initial deliberations by the University Hearing Board, the Respondent shall be given the opportunity to make a closing statement summarizing their evidence. This statement shall not address the impact of the incident, the investigation or the hearing, on the Respondent.
10. The Hearing Officer will excuse all parties and witnesses so that the members of the University Hearing Board may deliberate in private on the issue of responsibility for the charges at issue.
11. After deliberations on the issue of responsibility are completed, the Hearing Officer shall meet separately with the Respondent and the Complainant to notify them of the decision of the University Hearing Board.
12. If the University Hearing Board finds the Respondent ***not responsible*** for the allegations at issue, the hearing will be reconvened after notice to each party and the Hearing Officer will adjourn the hearing.
13. If the University Hearing Board finds the Respondent ***responsible*** for the allegations at issue, the hearing will be reconvened after notice to each party. The Complainant will then have an opportunity to make an impact statement to the University Hearing Board regarding the issue of sanctions and the impact of the conduct on the Complainant. Following that statement, the Respondent will have an opportunity to make an impact statement to the University Hearing Board regarding the issue of sanctions and the impact of the conduct on the Respondent.
14. The Hearing Officer will excuse both parties so that the members of the University Hearing Board may deliberate in private on the issue of sanctions.
15. After deliberations on the issue of sanctions are completed, the Hearing Officer shall meet with the Respondent to notify the Respondent of the sanctions imposed by the University Hearing Board and the effective date of such sanctions. The Hearing Officer will then meet with the Complainant to notify them of the sanctions imposed upon the Respondent that relate directly to the

- Complainant and the effective date of such sanctions.
16. The Hearing Officer will also provide information to both parties about the remedies that will be provided (if any) to the Complainant designed to restore or preserve equal access to the University's educational program or activity.
  17. The Hearing Officer will also provide information related to the written notification of the decision and the procedure and bases for appeal.
  18. The Hearing Officer will adjourn the hearing.
- G. Procedure for Oral Testimony. The following procedures shall apply to all oral testimony presented at the hearing:
1. The Title IX Coordinator shall not testify as a witness.
  2. The Title IX investigator may be called to testify as a witness.
  3. The parties and witnesses shall testify under oath or affirmation.
  4. The members of the University Hearing Board shall be given the opportunity to ask questions of the witness.
  5. The Hearing Officer will ask questions submitted by the party calling the witness (either the Complainant or the Respondent) under procedures outlined in this Appendix A of the Standards of Student Conduct.
  6. The Respondent's and Complainant's advisor shall have the opportunity to cross examine the other party and witnesses called by the other party or the University Hearing Board. Any party or witness may choose not to offer evidence either because they do not attend the hearing, or because they attend but refuse to submit to cross-examination. The University Hearing Board can only rely on whatever relevant evidence is available through the investigation and hearing in making the ultimate determination of responsibility. The University Hearing Board cannot draw an inference about the determination regarding responsibility based solely on the party's or witnesses absence at a hearing or refusal to submit to cross examination. The advisor cannot yell, berate or talk over the party/witness when providing cross-examination.
  7. Members of the University Hearing Board shall have a final opportunity to ask questions of the witnesses.
- H. Deliberation of the University Hearing Board.
1. The members of the University Hearing Board shall deliberate in private and reach a decision based only upon the evidence introduced at the hearing. The Hearing Officer is present during the deliberation, but does not have a vote.
  2. The members of University Hearing Board shall not make any finding of fact that is not supported by the evidence presented at the hearing.
  3. If two or more University Hearing Board members find the Respondent responsible for the alleged conduct, the student is "responsible" for that conduct.
  4. If the Respondent is found responsible, the recommended sanction shall be chosen generally from those listed in Appendix A, Section 3 of the Standards of Student Conduct.

## Section 4: Sanctions

- A. *List of Possible Sanctions.* Respondents found responsible for violating the Policy Prohibiting Sexual Misconduct will be sanctioned. Sanctions include but are not limited to the following:
1. University Housing Probation. Action permitting the student to remain in residence on probationary status. During the period of probation, if the student is found responsible for additional violations, the student may be evicted from University housing.
  2. Housing Relocation. Relocation from one University housing area to another.
  3. Housing Eviction. Removal from University housing.
  4. Conduct Probation. Action permitting the student to remain at the University on probationary status and subject to certain terms and conditions as outlined by the University Hearing Board. During the period of probation, if the student is found responsible for further violations, the student may be subject to suspension, dismissal, or separation from the University. Students are

prohibited from studying abroad in any semester for which they are on conduct probation for all or part of the semester. ***Students on conduct probation remain on campus during their probation.***

5. **Training**: A student may be required to complete a training course(s) appropriate to their conduct.
  6. **No Trespass Order**. An order banning a student from specific buildings, portions of the campus, or from the entire campus or off-campus buildings or property.
  7. **Revocation of Privilege**. The revocation of a privilege including, but not limited to, registered events, using University dining facilities, having an automobile on campus, and/or access to other University facilities.
  8. **Suspension**. A forced, temporary leave from the University. The time period of a suspension is typically a semester or a full academic year, but can be set for any duration by the University Hearing Board.
  9. **Separation**. Immediate and permanent separation from the University. A student who is separated from the University is not eligible for readmission, and is typically barred from University events, activities, and property.
- B. ***Multiple Sanctions***. More than one of the sanctions listed above may be imposed for any single violation.
- C. ***Open Charges***. Charges are considered open until all sanctions, including suspensions, are completed. When a student has completed all of the sanctions assigned to them, and/or when their period of probation has ended, the student shall be considered to be in good standing. If a student fails to comply to the sanctions issued by the University Hearing Board, they will be referred to the appropriate Dean's Office for a possible conduct violation(s).
- D. ***Record Keeping***. Please see Article VIII of the Standards of Student Conduct, (4)(5) for information on record keeping and transcript notation.

## Section 5: Appeals

- A. ***Right to Appeal***. The Respondent and Complainant have the right to appeal the decision of the University Hearing Board to the Appellate Administrator.
- B. ***Time for Filing Appeal***. An appeal must be received by the designated Appellate Administrator in writing (a document as an email attachment is acceptable) by 5:00 PM on the fifth (5<sup>th</sup>) business day after delivery of the written notification of the outcome of the University Hearing Board. The Hearing Officer may extend the time frame for submitting an appeal, at their sole discretion, for good cause upon written notice to the Respondent, and the Complainant (where appropriate) setting forth the reason for the extension.
- C. ***Access to Hearing Record***. Both parties will be provided with reasonable access to the hearing record of the hearing from which the appeal is taken.
- D. ***Time for Deciding Appeal***. The decision on a request for an appeal shall be made within thirty (30) days of the receipt of the appeal, unless there is good cause for a reasonable extension of this time period. If an extension is deemed appropriate, the Appellate Administrator shall provide written notice to the Respondent and Complainant, setting forth the reason for the extension.
- E. Both the Complainant and the Respondent will be provided a reasonable and equal opportunity to submit a written statement in support of or challenging the University Hearing Board outcome.
- F. ***Appeal Review Board***
  1. The Appellate Administrator shall convene a Review Board comprised of two members of the University Hearing Board who were not involved in the original hearing. The Appellate Administrator shall be also be a voting member of the Review Board.
  2. The Appellate Administrator shall notify the other party in writing that an appeal has been filed.
  3. The Review Board does not hold a new hearing. The decision of the Review Board shall be made by majority vote.
  4. If the Review Board finds grounds to grant an appeal, the Review Board shall determine a

remedy as prescribed in Article VIII (G) of the Standards of Student Conduct.

- G. *Grounds for Appeal.* An appeal shall be granted to the person filing if the Appellate Administrator or Review Boards finds, by clear and convincing evidence, that one or more of the following occurred:
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 responsibility was made that could affect the outcome of the matter;
  3. The Title IX Coordinator, investigator(s), or University Hearing Board member(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual Respondent or Complainant that affected by the outcome.
- H. *Notice of Appeal Outcome.* Upon reaching a decision on a request for an appeal, the Appellate Administrator shall provide written notification of their decision to the Respondent and the Complainant simultaneously. The written notification of the appeal decision should include:
1. The grounds for request for appeal as outlined above;
  2. A description of the pertinent points the Appellate Administrator or Review Board considered in rendering a decision;
  3. The decision of the Review Board on the request for appeal; and
  4. Any remedy or prescribed action if applicable.

## Student Organization Conduct Process

[RETURN TO TABLE OF CONTENTS](#)

The University will address allegations that a student organization may have violated University of Richmond policies, including but not limited to those spelled out in the Student Organization Handbook, as well as applicable policies of affiliated (inter)national organizations.

The Center for Student Involvement has the authority to investigate and resolve alleged violations related to student organizations pursuant to the Student Organization Handbook, and these procedures. The Director of Student Involvement has the discretion to determine the applicable procedures and to delegate responsibility for such investigation or adjudication.

While all student organizations must abide by applicable policies, only student organizations overseen by the Center for Student Involvement shall be adjudicated under these procedures. Allegations against student organizations that are not overseen by Student Involvement will be addressed by the appropriate unit or department.

### Section 1: Criteria for Individual versus Organizational Conduct

Student organizations and their leaders and members may be held both collectively, as well as individually responsible for violations of the [Standards of Student Conduct](#).

- A. Criteria used to determine whether to pursue disciplinary action against an organization may include, but are not limited to:
  1. Whether the alleged incident occurred at or in connection with an organization-sponsored event or activity or at an event or activity that would reasonably be associated with the student organization
  2. Whether the organization's leaders and/or members are alleged to have encouraged or consented to the alleged behavior
  3. The affiliations and alleged involvement of individuals, including alumni or non-affiliated guests, in the incident
  4. Whether actions or lack of actions by the student organization contributed to the incident
- B. The investigation and/or adjudication of individuals does not absolve the student organization of responsibility for the alleged violations, nor does the investigation and/or adjudication of organizational responsibility absolve individuals of their responsibility for the alleged violations.

### Section 2: Initial Assessment

Upon receipt of a report of an alleged violation of University policies involving a student organization(s), the Director of Student Involvement (or designee), in consultation with other appropriate departments/offices, will conduct a preliminary assessment to determine if there is a reasonable basis for conducting an investigation into the alleged violations of University policies. This initial assessment will include a review of the information reported.

### Section 3: Notification

If the Director of Student Involvement (or designee) determines during the initial assessment that there is reasonable basis for proceeding with an investigation of the alleged violation(s) of University policies, the Center for Student Involvement will send a notification to the president of the student organization and the student organization's advisor(s) via their Richmond email address. If deemed appropriate, notification may also include all members of the organization, who are registered in Presence.

- A. This notification will include:

1. The alleged violation(s) of University policies
  2. Date(s), location(s), and timeframe of alleged violation(s)
  3. A time, date, and location for an administrative hearing
  4. Any interim measures that the organization is required to comply with pending the resolution of the alleged policy violation(s)
- B. If the student organization is affiliated with a national or international organization, the Center of Student Involvement may notify the national or international office at any time, as well as attempt to work in partnership with the national or international office to come to a resolution.

## Section 4: Interim Measures

The Center for Student Involvement may issue interim measures pending consideration of the case through these procedures.

- A. Interim measures may include, but are not limited to:
1. An order for the organization to cease and desist all activities and operations
  2. No contact orders
  3. Loss of privileges afforded to student organizations
- B. The need for appropriate interim measures will vary between cases and is dependent upon but not limited to factors such as the physical and/or mental health or safety of the community, including an organization's own members, and/or the effective continuation of the education process.
- C. Failure to abide by interim measures is a separate violation and the organization may be subject to further conduct charges.

## Section 5: Investigation and Administrative Hearing

- A. The Center for Student Involvement may conduct investigation meetings in collaboration with other relevant departments/offices. Interviews may be conducted with select or all organization members, either individually or in groups, at the discretion of the Center for Student Involvement. Part of the investigation may also include a request for documents from student organization officers or members, advisors, and any (inter)national organization (if applicable).
- B. Failure for an individual to appear for an investigation meeting or administrative hearing, or failure to produce documents upon request, will be considered Failure to Comply with a University official and subject to referral to the individual student conduct process.
- C. The administrative hearing will occur with the Director of Student Involvement (or their designee) and/or other relevant University officials. During the administrative hearing, the president shall be provided the opportunity to respond to the allegations.
- D. After the administrative hearing, the Director of Student Involvement (or their designee) will make a determination, based on a preponderance of the evidence, as to whether the organization violated the policies as charged. If a violation of policy has been found, the Director of Student Involvement (or their designee) will then determine appropriate sanctions.
- E. The president and advisor of the organization will be notified in writing of the findings and any sanctions imposed (if applicable). While timelines may vary based on the nature of the allegations and complexity of the investigation, the Center for Student Involvement will endeavor to issue a determination within approximately five business days from the date of the administrative hearing. The president and advisor of the organization will be notified if an extension of this timeline is necessary.

- F. If a national or international organization was notified of the alleged violations, they will also be notified of the resolution.
- G. If a status change occurs to the organization, all members of the organization, who are registered in Presence, will be notified.

## Section 6: Sanctions

As outlined below, sanctions may be imposed upon the finding of a violation of University policy.

Sanctions are not intended to be solely punitive and should be issued with a thoughtfulness toward educational outcomes.

- A. Sanctions shall be crafted in consideration of:
  - 1. The seriousness of the conduct
  - 2. The corrective and learning opportunities for the organization
  - 3. The prior conduct record of the organization, if applicable
  - 4. The safety and well-being of harmed individuals and the community
  - 5. The desirability of treating similar conduct similarly
- B. List of Possible Sanctions.
  - 1. Warning: A notice to the organization in writing that continuation or repetition of the conduct found wrongful, or participation in similar conduct, shall be a cause for further disciplinary action.
  - 2. Educational Assignment: An assignment to be completed by the organization's leaders and/or the members of the organization within a specified time period. The assignment will be structured with the goal of fostering continued learning in relation to the violated policies.
  - 3. Restitution: Reimbursement for damage to or misappropriation of property, University, and/or organization funds. Reimbursement may take the form of appropriate service to repair or otherwise compensate for damages.
  - 4. Restriction of Privileges: Exclusion from activities or other privileges for a specified period of time. This may include, but is not limited to, restrictions on recruitment, travel, space reservation, events, eligibility for awards or accolades, funding, or other privileges related to organizational status.
  - 5. Removal of Leadership: One or more elected leaders may be removed from office. Those removed from office may not retain eligibility for other elected positions within that organization.
  - 6. Status Change: A change in the organization's status may occur:
    - a. Probation: A defined period of time during which further violation of any University policy by the organization will result in more serious disciplinary sanctions.
    - b. Suspension: Termination of an organization's recognition and all related privileges for a specified period of time. The organization and its members may not operate as an organization or on behalf of the organization in any capacity, and may not present their organization as affiliated with the University during this time period.
    - c. Expulsion: Permanent exclusion from recognition at the University and all related privileges. The organization and its members may not operate as an organization or on behalf of the organization in any capacity, and may not present their organization as affiliated with the University during this time period.

## Section 7: Appeals

Student organizations have the right to appeal the determination of a policy violation and/or imposition of sanctions.

- A. Grounds for an appeal are limited to:
  - 1. A material procedural error
  - 2. Previously unavailable relevant evidence that could affect the outcome
  - 3. The sanction being substantially disproportionate to the violation.
- B. Imposition of sanctions will be deferred pending an appeal, though any interim measures will remain in effect. The student organization must submit a written appeal to the Director of Student Involvement within five (5) business days from the date of the sanction letter.
- C. The appeal shall not consist of a new hearing, irrespective of change in the organization's leadership, and will be limited to the documentation considered in the administrative hearing and additional appeal materials submitted by the organization. The appeal officer, within their discretion, may schedule further meetings with the president of the organization or others as necessary.
- D. The appeal officer may:
  - 1. Accept the decision without modification
  - 2. Accept the decision but modify the sanction imposed
  - 3. Remand the case for further proceedings
- E. Upon the discovery of new previously unavailable information, which might have had a substantial bearing on the decision, the matter may be referred back to an administrative hearing for consideration of the new information. If the appeal officer does not refer the case back for further consideration, the matter shall be deemed final.
- F. The organization shall receive a written decision from the appeal officer generally within fifteen (15) business days of the submission of the appeal.
- G. The Director of Student Involvement will serve as the appeal, unless the Director of Student Involvement conducted the investigation and administrative hearing; in that case, the Vice President of Student Development will serve as the appeal.

## **Section 8: Published Student Organization Conduct Records**

The University of Richmond's Student Organization Conduct Report includes findings of responsibility not only for hazing reports as required by Va. Code § 23.1-822 (Adam's Law) but also for all other violations by a registered student organization of University policy since July 1, 2022.

This report is designed to be broad in scope to help students interested in joining a registered student organization make informed decisions about their participation and includes findings of responsibility for violations. Charges for which a registered student organization were found not responsible are not included in this report.



# UNIVERSITY OF RICHMOND

## Policy Manual

---

### PURPOSE:

|                               |            |   |  |
|-------------------------------|------------|---|--|
| <b>Policy #:</b>              | GOV-3104   | <b>Policy Title:</b>                    | Policy on Preventing and Responding to Discrimination and Sexual Misconduct Involving Faculty or Staff                                       |
| <b>Effective:</b>             | 9/13/2022  | <b>Responsible Office:</b>              | Compliance and Title IX  |
| <b>Date Approved:</b>         | 12/20/2021 | <b>Approval:</b>                        | Vice President and General Counsel   |
| <b>Replaces Policy Dated:</b> | 08/14/2020 | <b>Responsible University Official:</b> | Vice President and General Counsel<br>Senior Associate Vice President for Human Resources<br>Director of Compliance and Title IX Coordinator |

This policy is designed to foster the University of Richmond’s commitment to the principle that every University of Richmond student, faculty and staff member has the right to work and learn in an environment free from discrimination and harassment.

---

### SCOPE:

This policy applies to the University of Richmond and all of its Affiliates. As used in this policy, the term “Affiliates” means organizations or entities in which the University owns a controlling interest or has the right to elect the majority of the entity’s governing board.

This policy sets forth the process for handling complaints of discrimination and harassment.

*Sexual Misconduct.* Sexual misconduct is a type of sex discrimination. The University’s [Policy Prohibiting Sexual Misconduct](#) specifies, in detail, the University’s prohibition of sexual misconduct and the process by which reports of sexual harassment involving students, faculty, and staff are investigated by the University.

This policy details the process for handling complaints of sex discrimination and sexual misconduct following completion of an investigation as described in the [Policy Prohibiting Sexual Misconduct](#). This policy and the University’s [Policy Prohibiting Sexual Misconduct](#) are intended to complement each other.

*Academic Freedom.* This policy is not intended to and shall not be used to limit or restrict, in any manner, academic freedom, including, but not limited to, the curricular or pedagogical choices of faculty members. Members of the University community are expected to promote academic freedom, including the freedom to discuss all relevant matters in the classroom; to explore all avenues of scholarship, research, and creative expression; and to speak or write as a public citizen without institutional restraint or discipline. Members of the University community are also expected to foster intellectual honesty and freedom of inquiry and to respect those with differing views.

If a report or complaint relates to an academic issue, including, but not limited to, the selection of course materials, the content of a course, the content of a class discussion, or course assignments and projects, the

# GOV-3104 – Policy on Preventing and Responding to Discrimination and Sexual Misconduct Involving Faculty or Staff

---

dean of the appropriate school shall evaluate the report or complaint and conduct any follow-up that may be warranted.

## INDEX:

---

GOV-3104.1.....Policy

GOV-3104.2.....Definitions

GOV-3104.3.....Reporting Concerns about Discrimination or Harassment

GOV-3104.4.....The Role of the Title IX Coordinators

GOV-3104.5..... Responding to a Report of Discrimination, Harassment, or Sexual Misconduct

GOV-3104.6.....The Process for Alternative Resolution of a Complaint for Matters not Involving Allegations of Sexual Misconduct Including Sexual Harassment Under Title IX

GOV-3104.7..... The Process for Formal Resolution of a Complaint for Matters Not Involving Allegations of Sexual Misconduct Including Sexual Harassment Under Title IX

GOV-3104.8..... The Process for Formal Resolution of a Complaint for Matters Involving Allegations of Sexual Misconduct Including Sexual Harassment Under Title IX

GOV-3104.9.....Sanctions

GOV-3104.10....Appeal of Findings and/or Remedies

GOV-3104.11.....Retaliation is Prohibited

## POLICY STATEMENT:

---

### ***GOV-3104.1 – Policy***

The University of Richmond prohibits discrimination against applicants, students, faculty, or staff on the basis of race, religion, national or ethnic origin, age, sex, sexual orientation, gender identity, gender expression, disability, status as a veteran or any classification protected by local, state, or federal law.

The University also prohibits any form of harassment based on race, religion, national or ethnic origin, age, sex, sexual orientation, gender identity, gender expression, disability, status as a veteran or any classification protected by local, state, or federal law. The University prohibits such harassment and discrimination by all students, faculty and staff, and Affiliates of the University.

As a recipient of federal funds, the University complies with federal laws prohibiting discrimination, including Title IX of the Education Amendments of 1972 (Title IX). Title IX provides that: “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

The University is committed to preventing and responding to conduct that violates its non-discrimination policy. Any individual whose conduct violates this policy will be subject to remedial action in accordance with applicable University policies and procedures.

# GOV-3104 – Policy on Preventing and Responding to Discrimination and Sexual Misconduct Involving Faculty or Staff

---

The University of Richmond shall make reasonable efforts to investigate and appropriately address reports of discrimination and harassment (as defined in this policy). Upon receipt of a complaint, report, or information about possible discrimination or harassment, the University will respond in an effort to stop such conduct, eliminate any hostile environment, take reasonable steps to prevent a recurrence of such conduct, and address any effect that such conduct may have on the larger University community.

For questions about discrimination in education, including sex discrimination, please contact the University's Director of Compliance and Title IX Coordinator, Kristine Henderson, Fountain Hall, Suite 101, (804) 289-8186, [khender3@richmond.edu](mailto:khender3@richmond.edu) or the University's Senior Associate Vice President for Human Resources and Deputy Title IX Coordinator for Employees, Carl Sorensen, Weinstein Hall, (804) 289-8166, [csorensen@richmond.edu](mailto:csorensen@richmond.edu). Further information about Title IX and sexual discrimination in education is available from the Assistant Secretary for Civil Rights, U.S. Department of Education, Office of Civil Rights, 400 Maryland Avenue, SW, Washington, DC, 20202-1100; 800-421-3481; [OCR@ed.gov](mailto:OCR@ed.gov); or at the website: <http://www.ed.gov/ocr>.

## ***GOV-3104.2 – Definitions***

***Discrimination:*** Discrimination is inequitable treatment by the University or its Affiliates based on an individual's Protected Status, as defined in this policy, that adversely affects a term or condition of an individual's employment or limits or denies an individual's opportunity to participate in or benefit from a University program or activity.

***Harassment:*** Harassment is unwelcome conduct directed against an individual, based on that individual's Protected Status, as defined in this policy, that is sufficiently severe, persistent **OR** pervasive such that it limits or denies an individual's employment, academic performance, or ability to participate in or benefit from University programs or activities.

***Protected Status:*** For purposes of this policy, the term protected status means an individual's race, religion, national or ethnic origin, age, sex, sexual orientation, gender identity, gender expression, disability, status as a veteran or any classification protected by local, state, or federal law.

***Sexual Misconduct:*** As used in this policy, the term sexual misconduct is defined under the [University's Policy Prohibiting Sexual Misconduct](#).

## ***GOV-3104.3– Reporting Concerns about Discrimination or Harassment***

The University strongly encourages prompt reporting of incidents that may constitute discrimination or harassment.

Any member of the University community who believes that they may have been or knows someone who may have been discriminated against or subjected to harassment, including sexual harassment, in violation of the University's policy, should report that concern or those concerns as follows:

- ***Students:*** For matters involving students either as the subject of the alleged discrimination or harassment or as the person alleged to be discriminating or engaging in misconduct, contact:

Tracy Cassalia, Deputy Title IX Coordinator for Students, at (804) 289-8464,  
[tcassali@richmond.edu](mailto:tcassali@richmond.edu)

# GOV-3104 – Policy on Preventing and Responding to Discrimination and Sexual Misconduct Involving Faculty or Staff

---

For disability related concerns, contact:

Cort Schneider, Director, Disability Services, at (804) 662-3017 or [cschnei2@richmond.edu](mailto:cschnei2@richmond.edu)

- *Faculty and Staff*: For cases involving faculty or staff as the subject of possible discrimination or harassment, please contact:

Carl Sorensen, Deputy Title IX Coordinator for Employees and Senior Associate Vice President of Human Resource at (804) 289-8166, [csorensen@richmond.edu](mailto:csorensen@richmond.edu).

You may also contact:

Kristine Henderson, Director of Compliance and Title IX Coordinator at (804) 289-8186, [khender3@richmond.edu](mailto:khender3@richmond.edu).

While the University encourages people to report concerns regarding alleged discrimination directly to the individuals listed above, reports may also be made via the University's Ethics and Compliance Helpline. The Ethics and Compliance Helpline can be reached at (804) 287-1800 or by submitting an [online report](#).

## *Reporting Concerns about Sexual Misconduct*

For more information on reporting sexual misconduct, see the University's [Policy Prohibiting Sexual Misconduct](#). Unless designated as a confidential resource under the University's [Policy Prohibiting Sexual Misconduct](#), all University employees designated as Responsible Employees are required to report incidents of possible sex discrimination and sexual misconduct to the University's Title IX Coordinators. The definition of Responsible Employees can be found in the University's [Policy Prohibiting Sexual Misconduct](#).

The University has adopted a [policy](#) that prohibits retaliation or retribution, in any form, against an individual who reports, in good faith, an actual, potential or suspected violation of this policy.

## ***GOV-3104.4 – The Role of the Title IX Coordinators***

The University's Title IX Coordinators are responsible for ensuring the University's compliance with Title IX of the Education Amendments of 1972. Additionally, the appropriate Title IX Coordinator will investigate any report or complaint of discrimination or harassment prohibited by this policy.

For more information on the role of Title IX Coordinators at the University, see the University's [Title IX Coordinators Policy](#).

## ***GOV-3104.5 – Responding to a Report of Discrimination, Harassment or Sexual Misconduct***

The following process applies to complaints of discrimination, harassment or sexual misconduct involving University staff or faculty members as the Respondent. The Deputy Title IX Coordinator for Employees or their designee will respond to information or reports of possible discrimination regardless of whether a formal complaint is made. For information on the process for complaints involving students as the Respondent, see the University's [Policy Prohibiting Sexual Misconduct](#) and/or the [Policy on Preventing and Responding to Discrimination Against Students](#).

**For matters involving allegations of sexual misconduct including sexual harassment under Title IX:** The Deputy Title IX Coordinator for Employees or their designee will ensure the process for responding to a

# GOV-3104 – Policy on Preventing and Responding to Discrimination and Sexual Misconduct Involving Faculty or Staff

---

report, including the provision of appropriate supportive measures is in accordance with the University [Policy Prohibiting Sexual Misconduct](#).

**For matters involving allegations of discrimination and harassment:** The Deputy Title IX Coordinator for Employees or their designee will meet with the person making the report or on whose behalf the report is made (the “Complainant”) to review the Complainant’s concerns, to explain the University’s procedures for handling a complaint of discrimination, to determine whether an investigation is warranted and to discuss with the Complainant the options for formal and alternative resolution of the complaint.

## *Supportive Measures*

After gathering preliminary information from the Complainant and considering any request by the Complainant for confidentiality, the Deputy Title IX Coordinator for Employees, or their designee, will determine whether supportive measures are reasonable and appropriate during the pendency of an investigation or complaint process to protect the Complainant and/or the campus. Examples of supportive measures include, but are not limited to:

- Issuing a “no contact order” or a “no trespass order;”
- Allowing the Complainant to take a paid leave of absence pending completion of the formal resolution process;
- Placing the accused individual on a paid or unpaid leave of absence pending completion of the formal resolution process; and
- Working with the supervisor for the Complainant and/or accused individual to prevent or address retaliation.

For a detailed description of other supportive measures that may be implemented in cases alleging sexual misconduct including sexual harassment under Title IX please see the [Policy Prohibiting Sexual Misconduct](#).

## ***GOV-3104.6 - The Process for Alternative Resolution of a Complaint for Matters NOT Involving Allegations of Sexual Misconduct***

### *Purpose of Alternative Resolution*

Alternative resolution provides an opportunity for the Complainant to discuss their complaint with the Respondent and to communicate their feelings and perceptions regarding the incident, the impact of the incident, and their wishes and expectations regarding protection in the future. The Respondent will have an opportunity to respond. The Complainant may, at their option, seek to resolve the matter informally, but will not be required to pursue an alternative resolution before filing a formal complaint. Additionally, a Complainant may terminate the alternative resolution process at any time and initiate a formal resolution process.

# GOV-3104 – Policy on Preventing and Responding to Discrimination and Sexual Misconduct Involving Faculty or Staff

---

## *Discussion with Human Resources Staff Present*

The Complainant may wish to discuss their complaint with the Respondent in a discussion facilitated by a member of the University's Human Resources office. In such case, the Complainant should notify the Deputy Title IX Coordinator for Employees or their designee to pursue this option. The Deputy Title IX Coordinator for Employees or their designee will make an independent assessment as to whether alternative resolution is appropriate, given the nature of the allegation, and, if it is, will coordinate such a discussion. The Respondent will be encouraged, but not required, to participate in the alternative resolution.

If, during the course of the alternative resolution, the Respondent elects to take responsibility for the alleged conduct, the alternative resolution process will be concluded and the Human Resources staff member will propose a sanction. If both the Complainant and the Respondent agree to such proposed sanction, the complaint will be resolved without any further rights to a hearing or appeal by either party.

If the Respondent does not take responsibility for the alleged conduct, or either the Complainant or the Respondent object to such proposed sanction, the matter will be handled in accordance with the formal resolution process outlined below.

The University, the Complainant, or the Respondent may, at any time prior to the conclusion of the alternative resolution, elect to end such proceedings and initiate the formal resolution process instead. In such cases, statements or disclosures made by the parties in the course of the alternative resolution may be considered in the subsequent formal resolution.

For matters involving sexual misconduct, the Deputy Title IX Coordinator for Employees or their designee shall ensure that an alternative resolution be carried out in accordance with the University's [Policy Prohibiting Sexual Misconduct](#). ***GOV-3104.7 -The Process for Formal Resolution of a Complaint for Matters NOT Involving Allegations of Sexual Misconduct***

## **A. Filing a Formal Complaint**

A Complainant has the option to pursue a formal resolution of their complaint regarding a possible violation of this policy. As stated above, the Deputy Title IX Coordinator for Employees or their designee may require that the complaint be resolved through formal rather than alternative resolution. Additionally, as indicated above, a formal complaint is not required to initiate an investigation of a report or other information indicating a possible violation of this policy. A Complainant may file a formal complaint with the Deputy Title IX Coordinator for Employees. Formal complaints alleging violation of this policy should be filed in a timely manner, ordinarily within thirty (30) days of the offending conduct, usually within ten (10) working days. However, no complaint will be dismissed solely on the basis of the time it was filed.

The formal complaint must be in writing and must include the following:

- A statement that the Complainant intends for the document submitted be treated as a formal complaint;
- The date or approximate date on which the alleged behavior occurred;
- The identity of the person(s) allegedly responsible;
- A specific description for the conduct or behavior upon which the complaint is based; and

# GOV-3104 – Policy on Preventing and Responding to Discrimination and Sexual Misconduct Involving Faculty or Staff

---

- The names of all witnesses to the conduct or behavior at issue (if any) and any evidence supporting the complaint, including attaching any tangible evidence or documentation.

The formal complaint must be signed and dated by the Complainant.

## B. Confidentiality

For cases in which the Complainant wishes to keep their name, the name of the Respondent, and other information confidential or decides not to file a formal complaint under this policy, the Deputy Title IX Coordinator for Employees, or their designee will gather as much information as reasonably possible about the alleged discrimination or harassment.

The University will respond to this information as it deems necessary to protect the campus community, while seeking to respect the Complainant's request for confidentiality. The Deputy Title IX Coordinator for Employees will inform the Complainant that keeping the Complainant's name confidential or declining to identify the accused individual may limit the University's ability to thoroughly investigate and respond to the alleged violation of this policy. The Deputy Title IX Coordinator for Employees will also inform the Complainant that in some cases it may not be possible to ensure confidentiality.

For information on how requests for Confidentiality are handled in cases involving potential sexual misconduct, see the [University's Policy Prohibiting Sexual Misconduct](#).

## C. Investigation

**If an investigation is warranted and the person accused of the discrimination or harassment is a student**, the Deputy Title IX Coordinator for Students or their designee will conduct the investigation or shall engage the University's Title IX investigator to conduct the investigation. The investigation will be conducted in a prompt, objective, and thorough manner. The time period for such investigation may vary depending upon the complexity of the investigation. In the case of an allegation of sexual misconduct, the Deputy Title IX Coordinator for Students shall ensure that the investigation is conducted in accordance with the [University's Policy Prohibiting Sexual Misconduct](#).

**If an investigation is warranted and the person accused of the discrimination or harassment is a member of the faculty or staff**, the Deputy Title IX Coordinator for Employees or their designee shall conduct the investigation. In the case of a faculty member, the Title IX Coordinator for Employees or their designee shall coordinate such investigation with the dean of the faculty member's school. If the accused individual is the dean, the Deputy Title IX Coordinator for Employees or their designee shall coordinate such investigation with the Provost and Executive Vice President for Academic Affairs.

The Deputy Title IX Coordinator for Employees or their designee will investigate all reports of possible discrimination or harassment about which they become aware, regardless of the source of the report or information. The nature and extent of the investigation will vary based on the specific circumstances of the incident, but in all cases the investigation will be prompt, fair and impartial. The time period for such investigation may vary depending on the complexity of the investigation.

As part of that investigation, the Deputy Title IX Coordinator for Employees or their designee will interview the Complainant and the Respondent and any witnesses and will gather relevant evidence.

At the conclusion of the investigation, the Deputy Title IX Coordinator for Employees or their designee, will share a summary of the investigative findings with the Complainant and the Respondent, and other

# GOV-3104 – Policy on Preventing and Responding to Discrimination and Sexual Misconduct Involving Faculty or Staff

---

appropriate officials at the University. The Deputy Title IX Coordinator for Employees or their designee will also determine based upon a preponderance of evidence whether the incident should be referred for further evaluation of potential disciplinary charges or other remedial action. The Deputy Title IX Coordinator for Employees or their designee may consult with other appropriate University officials for evaluation of potential disciplinary action or remedial action under applicable University policies and procedures.

If the Deputy Title IX Coordinator for Employees determines based upon a preponderance of the evidence, that there is not enough information to warrant an evaluation of potential disciplinary action or remedial action, they will close the investigation. The investigation may be reopened if and when additional evidence becomes available. Even if the Deputy Title IX Coordinator for Employees determines that there is not enough information to warrant an evaluation of potential disciplinary action or remedial action, they will evaluate and, where appropriate implement other types of supportive measures for the Complainant, the Respondent, witnesses, or other involved individuals, such as issue or continuing a “no contact” order, implementing or continuing other workplace accommodations, or facilitating access to counseling or other support services.

Additionally, in collaboration with other University officials, the Deputy Title IX Coordinator for Employees will consider and, where appropriate, implement remedial actions targeted at the broader campus community, such as increased monitoring or security at the location where the conduct occurred, creating additional education or training, and revising and publicizing the University’s policies and resources.

## **D. Advisors**

In cases involving alleged sexual misconduct, the Complainant and the Respondent each have the right to the services of an advisor of their choice. The advisor may be an attorney. The Complainant and the Respondent may have their advisors attend any appeal proceeding, as described herein, and any other related meeting, hearing, or investigative interviews.

In all other cases, the Complainant and Respondent may have an advisor who is an employee of the University present at any appeal proceeding described herein.

The role of the advisor is to provide support, guidance, and advice to the Complainant or Respondent. Other than providing advice and guidance directly to the Complainant or Respondent, advisors are not permitted to participate in the appeal proceeding, other related meetings or interviews, including, but not limited to making oral arguments or statements, questioning witnesses, or raising objections during a proceeding. An advisor may request a brief recess of the proceedings to provide advice to the Complainant or Respondent. In matters involving allegations of sexual misconduct including sexual harassment under Title IX, the party’s advisor will be responsible for all cross examination during a hearing.

Choosing an advisor who is also a witness in the Title IX grievance process creates a potential for bias and/or conflicts of interest. A party who chooses an advisor who is also a witness can anticipate that issues of potential bias will be explored by the Hearing Board.

# GOV-3104 – Policy on Preventing and Responding to Discrimination and Sexual Misconduct Involving Faculty or Staff

---

## *GOV-3104.8 - The Process for Formal Resolution of a Complaint for Matters Involving Allegations of Sexual Misconduct*

### **A. Filing a formal Complaint**

The Deputy Title IX Coordinator for Employees or their designee will ensure the process for responding to a report, including confidentiality and the provision of appropriate supportive measures is in accordance with the [University Policy Prohibiting Sexual Misconduct](#).

### **B. Administrative Leave**

The University may place a non-student employee Respondent on administrative leave during the pendency of the formal resolution process.

### **C. Hearing**

If the Respondent is a faculty member, the hearing process shall be governed by the provisions of the Faculty Handbook and other applicable policies and procedures.

If the Respondent is a staff member, the hearing process shall be as follows:

#### *Appointment of Hearing Board*

The Deputy Title IX Coordinator for Employees or their designee shall select five (5) members of the University Hearing Board pool to serve on a Hearing Board to consider the charges against the Respondent. The Hearing Board will also include an independent, qualified third-party non-voting Hearing Officer, who shall be responsible for the orderly conduct of the hearing and who agrees, in writing, to maintain the confidentiality of the proceedings. The Deputy Title IX Coordinator for Employees or their designee should use reasonable efforts to ensure that the Hearing Board members and Hearing Officer have no bias for or against the Complainant or Respondent in the case at hand or complainants or respondents generally. The Deputy Title IX Coordinator for Employees or their designee shall notify the Complainant and the Respondent of the names of the proposed Hearing Board members and the Hearing Officer.

The Respondent and the Complainant have the right to petition that any member of the Hearing Board or the Hearing Officer be removed on the basis of bias or conflict of interest.

### **D. Rights and Responsibilities of the Respondent**

The Respondent shall be afforded the following rights and responsibilities throughout the hearing process:

- i. Hearing. The Respondent has the right to a live hearing, conducted in accordance with the procedures set forth in this Policy. At the discretion of the Hearing Officer, the hearing may be conducted with all parties, advisors, and witnesses physically present in the same location or any or all parties, advisors, and witnesses may appear virtually with technology enabling participants to simultaneously see and hear each other. The hearing will be recorded and a

# GOV-3104 – Policy on Preventing and Responding to Discrimination and Sexual Misconduct Involving Faculty or Staff

---

transcript of the hearing shall be made available to the Respondent for inspection and review.

- ii. Evidence. The Respondent has the right to a hearing based on reliable evidence presented during the hearing process, including reasonable inferences drawn from such evidence, and reasonable determinations by the fact finder as to the credibility of witness testimony. The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility shall rest with the University and not the parties to the hearing.
- iii. Advisor. The Respondent has the right to the services of an advisor of their choice. The Respondent is responsible for presenting their own information, and therefore, advisors are not permitted to participate in any hearing before a Hearing Board, including, but not limited to making oral arguments or statements or raising objections during a hearing. The advisor will be responsible for conducting cross examination on behalf of the Respondent during the hearing. An advisor may request a brief recess of the proceedings to provide advice to the Respondent.

The Respondent should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the Hearing Board hearing, as delays normally will not be allowed due to the scheduling conflicts of an advisor.

If the Respondent does not have an advisor present at the hearing, the University will provide an advisor of the University's choice, at no cost or fee to the Respondent to conduct cross-examination on behalf of the Respondent. Such advisor may be, but is not required to be an attorney.

- iv. Right Not to Participate. The Respondent has the right to not participate in any meetings, proceedings, interviews or the hearing. The Hearing Board cannot draw an inference about the determination regarding responsibility based solely on the party's absence at a hearing or refusal to submit to cross examination
- v. Notice of Hearing. The Hearing Officer shall prepare and deliver to the Respondent a notice of hearing. Such notice may be delivered to the Respondent in person, by electronic mail, by U.S. Mail, or by campus mail. The date of the hearing shall not be less than seven (7) business days from the date of such notice. The notice of hearing shall include:
  - a. The name and address of the Respondent;
  - b. The date, time, and location of the Hearing Board Hearing;
  - c. A description of the alleged misconduct at issue including the specific policy section allegedly violated;
  - d. The date, and place of the alleged misconduct (if known);
  - e. The name of the Complainant;
  - f. The name of the Hearing Officer;
  - g. The names and titles of the voting members of the Hearing Board;
  - h. A statement that the Respondent is presumed to be not responsible for the alleged misconduct until a determination is made at the conclusion of the hearing and any

# GOV-3104 – Policy on Preventing and Responding to Discrimination and Sexual Misconduct Involving Faculty or Staff

---

- appeal process that the Respondent is responsible;
- i. A statement that the Respondent may have an advisor who may be, but is not required to be, an attorney;
  - j. A statement that pursuant to the University’s Policy Prohibiting Retaliation making a report “in good faith” means the individual making the report has a reasonable basis to believe that there has been or may have been a violation of applicable laws or regulations or University policies or that there is a reasonable possibility that such a violation may occur in the near future. Individuals who make frivolous or false reports shall not be deemed to be acting in good faith.
- vi. Right to inspect evidence:
- a. The Respondent has a right to inspect and review any evidence that is obtained as part of the investigation and that is directly related to the allegations, including evidence that the University does not intend to rely on in reaching a determination regarding responsibility including both inculpatory and exculpatory evidence. Neither the Respondent nor the Respondent’s advisor have a right to reproduce the evidence in any manner.
  - b. The Respondent will have 10 business days after receipt of the above referenced evidence to submit a written response which the Title IX investigator will consider prior to completion of the investigative report.
  - c. The University will provide the Respondent and their advisor with a complete investigative report that fairly summarizes relevant evidence at least 10 business days prior to a hearing by the Hearing Board for review and written response. Neither the Respondent, nor their advisor will have the right to reproduce the investigative report in any manner.
- vii. The Respondent has the right to provide the Hearing Officer or their designee with their respective objections to the Title IX investigative report prior to the hearing to be included in the hearing record.
- viii. Witness List. The Respondent has the right to call expert and/or fact witnesses at the hearing whose testimony is relevant to the issues before the Hearing Board and provided the lists of such witnesses is submitted to the Hearing Officer or their designee as specified in Section F of this policy. The Respondent has the right to access the list of witnesses that the Hearing Board and/or the other party intend to call at the hearing.
- ix. Documentary Evidence. The Respondent has the right to offer documentary, electronic and other evidence that is relevant to the issues before the Hearing Board. Subject to applicable privacy laws, including FERPA, the Respondent has the right to review all documentary evidence that the Hearing Board and the Complainant intend to present at the hearing. The Respondent shall not copy, reproduce, disseminate, or disclose to anyone, other than their advisor, any such evidence and shall return such evidence to the Hearing Officer or their designee at the conclusion of the hearing.

## GOV-3104 – Policy on Preventing and Responding to Discrimination and Sexual Misconduct Involving Faculty or Staff

---

- x. Attendance at the Hearing. The Respondent and their advisor have the right to attend the entire hearing except for the deliberations of the Hearing Board and the verbal notifications of the outcome by the Hearing Officer to the to the other party.
- xi. Right to Offer Evidence and Witness Testimony. The Respondent has the right to offer evidence and oral testimony of witnesses that is relevant and reasonably related to the issues before the Hearing Board.
- xii. Questions for Witnesses. The Respondent has the right to submit to the Hearing Officer a list of questions that the Respondent wishes the Hearing Officer to ask any witness who gives oral testimony. If the Respondent choses to submit their initial list of questions to the Hearing Officer or their designee, they should be submitted two (2) business days prior to the commencement of the hearing. Notwithstanding the foregoing, the advisor for the Respondent may, directly, orally, and in real time, ask the other party and any witnesses called by the opposing party or the Hearing Board, relevant questions and follow-up questions, including those challenging credibility. The Hearing Board shall use their reasonable discretion in determining the relevance or appropriateness of any proposed question submitted by the Respondent or posed by an advisor on behalf of the Respondent and the Hearing Officer shall not be obligated to ask or permit all of the questions proposed by the Respondent or their advisor. The Hearing Board shall comply with 34 C.F.R. §100.45(b)(6)(i) in determining the relevance of proposed questions and explaining any ruling on relevance. Where appropriate, the Respondent may request a brief recess of the hearing to prepare such questions. The Hearing Officer, in their reasonable discretion, may grant or deny such request.
- xiii. Extension of Submission Deadlines. The Hearing Officer may extend the time frame for submitting evidence, witness lists, and witness questions, at their sole discretion, and only for good cause. If timelines are extended, the Hearing Officer or their designee shall provide written notice to the parties.
- xiv. Closed Hearing. Hearing Board hearings are closed to the public. The Hearing Officer will control admission of persons to the hearing. Any person not a party or witness in the hearing will be prohibited. The Respondent shall have the right to attend the entire hearing, except for the deliberations of the Hearing Board.
- xv. Failure to Attend Hearing. The Respondent has the responsibility to attend the scheduled hearing. If the Respondent, without valid excuse or authorization from the Hearing Officer, fails to attend the hearing as scheduled, the Hearing Board may proceed in the Respondent’s absence to a determination of the matter, and if appropriate, impose sanctions. If the Respondent’s advisor fails to attend the hearing as scheduled, the University will appoint an advisor of its choice, at no cost or fee, to the Respondent for the sole purpose of conducting cross-examination on behalf of the Respondent. If the Respondent’s advisor fails to attend the hearing, the hearing will be recessed until such time that the University can provide an alternative advisor on behalf of the Respondent.
- xvi. Notice of Outcome. The Respondent has the right to written notice of the outcome of the Hearing Board hearing, and the notice shall be provided to the Respondent and the Complainant simultaneously by 5:00 PM on the fifth (5<sup>th</sup>) business day following the

# GOV-3104 – Policy on Preventing and Responding to Discrimination and Sexual Misconduct Involving Faculty or Staff

---

conclusion of the hearing. The Hearing Officer at their discretion can extend this timeline for good cause and with written notice to the parties. The notice of outcome shall include a description of the appeal rights of the Respondent and Complainant under this Policy. The Respondent also has the right to written notice of any change in the outcome or sanctions imposed and notice as to when such outcome and sanctions shall be deemed final.

- xvii. Privacy of the Respondent. The Respondent has the right to preservation of privacy to the extent reasonably possible and allowed by law. The Respondent has the right not to have irrelevant prior sexual or relationship history or physical or mental health history admitted as evidence in a Hearing Board hearing. The Respondent has the right not to have released to the public by University officials any personally identifiable information about the Respondent, without their consent, except to the extent such disclosure is required by applicable law, regulation, or court order.

## **D. Rights and Responsibilities of the Complainant.**

The Complainant shall be afforded the same rights as and shall have the same responsibilities of the Respondent as outlined in this Policy.

## **E. Pre-Hearing Submission Deadlines.**

- i. Submission of Witness Lists. The Respondent and Complainant shall provide the Hearing Officer or their designee their respective lists of witnesses, including written character witness statements, by 5:00 p.m. on the seventh (7) business day before the hearing.
- ii. Submission of Documentary, Electronic, and Other Evidence. The Respondent and Complainant shall submit copies of all documentary, electronic, or other evidence to the Hearing Officer or their designee by 5:00 p.m. on the fourth (4<sup>th</sup>) business day before the hearing.
- iii. Statement of Objections to the Title IX Investigative Report. The Complainant and Respondent shall provide the Hearing Board with their respective objections to the Title IX investigative report, if any, by 5:00 pm on the fourth (4<sup>th</sup>) business day before the hearing.
- iv. Access to Other Party's Pre-Hearing Submissions. Upon receipt of a pre-hearing submission from either the Complainant or the Respondent, the Hearing Officer or their designee shall provide the other party with access to such submission as soon as reasonably possible and in no event, later than one (1) business day following the submission.
- v. Hearing Board Witnesses, Documentary, Electronic, and Other Evidence. The Hearing Officer or their designee shall provide the Respondent & Complainant with access to the list of witnesses to be called by the Hearing Board and any documentary, electronic, or other evidence not included in the investigative report at least third (3) business days prior to the hearing.
- vi. Removal of Hearing Board Member. The party must submit a written petition to the Deputy Title IX Coordinator for Employees four (4) business days prior to the scheduled hearing seeking removal of a member of the Hearing Board or the Hearing Officer stating the reasons for such request. The Deputy Title IX Coordinator for Employees or their designee shall

# GOV-3104 – Policy on Preventing and Responding to Discrimination and Sexual Misconduct Involving Faculty or Staff

---

- respond to such request, in writing, within two business days of receipt of the request.
- vii. Questions for Witnesses. The Respondent and Complainant may submit their respective lists of questions for witnesses to the Hearing Officer or their designee at least two (2) business days prior to the commencement of the hearing.
  - viii. Notification of Advisor for Purposes of Cross-Examination. The Respondent or Complainant shall notify the Title IX Coordinator ten (10) business days in advance of the hearing if they need the University to provide an advisor for purposes of cross-examination at the hearing.
  - ix. Request for Hearing to Occur via Video Conferencing. The Respondent, Complainant, or Title IX Coordinator has the right to request the hearing before the Hearing Board be conducted via video conferencing. The Hearing Officer, Hearing Board, Complainant, Respondent and any witnesses must be able to see and hear the party or witness providing testimony. The request for the hearing to occur via video conferencing must be made ten (10) business days in advance of the hearing.
  - x. Extension of Submission Deadlines. The Hearing Officer may extend the time frame for submitting evidence, witness lists, and witness questions, at their sole discretion, and only for good cause. If timelines are extended, the Hearing Officer or their designee shall provide written notice to the parties.

## **G. Pre-Hearing Procedures.**

- i. The Respondent shall be afforded the opportunity to meet (in person, by telephone or videoconference) with the Hearing Officer or their designee prior to the hearing. The purpose of this meeting is to advise the Respondent of the hearing procedures and their rights in connection with the hearing. The Respondent's advisor is permitted to attend this meeting.
- ii. The Complainant shall be afforded the opportunity to meet (in person, by telephone or videoconference) with the Hearing Officer prior to the hearing. The purpose of this meeting is to advise the Complainant of the hearing procedures and their rights in connection with the hearing. The Complainant's advisor is permitted to attend this meeting.

## **H. The Hearing Board and the Hearing Officer**

The Hearing Officer shall create a hearing record comprising the following: (a) the hearing written notice to the Respondent; (b) the investigative report with its attachments; (c) the documentary, electronic, and other evidence submitted by the Hearing Board, the Complainant (if applicable), and the Respondent (if applicable); and (d) the hearing transcript, following completion of the hearing.

- 1. The Hearing Officer or their designee shall provide the Complainant and the Respondent with access to the hearing record two (2) business days prior to the hearing.
  - i. The Hearing Officer or their designee shall ensure that there are sufficient copies of the hearing record available during the hearing for all Hearing Board members, the Respondent and their advisor, the Complainant and their advisor and for testifying witnesses to use during their testimony.

## GOV-3104 – Policy on Preventing and Responding to Discrimination and Sexual Misconduct Involving Faculty or Staff

---

- ii. The Hearing Officer or their designee shall convene one or more pre-hearing meetings of the members of the Hearing Board to review the charge(s), to go over the contents of the hearing record, and to answer any procedural questions. This meeting shall be held at least one (1) business day prior to the hearing.
2. The Hearing Officer shall preside over and conduct the hearing and has the authority described herein
  - i. The Hearing Officer may appoint a recording secretary or other staff member as needed. The Hearing Officer shall also arrange for the preparation of a transcript of the hearing, excluding the deliberations of the Hearing Board. The hearing will be audio recorded.
  - ii. The Hearing Officer controls the admission of persons to the hearing. The Hearing Officer may order any person in attendance that does not conduct themselves in an orderly and respectful manner to leave. Obstructive, contemptuous, disruptive or noisy conduct in the presence of the hearing board by any person, including the Respondent, the Complainant, a witness, or an advisor, may result in that person being removed from the hearing. If a party's advisor is removed from a hearing pursuant to this section, the hearing will be recessed until such time that the University can provide an alternate advisor of the University's choice at no cost or fee to the party, in order to conduct cross examination on behalf of that party;
  - iii. The Hearing Board may control the questioning of the Respondent, the Complainant, and any witnesses by Hearing Board members, the Respondent or their advisor, and the Complainant or their advisor to protect witnesses from improper or irrelevant questions, insulting treatment, and unnecessary inquiry into their private affairs.
  - iv. The Hearing Officer may exclude witnesses from the hearing room except when they are testifying.
3. General Procedural Rules of the Hearing Board.
  - i. All members of the Hearing Board must be present throughout the hearing.
  - ii. If a member of the Hearing Board must leave before the hearing is complete with good cause, the Hearing Officer may at their sole discretion recess the hearing and reconvene the hearing within one (1) business day.
  - iii. If a voting member disqualifies themselves or for good cause they must withdraw from the hearing, the Hearing Officer or their designee shall select a replacement from the Hearing Board Pool. The Hearing Officer shall, after consultation with the Respondent and the Complainant in open session, provide the replacement with a summary of all prior proceedings.
  - iv. No person shall address the Hearing Board or submit questions to the Hearing Officer for any witness (including the Respondent, the Complainant or an advisor) without first being recognized by the Hearing Officer.

# GOV-3104 – Policy on Preventing and Responding to Discrimination and Sexual Misconduct Involving Faculty or Staff

---

## I. The Hearing

1. Order of the Hearing:
  - i. The Hearing Officer shall read a summary of the alleged misconduct at issue to the Respondent and the Respondent shall state whether they accept or deny responsibility for such alleged misconduct. In the absence of a response, the Respondent shall be deemed not to have accepted responsibility for the alleged misconduct.
  - ii. If the Respondent does not accept responsibility for the alleged misconduct, evidence, and/or witness testimony admitted by the Hearing Officer shall be presented that support or refute such allegation.
  - iii. If the Respondent accepts responsibility for the charge(s), evidence, witness testimony, admitted by the Hearing Officer shall be presented that will assist the Hearing Board in determining a recommended sanction.
  - iv. The Hearing Officer shall remind all parties that the standard of evidence is preponderance of the evidence, or the greater weight of the evidence presented at the hearing. It is that evidence that the finders of fact find most persuasive. A preponderance, or the greater weight of the evidence, is a matter of quality, not quantity. The testimony of one witness who is found to be credible can, for example, be greater than the weight of two witnesses who have no first-hand knowledge or poor recollections of the event in question. The preponderance of the evidence standard is sometimes described as a “more likely than not” standard.
  - v. The Respondent and Complainant shall be provided an opportunity to make an opening statement.
  - vi. The members of the Hearing Board shall direct the Hearing Officer to call witnesses and/or present evidence.
  - vii. The Respondent and Complainant shall have the opportunity to testify, present evidence, and call witnesses. The Respondent and Complainant may provide written statements to be included as part of the hearing record for no more than two (2) character witnesses. Character witnesses will not be called to testify at the hearing. Any character witness statements provided will be available for the Hearing Board and other party to review.
  - viii. Prior to the initial deliberations by the Hearing Board, the Respondent and Complainant shall be given the opportunity to make a closing statement to the Hearing Board. This statement shall not address the impact of the incident, the investigation or the hearing, on the Respondent or Complainant.
  - ix. The Hearing Officer will excuse all parties so that the members of the Hearing Board may deliberate in private on the issue of responsibility for the charges at issue.
  - x. After deliberations on the issue of responsibility are completed, the Hearing Officer shall meet separately with the Respondent and Complainant to notify them of the decision of the Hearing Board on the issue of responsibility.
  - xi. If the Hearing Board finds the Respondent responsible for the charges at issue, the hearing will be reconvened after the notice required herein. The Respondent and Complainant will

# GOV-3104 – Policy on Preventing and Responding to Discrimination and Sexual Misconduct Involving Faculty or Staff

---

each have an opportunity to make an impact statement to the Hearing Board regarding the issue of sanctions and the impact of the conduct on them.

- xii. The Hearing Officer will excuse all parties so that the members of the Hearing Board may deliberate in private on the issue of sanctions.
  - xiii. After deliberations on the issue of sanctions are completed, the Hearing Officer shall meet separately with the Respondent, to notify the Respondent of the sanctions recommended by the Hearing Board and the effective date of such sanctions. The Hearing Officer will meet separately with the Complainant and notify them of the sanctions that relate directly to their complaint.
  - xiv. The Hearing Officer will also provide information to the Respondent and Complainant related to written notification of the decision and appeal rights.
  - xv. The Hearing Officer will adjourn the hearing.
2. Procedure for Oral Testimony.
- i. The Title IX Coordinator shall not testify as a witness.
  - ii. The investigator may be called to testify as a witness.
  - iii. The Respondent, the Complainant and all witnesses shall testify under oath or affirmation.
  - iv. The members of the Hearing Board shall be given the opportunity to ask questions of the Respondent, Complainant, and all witnesses.
  - v. The Hearing Officer will ask questions submitted by the party calling the witness.
  - vi. The advisor for the Respondent and Complainant shall conduct cross-examination on behalf of their respective party. Advisors shall have the opportunity to cross examine the other party, witnesses called by the other party, and witnesses called by the Hearing Board. Any party or witness may choose not to offer evidence or submit to cross-examination at the hearing, either because they do not attend the hearing, or because they attend but refuse to participate in cross-examination. The Hearing Board can only rely on whatever relevant evidence is available through the investigation and hearing in making the ultimate determination of responsibility. The Hearing Board may not draw inference solely from a party's or witness's absence from the hearing or refusal to submit to cross-examination. The advisor cannot yell, berate or talk over the party/witness when conducting cross-examination.
  - vii. The members of the Hearing Board shall have the opportunity to ask questions of the parties and all witnesses.
3. Deliberation of the Hearing Board.
- i. The voting members of the Hearing Board shall deliberate in private and reach a decision based only upon the evidence introduced at the hearing. The Hearing Officer is present during the deliberation, but does not have a vote.
  - ii. The members of Hearing Board shall not make any finding of fact that is not supported by the

# GOV-3104 – Policy on Preventing and Responding to Discrimination and Sexual Misconduct Involving Faculty or Staff

---

evidence presented at the hearing. In making findings of fact the members of the Hearing Board shall apply the preponderance of evidence standard.

- iii. If a majority of Hearing Board members find the Respondent responsible for the alleged misconduct, the recommendation of the Hearing Board shall be that the Respondent be found responsible.
- iv. If the Respondent is found responsible, the recommended sanction generally shall be determined in accordance with section GOV -3104.9 of this policy. The Hearing Officer will notify both parties of the agreed upon sanction.
- v. The Respondent and Complainant have the right to a written notice of outcome and sanctions (if applicable) of the Hearing Board hearing including:
  - (1) Identification of the allegations;
  - (2) A description of the procedural steps taken from the receipt of the formal complaint through the determination including notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings;
  - (3) Findings of fact supporting the determination;
  - (4) Conclusions regarding the application of the [Policy Prohibiting Sexual Misconduct](#) to the facts;
  - (5) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility;
  - (6) A listing of all relevancy determinations made during the hearing;
  - (7) Disciplinary sanctions (if any) imposed on the Respondent;
  - (8) Remedies (if any) that will be provided to the Complainant designed to restore or preserve equal access to the University's education program or activity; and
  - (9) The bases and procedures for an appeal;
  - (10) The written notice of outcome shall be furnished to the Respondent and the Complainant simultaneously.
4. Advice and Assistance for the Hearing Officer and Hearing Board.

At any time during the formal resolution process, the Hearing Officer and the Hearing Board may seek advice and assistance from the Deputy Title IX Coordinator for Employees or the University's General Counsel, or their designee. Such advice and guidance shall generally be limited to procedural matters, interpretative matters, or legal matters and shall not go to the ultimate issues of responsibility or the appropriate sanction.

## ***GOV-3104.9 - Sanctions***

### **A. Staff Members**

*For cases involving Discrimination and Harassment:*

# GOV-3104 – Policy on Preventing and Responding to Discrimination and Sexual Misconduct Involving Faculty or Staff

---

If the Respondent is a staff member and the Deputy Title IX Coordinator for Employees, or their designee, determines that there is sufficient evidence to support a finding that the Respondent violated this policy then the Deputy Title IX Coordinator for Employees, or their designee, shall, after consultation with the accused individual's supervisor, determine the appropriate disciplinary and/or remedial action and shall notify the Respondent of the outcome in accordance with the [University's Progressive Discipline Policy](#).

*For cases involving sexual misconduct including sexual harassment under Title IX:*

In cases where there is a finding of responsibility for sexual misconduct or sexual harassment under Title IX by the Hearing Board, that same Board will make a determination regarding appropriate remedies in accordance with the [University's Progressive Discipline Policy](#).

## **B. Faculty Members**

If the accused individual is a faculty member, sanctions shall be determined in accordance with the Faculty Handbook and all other applicable policies and procedures.

## ***GOV-3104.10 - Appeal of Findings and/or Remedies***

### **A. Staff Members**

#### *1. For cases involving Discrimination and Harassment:*

The Respondent, or where applicable, a Complainant may appeal findings of the investigation or the recommended remedial action on the following grounds:

- a.* A witness in the investigation lied and such witness' account was both material and adverse to the appealing party;
- b.* New evidence of a material nature is available that was not and could not have been available at the time of the investigation;
- c.* The appealing party was denied their rights, as specifically set forth in University policies and procedures, during the investigation; or
- d.* The remedial action imposed on the Respondent is disproportionate to the findings.

#### *2. For cases involving Sexual Misconduct including Sexual Harassment under Title IX:*

The Respondent or a Complainant, may only appeal a finding or the recommended remedial action on the following grounds:

- a.* Procedural irregularity that affected the outcome of the matter;
- b.* New evidence that was not reasonably available at the time of the determination regarding responsibility was made that could affect the outcome of the matter;
- c.* The Title IX Coordinator, investigator(s), or Hearing Board member(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual Respondent or Complainant that affected the outcome.

#### *3. Filing an Appeal*

# GOV-3104 – Policy on Preventing and Responding to Discrimination and Sexual Misconduct Involving Faculty or Staff

---

A Complainant or Respondent wishing to appeal the findings of an investigation or the remedial action imposed against the Respondent, must file a written appeal with the Executive Vice President and Chief Operating Officer of the University. The appeal must be filed within five (5) working days from the date the Complainant and Respondent were notified of the findings and sanctions.

The appeal must include the following:

- The basis for the appeal, which must be detailed and consistent with the grounds for appeal set forth above; and
- Any factual information supporting the basis for the appeal.
- In matters involving sexual harassment under Title IX, both the Complainant and the Respondent will be provided a reasonable and equal opportunity to submit a written statement in support of or challenging the appeal.

#### 4. *Appeal Committee*

The appeal will be considered by an Appeal Committee of three or more persons to be appointed by the Executive Vice President and Chief Operating Officer of the University. In cases involving sexual misconduct or sexual harassment under Title IX, the Executive Vice President and Chief Operating Officer shall select three members of the University Hearing Board pool to serve on the appeal committee. The Respondent and, where applicable, the Complainant, has the right to petition that any member of the appeal committee be removed on the basis of bias or conflict of interest. The Executive Vice President and Chief Operating Officer shall respond to such request, in writing.

The Appeal committee will meet with the Complainant and/or Respondent at a mutually convenient time.

The committee may also elect to meet separately with the Deputy Title IX Coordinator for Employees or their designee, the Respondent or the Complainant's supervisor and any other person(s) it deems necessary for a full review of the facts. The committee will make a recommendation based upon a standard of clear and convincing evidence to the Executive Vice President for Business and Chief Operating Officer. The decision of the Executive Vice President and Chief Operating Officer to approve, disapprove, or modify the recommendation shall be final.

The decision on a request for an appeal shall be made within thirty (30) days of the receipt of the appeal, unless there is good cause for a reasonable extension of this time period. In which event, the Deputy Title IX Coordinator for Employees or their designee shall provide written notice to the Respondent, and the Complainant setting forth the reason for the extension.

Upon reaching a decision on a request for an appeal, the Executive Vice President and Chief Operating Officer shall provide written notification of their decision to the Respondent, the Complainant, and to the Deputy Title IX Coordinator for Employees.

#### **A. Faculty Members**

The appeal process for faculty members shall be conducted in accordance with the provisions of the Faculty Handbook and other applicable faculty policies and procedures.

# GOV-3104 – Policy on Preventing and Responding to Discrimination and Sexual Misconduct Involving Faculty or Staff

---

## ***GOV-3104.11 - Retaliation is Prohibited***

All members of the University community, including faculty, staff and students, who have a good faith concern regarding possible violations of this policy are expected to report such concerns to the Title IX Coordinators.

The University prohibits retaliation or retribution, in any form, against an individual who reports, in good faith, an actual, potential or suspected violation of this policy. As used in this policy, reporting “in good faith” means the individual making the report has a reasonable basis to believe that there has been or may have been a violation of this policy. Individuals who make frivolous or false reports shall not be deemed to be acting in good faith.

Anyone who engages in or attempts to engage in retaliation or retribution against an individual who reports, in good faith, an actual, potential or suspected violation of this policy shall be subject to discipline in accordance with the policies and procedures of the University.

## **RELATED POLICIES:**

---

GOV-3101 - Policy Prohibiting Discrimination

GOV-3102 - Policy Prohibiting Sexual Misconduct

GOV-3103 - Policy on Preventing and Responding to Discrimination and Harassment Against Students

Standards of Student Conduct

Faculty Handbook

## **POLICY BACKGROUND:**

---

The August 2020 version this policy includes major revisions to be in compliance with the Final Rule for Non-Discrimination on the Basis of Sex in Education Programs or Activities receiving Federal Financial Assistance (Title IX) issued from the Department of Education on May 19, 2020.

Revisions for January 2022 version of this policy was approved by President’s Cabinet on December 20, 2021

Minor process revisions and links edited on September 14, 2022

## **POLICY CONTACTS:**

---

Director of Compliance and Title IX Coordinator

Senior Associate VP for Human Resources & Deputy Title IX Coordinator for Faculty & Staff



# University of Richmond Faculty Handbook

## Table of Contents

|  |           |
|--|-----------|
| <b>Preamble</b> .....  | <b>4</b>  |
| <b>General Organizational Structure of the University</b> .....                    | <b>4</b>  |
| <b>Academic Organizational Structure of the University</b> .....                   | <b>4</b>  |
| <b>I. The University Faculty – Appointments, Roles, and Responsibilities</b> ..... | <b>5</b>  |
| <i>A. Preface</i> .....  | 5         |
| <i>B. The Faculty of the University</i> .....                                      | 5         |
| <i>C. Statement of Terms of Appointment</i> .....                                  | 5         |
| <i>D. Appointment Status Categories</i> .....                                      | 6         |
| <i>E. Faculty of the Schools, Appointments, and Joint Appointments</i> .....       | 10        |
| <i>F. Duties and Responsibilities of the Faculty Members</i> .....                 | 11        |
| <i>G. Emeritus Status</i> .....  | 12        |
| <i>H. Staff with Faculty Status</i> .....  | 12        |
| <b>II. Compensation and Benefits</b> .....   | <b>13</b> |
| <i>Preface</i> .....   | 13        |
| <i>A. Payment of Salaries</i> .....  | 13        |
| <i>B. Benefits Available to Faculty</i> .....                                      | 14        |
| <i>C. Faculty Parental Leave Policy</i> .....                                      | 14        |
| <i>D. Summer School Contracts</i> .....  | 16        |
| <i>E. Extra Compensation for Full-Time Faculty</i> .....                           | 16        |
| <i>F. Sabbatical Leave</i> .....   | 16        |
| <i>G. Leave of Absence</i> .....   | 18        |
| <i>H. Reinstatement of Tenured Faculty on Long-Term Disability</i> .....           | 19        |
| <b>III. Policies Applicable to All Employees</b> .....                             | <b>20</b> |
| <b>IV. Faculty Personnel Policies and Procedures</b> .....                         | <b>21</b> |
| <i>Preface</i> .....   | 21        |
| <i>A. Extension of Consideration for Tenure and Mid-Course Review</i> .....        | 21        |
| <i>B. Evaluation for Personnel Decisions</i> .....                                 | 22        |
| <i>C. Termination of Appointment by the Faculty Member</i> .....                   | 24        |

|   |            |
|---|------------|
| <i>D. Procedures for the Discontinuance of an Academic Department or Program of Instruction Involving Possible Dismissal of Tenured Faculty</i> ..... | 24         |
| <i>E. Termination by the Institution of Continuous Tenure or Termination of an Appointment Before the End of the Specified Contractual Term</i> ..... | 25         |
| <i>F. Academic Freedom</i> .....  | 26         |
| <i>G. Grievance Procedures</i> .....  | 27         |
| <i>H. Disciplinary Actions, Investigations, and Formal Faculty Hearings</i> .....   | 31         |
| <i>I. Faculty External Consulting Policy</i> .....  | 52         |
| <i>J. Nepotism and Consensual Relationships with Students</i> .....   | 54         |
| <b>V. Changes to the Faculty Handbook</b> .....   | <b>56</b>  |
| <b>VI. Appendix I: School-Specific Personnel Policies and Procedures</b> .....  | <b>57</b>  |
| <i>VI.B School of Arts &amp; Sciences Personnel Policies and Procedures</i> .....   | 57         |
| A. Criteria for Tenure, Promotion, and Performance Reviews.....   | 57         |
| B. Tenure and Promotion Process and Procedures.....   | 58         |
| <i>VI.C The Robins School of Business Personnel Policies and Procedures</i> .....   | 65         |
| A. Introduction.....  | 65         |
| B. Standards for Tenure, Promotion, and Performance Reviews.....  | 66         |
| C. Tenure and Promotion Process and Procedures.....   | 70         |
| <i>VI.D School of Professional and Continuing Studies Standards and Processes for Promotion</i> .....   | 76         |
| Teaching.....   | 79         |
| Scholarship.....  | 82         |
| <i>VI.E. The Jepson School of Leadership Studies Criteria, Guidelines and Procedures for Evaluating Candidates for Tenure and Promotion</i> .....     | 87         |
| A. Teaching.....  | 87         |
| B. Scholarship.....   | 88         |
| C. Service.....   | 89         |
| D. Tenure and Promotion to Associate Professor.....   | 89         |
| E. Promotion to Full Professor.....   | 90         |
| <i>VI.F School of Law Personnel Policies and Procedures</i> .....   | 91         |
| A. Standards and Procedures for Reappointment, Promotion, and Tenure.....   | 91         |
| B. Standards and Procedures for Faculty Subject to Reappointment, Promotion, and Long-Term Appointment.....   | 96         |
| <b>VII Appendix II: School Specific Academic Organization, Policies, and Procedures</b> .....   | <b>101</b> |
| <i>VII.B School of Arts and Sciences Shared Governance Bylaws</i> .....   | 102        |
| <i>VII.C School of Arts and Sciences Academic Approvals</i> .....   | 110        |
| <i>VII.D Robins School of Business Academic Organization</i> .....  | 111        |
| <i>VII.E Robins School of Business Academic Approvals</i> .....   | 114        |
| <i>VII.F School of Professional and Continuing Studies Academic Organization</i> .....  | 118        |
| <i>VII.G School of Professional and Continuing Studies Academic Approvals</i> .....   | 122        |
| <i>VII.H Jepson School of Leadership Studies Academic Approvals</i> .....   | 123        |
| <i>VII.I School of Law Academic Approvals</i> .....   | 124        |



# Preamble

The University of Richmond Faculty Handbook is a guide to benefits, policies, requirements, and procedures that affect faculty employees.

For completeness the Handbook references a number of University policies that apply to all employees. University policies are available in the [University Policy Library](#). Faculty members are expected to comply with all applicable policies. For organization and faculty governance information please refer to the University [Faculty Senate Charter](#) and the [University Faculty Senate Committee Policy Document](#) on the [Faculty Senate website](#).

Although not a contract, this Handbook is published to assist the University of Richmond faculty members in better understanding existing policies, practices, and requirements relating to their employment. The Board of Trustees may modify these policies, practices, and requirements.

The Provost is charged with maintaining as PDF files on the [Provost's Office website](#), current and archived versions of the [Faculty Handbook](#). Current and archived versions, as well as records of all changes, however minor, will also be kept on an electronic, shared file repository. The Provost works with the University Faculty Senate and others to see that the Handbook accurately reflects current practices that impact faculty. Possible errors should be brought to the attention of the Provost's Office.

Although many of the policies and procedures specified in this document are similar to those recommended by the American Association of University Professors (AAUP) and other similar organizations, the University of Richmond declares that its policies and procedures are not necessarily bound by the interpretations given them by such external organizations.

## General Organizational Structure of the University

The University's Articles of Incorporation, Bylaws, and information about the Board of Trustees may be accessed on the [President's Office website](#). The President is the administrative leader of the University. The [senior administrative structure](#), including the President's Cabinet and the leadership of the Academic Affairs Division, may be accessed via the [Provost's Office website](#).

## Academic Organizational Structure of the University

The University has five schools: School of Arts and Sciences, Robins School of Business, Jepson School of Leadership Studies, School of Law, and School of Professional and Continuing Studies. As outlined in the University Bylaws, the dean of each school reports to the Executive Vice President and Provost. Academic Leadership Positions may be found on the [Academic Organization Chart](#) on the Provost's Office website. The University Faculty Senate provides voice

and leadership for the University faculty on matters that relate to two or more schools as provided by the [University Faculty Senate Charter](#), which may be accessed on the [Faculty Senate's website](#).

The governance processes in individual schools are described in the Appendices of this Handbook and/or on the school specific websites.

Individual schools award no degrees; all degrees for work done in any of the schools are conferred by the "University of Richmond." Ultimate authority is vested in the Board of Trustees and the President of the University.

# **I. The University Faculty – Appointments, Roles, and Responsibilities**

## **A. Preface**

Faculty members play a special role in the life of the University as teachers, mentors, scholars, and participants in academic governance. The terms of their appointments and duties are different from those of other University employees. The following sections explain the different kinds of faculty appointments and the duties of faculty members.

## **B. The Faculty of the University**

The University faculty consists of the President, the Provost, the Deans of the schools, Tenured and Tenure-track/Probationary faculty, faculty with Continuing or Temporary and Restricted Term appointments, and others who have been granted faculty status in accordance with Article I, Section H of this Handbook.

## **C. Statement of Terms of Appointment**

The terms and conditions of every appointment to the faculty will be stated or confirmed in writing, and a copy of the appointment document will be supplied to the faculty member by the appropriate dean's office. Any subsequent extensions or modifications of an appointment, and any special understandings, or any notices incumbent upon either party to provide, will be stated or confirmed in writing and a copy will be given to the faculty member.

Faculty with teaching or research appointments of any kind will be informed each year in writing of their appointments. Any special conditions or terms that must be satisfied prior to consideration for tenure should be set forth in an Appointment Letter.

The terms of a faculty member's appointment are set forth in the faculty member's appointment letter and in this Handbook, as modified or amended from time to time. The Board of Trustees must approve the promotion of Tenured and Tenure-track/Probationary faculty, award of tenure, award of emeritus status, and appointment of a faculty member to an endowed chair or professorship.

All members of the faculty with Tenure-Track/Probationary or Temporary and Restricted appointments must indicate their acceptance of the terms of their appointment by signing and returning a copy of the appointment letter.

## D. Appointment Status Categories

Faculty appointments fall into one of the following four status categories, which are described more fully in Sections D(1)-(4), below:

- **Tenured faculty** members are those persons who have been confirmed in such status by action of the Board of Trustees on recommendation of the President subsequent to appropriate peer and administrative review. The appointment of Tenured faculty does not have a specified end date. Tenured faculty may hold the rank of professor or associate professor.
- **Tenure-Track/Probationary faculty** members are those persons who are appointed for an initial term of one academic year and whose appointment may be renewed on an annual basis subject to the limits and terms of Article I, Section D(2) of this Handbook. These appointments carry the possibility of tenure at a future date. Tenure-Track/Probationary faculty may hold the rank of instructor (if they do not hold a terminal degree), or the rank of assistant professor, or associate professor.
- **Continuing Appointment** faculty members are those persons whose primary responsibilities include teaching, research, advising, and scholarship, and who have been appointed to one of the two sub-categories described below.
  - a. *Continuing Appointment Without Fixed Term.* Faculty members appointed in this sub-category may be employed on a full-time or part-time basis and their appointment does not have a specified end date. This category includes faculty affiliated with a school or academic department of a school who teach and may have job descriptions that comprise both teaching and administrative responsibilities, such as faculty of practice in the School of Arts & Sciences, and including those who hold school-specific titles, such as directors in the School of Arts & Sciences. This category does not include staff with the title of directors.
  - b. *Continuing Appointment With Fixed Term.* Faculty members appointed in this sub-category shall be employed on a full-time basis. The appointment shall be for: (i) an initial term of at least one academic year with the potential for renewal for up to two subsequent academic years; or (ii) a term of three or more academic years. The term and any options for renewal shall be specified in the faculty member's appointment letter. Appointments in this subcategory may be renewed or extended contingent upon on satisfactory service, continued University need, and/or such additional terms as may be specified in a school-specific appendix to this Handbook. If not renewed or extended, the appointment terminates at the end of the then-current contract term. If renewed or extended, the appointment terminates at the end of the last renewal or extension term. Visiting or adjunct faculty shall

not be appointed in this category.

Faculty with Continuing Appointments are not eligible for tenure.

- **Temporary and Restricted Term** faculty members are those persons whose primary responsibilities are teaching and/or research and who have been appointed, either on a full-time or part-time basis, for one semester or up to three academic years. These appointments are not renewable except by subsequent and separate appointment letter. Visiting and adjunct faculty appointments fall in this category. Faculty with Temporary and Restricted Term Appointments are not eligible for tenure.

## 1. Tenured Appointments

Faculty members with tenure shall have permanent or continuous appointments and their service shall be terminated only as set forth in Article IV, Section D, E, or H of this Handbook.

Changes to the terms of a Tenured faculty member's appointment for the following academic year that require Board of Trustees approval will be given to the faculty member in writing no later than three weeks after the Board of Trustees has met to approve such terms. All other changes to the terms of a Tenured faculty member's appointment, including salary changes, will be provided in writing annually.

The awarding of tenure status to faculty members shall in every case be made only by the Board of Trustees, upon a nomination by the President following the recommendation of the Provost.

Before making a recommendation about tenure to the President, the Provost shall consult with and receive the recommendation of the academic Dean, and through the Dean, shall secure the advice and recommendation of the academic department and/or school involved.

Recommendations for tenure are based on the criteria described in Article IV, Section B of this Handbook and in the school-specific appendices to this Handbook. Fulfillment of these criteria, however, does not necessitate a positive tenure decision.

Academic deans of Arts and Sciences, Business, Law, and Leadership Studies may be granted tenure as a faculty member in a department following the procedures set forth in Article IV, Section B and the school-specific appendices of this Handbook. Tenure is associated with faculty appointment, not with an administrative position.

Faculty members with tenure have a right to voice and vote in University faculty meetings and, subject to the provisions of Article IV, Section A of the [University Faculty Senate Charter](#), may serve on the University Faculty Senate. Subject to the [University Faculty Senate Committee Policy Document](#), faculty members with tenure may also serve on University Faculty Committees. The rights of Faculty members with tenure to voice and vote in school faculty meetings, to serve in leadership roles in a school governance structure, or to serve on school committees shall be specified in the school-specific appendices to this Handbook or in school-specific policies.

## 2. Tenure-Track /Probationary Appointments

Tenure-Track/Probationary appointments are made for one academic year and may be renewed for subsequent, one-academic year terms, subject to the limits set forth herein. The total period of full-time service at the University prior to the acquisition of tenure will not exceed seven academic years, except as permitted under Article IV, Section A of this Handbook. By mutual consent, in writing, prior teaching experience at other institutions of higher learning or at the University may be waived at the time of initial appointment to a tenure track position to give the individual the full seven-academic year probationary period at the University of Richmond.

In only exceptional cases will the probationary period be less than three years. Reappointment to a probationary position is made annually following review and contingent upon satisfactory performance and continuing University need. Ordinarily, individuals on probationary appointments are considered for tenure during their sixth year. In the event the decision is positive, the individual will be awarded tenure at the beginning of the next academic year. In the event of a negative decision, the following year will be terminal and reappointment will not be made beyond that year. The Provost, on recommendation of the school Dean, may grant the request of a tenure candidate to be considered earlier than the normal sixth year. In such an instance, the decision reached will be final and conclusive and, in the event of a negative decision, the following year will be terminal and reappointment will not be made beyond that year.

Regardless of the stated term or other provisions of any probationary appointments, written notice that a probationary appointment is not to be renewed will be given to the faculty member in advance of the expiration of the appointment as follows: (1) as soon as possible, but not later than March 1 of the first academic year of service, if the appointment expires at the end of the academic year; or, if a one-year appointment terminates during an academic year, at least three months in advance of its termination; (2) as soon as possible, but not later than December 15 of the second academic year of service, if the appointment expires at the end of that year; or, if the second year of appointment terminates during an academic year, at least six months in advance of its termination; and (3) at least twelve months before the expiration of an appointment after two or more years of service at the institution. Probationary faculty members whose appointments will be renewed for the following academic year will normally be notified by March 15, but in no case will such information be given later than March 31. Changes to the terms of a Tenure-track/Probationary faculty member's appointment for the following academic year that require Board of Trustees approval will be given to the faculty member in writing no later than three weeks after the Board of Trustees has met to approve such terms. All other changes to the terms of a Tenure-track/Probationary faculty member's appointment, including salary changes, will be provided in writing annually.

The academic year is defined as the time between the University Colloquy (or the first day of classes, whichever is earlier) and Commencement (or the last faculty meeting of the year, whichever is later). Therefore, a twelve-month notice of non-renewal of contract must be given before Commencement of the academic year preceding the terminal contract.

The appointment of a Tenure-Track/Probationary faculty member may be terminated prior to the end of the then-current contract term only as set forth in Article IV, Section E or H of this Handbook and the notice provisions set forth above shall not apply to termination under these sections.

Tenure-Track/Probationary faculty members have a right to voice and vote in University faculty meetings and, subject to the provisions of Article IV, Section A of the University Faculty Senate Charter, may serve on the University Faculty Senate. Subject to the University Faculty Senate Committee Policy Document, Tenure-track/*Probationary* faculty members may also serve on University Faculty Committees. The rights of Tenure-track/*Probationary* faculty to voice and vote in school faculty meetings, to serve in leadership roles in a school governance structure, or to serve on school committees shall be specified in the school-specific appendices to this Handbook or in school-specific policies.

### **3. Continuing Appointments**

Continuing faculty appointments are for faculty members whose primary responsibilities include teaching research, advising, and scholarship and who have been appointed to one of the two sub-categories described below.

- a. *Continuing Appointment Without Fixed Term.* Faculty members appointed in this sub-category may be employed, either on a full-time or part-time basis, and whose appointment does not have a specified end-date. These individuals are employed under continuing appointments which adhere to the principles of employment-at-will and continued employment is contingent upon satisfactory performance and continued University need.
- b. *Continuing Appointment With Fixed Term.* Faculty members appointed in this sub-category shall be employed on a full-time basis. The appointment shall be for: (i) an initial term of at least one academic year with the potential for renewal for up to two subsequent academic years; or (ii) a term of three or more academic years. The term and any options for renewal shall be specified in the faculty member's appointment letter. Appointments in this subcategory may be renewed or extended contingent upon satisfactory service, continued University need, and/or such additional terms as may be specified in a school-specific appendix to this Handbook. If not renewed or extended, the appointment terminates at the end of the then-current contract term. If renewed or extended, the appointment terminates at the end of the last renewal or extension term. Visiting or adjunct faculty shall not be appointed in this category.

The appointment of a faculty member with a Continuing Appointment With Fixed Term may be terminated prior to the end of the then-current contract term only as only as set forth in Article IV, Section E or H of this Handbook.

Full-time faculty members on a Continuing Appointment have a right to voice and vote in University faculty meetings and, subject to the provisions of Article IV, Section A of the University Faculty Senate Charter and any school-specific appendix to this Handbook, may serve on the University Faculty Senate. Subject to the University Faculty Senate Committee Policy Document and the applicable school-specific appendix to this Handbook, full-time faculty members on a Continuing Appointment may also serve on University Faculty Committees. The rights of faculty members on a Continuing Appointment to voice and vote in school faculty meetings, to serve in leadership roles in a school governance structure, or to serve on school committees shall be specified in the school-specific appendices to this Handbook or in school-specific policies.

Faculty on a Continuing Appointment are not eligible for tenure.

#### **4. Temporary and Restricted Term Appointments**

Temporary and Restricted Term faculty appointments are for faculty members whose primary responsibilities are teaching and/or research and who have been appointed, on either a full-time or a part-time basis, for one semester or up to three academic years. These appointments terminate on the date specified in the appointment letter. These appointments are not renewable unless there is a subsequent and separate appointment letter. The requirement of written due notice of non-renewal, applicable to Tenure-Track/Probationary faculty, *does not apply* to faculty with a Temporary and Restricted Term appointment. The appointment of a faculty member with a Temporary and Restricted Term Appointment may be terminated prior to the end of the then-current contract term as permitted by the terms of their appointment.

Faculty with a Temporary and Restricted Term appointment are not eligible for tenure.

Faculty with a Temporary and Restricted Term Appointment have a right to voice but not vote in University faculty meetings and are not eligible to serve on the University Faculty Senate or on Faculty Senate committees. The rights of faculty with a Temporary and Restricted Term Appointment to voice and vote in school faculty meetings, to serve in leadership roles in a school governance structure, or to serve on school committees shall be specified in the school-specific appendices to this Handbook or in school-specific policies.

## **E. Faculty of the Schools, Appointments, and Joint Appointments**

### **1. The Faculty of the Schools**

Each school of the University has a faculty. Each faculty shall consist of the President, the Provost, the Dean (as appropriate), and all faculty with Tenured, Tenure-Track/Probationary, and Continuing Appointments. The school-specific appendices to this Handbook may specify whether faculty with Temporary and Restricted Term Appointments, professional librarians, and staff with faculty status are deemed members of a school's faculty.

The school faculties comprise faculty who have a primary appointment in the school or an academic department of a school. Administrators (other than the President, Provost, and the Deans) who have entered their positions from the Tenured faculty and hold limited period administrative appointments retain full membership in the faculty.

### **2. Appointment to a School Faculty**

Faculty members are appointed in a department or school where their primary responsibilities include teaching, advising, scholarship, and service to the University (unless temporarily assigned other tasks approved by their dean or the Provost).

Faculty rank, as Instructor, Assistant Professor, Associate Professor, or Professor, is given in a specific department or school to those whose primary responsibilities are teaching, advising, and scholarship.

### **3. Joint Faculty Appointments Between Schools**

To encourage, recognize, and formalize contributions by faculty to academic programs in schools other than the one in which they hold their primary appointment, the University has developed guidelines by which the President and Provost of the University may confer secondary appointments upon those faculty for whom such appointments are recommended by the deans of both schools.

According to these guidelines, the deans of the two participating schools will recommend joint appointments upon the good-faith agreement of the faculty member, the faculty member's department chair (or in the case of Leadership Studies and Law, the respective dean), and the participating department/program/school in the other school. At a minimum, such joint appointments will be for a two-year term and will typically entail the teaching of at least one course over a two-year period in the other program/department/school. One course equivalent may be gained through substantial advising and/or research supervision. Any disagreements about load and teaching assignment will be settled through mutual agreement of the participating programs/departments (or in the case of Leadership Studies and Law, the respective dean), and the individual faculty member with the deans serving as arbitrators in the rare cases when a consensus cannot be reached. In no case will the joint appointment entail tenure or voting rights in the secondary unit.

All joint appointments will be documented in a memo of understanding including a specification of how the coordinators/chairs/deans of the two programs/departments/schools will contribute to the annual faculty evaluation process and/or the mid-course/tenure review. The dean of the school of the faculty member's primary appointment is responsible for preparing this memo. Joint appointments will be confirmed in annual contract letters, be expressed as part of each faculty member's academic title, and be reviewed one year in advance of expiration.

## **F. Duties and Responsibilities of the Faculty Members**

Each faculty member is expected to maintain the highest professional standards of character and conduct, to keep abreast of his or her academic discipline through continuing study, research, and/or participation in the activities of his or her professional organization, to strive to improve the effectiveness of his or her teaching, to take a sympathetic interest in the progress and development of each of his or her students, to keep accurate records of academic standing of each student in his or her classes, and to hand in promptly all reports of grades and other information required by the deans, the Registrar, the Provost, or the President.

Each faculty member is expected to meet his or her classes as regularly scheduled. In case any faculty member is kept from his or her duties by illness or other disability, the faculty member must inform the chair of the department and/or the appropriate dean in advance, if possible, so that arrangements may be made for assignments or a substitute instructor. If a faculty member

finds it necessary to incur an extended absence from his or her regular duties, the faculty member must seek approval from his or her dean. In addition, each faculty member is expected to maintain adequate office hours so that he or she may be available to the students for conferences. Each faculty member is expected to participate in the faculty-student advisory program.

Each faculty member is expected to attend all meetings of the University faculty and the faculty of the school in which the member teaches, to attend commencements and convocations, to serve loyally and diligently on faculty committees, to assist the chair and colleagues of the member's department in carrying out the program of the department, and to cooperate fully with the trustees, the President, the Provost, and the deans in promoting all the interests of the University.

Each faculty member is expected to continue to teach until the end of the academic semester or year for which his or her services were engaged. Any faculty member who wishes release from his or her obligation to teach during an academic year is expected to make a written request to his or her dean, by April 15th of the preceding academic year.

Each faculty member is expected to comply with the Faculty Handbook, the policies and procedures of the faculty and Faculty Senate, and the policies of the University.

## **G. Emeritus Status**

A faculty or administrative staff member who has served the University with distinction for 20 years or more, and who remains on active status until retirement, will normally be awarded the title of "Emeritus" upon recommendation by the President and approval of the Board of Trustees. The Board may, at its discretion, award emeritus status to particularly deserving retirees who have served less than 20 years.

## **H. Staff with Faculty Status**

The following University staff members are granted faculty status at large within the University and may be granted faculty status by the faculty of a school of the University accordance with the school-specific appendices of this Handbook:

- Professional librarians, provided they are serving in such capacity; and
- Upon approval of by the Faculty Status and Faculty Credentials Committee of the Faculty Senate, other University staff members awarded faculty status by virtue of holding position that requires regular involvement in, and significant responsibility for, teaching or research at the University.

The schools of the University may grant faculty status to University staff members in accordance with the school-specific Appendices of the Faculty Handbook, but such individuals shall not be deemed to have faculty status at the University level unless granted such status by the Faculty Status and Faculty Credentials Committee of the Faculty Senate.

Any University staff member who was granted University faculty status prior to August 13, 2020,

shall retain such status notwithstanding any provision of this section to the contrary.

University staff granted faculty status at the University level have the right to: (i) voice and vote in University faculty meetings to the extent permitted by Article III(C)(6) of the [Faculty Senate Charter](#); (ii) vote for faculty senators, subject to the provision of the Faculty Senate Charter and any applicable school-specific appendix to this Handbook; (iii) serve on the Faculty Senate, subject to the provisions of the Faculty Senate Charter and any applicable school-specific appendix to this Handbook; (iv) serve as members of faculty committees, subject to the provisions of the Faculty Senate Charter, the Faculty Senate Committee Policy Document, and applicable school-specific appendices. Staff granted faculty status are eligible for those benefits generally available to University staff and are subject to the policies and procedures that apply to University staff.

## **II. Compensation and Benefits**

### **Preface**

In a tradition of shared governance, members of the Administration, particularly the Senior Associate Vice President for Human Resources, the Executive Vice President and Provost, and the Executive Vice President and Chief Operating Officer work with the University Faculty Senate to maintain a set of benefits that allows the University to attract and retain faculty in a competitive environment. As outlined in section I.C.4. of the University Faculty Senate Charter, changes in the availability of benefits normally occur only after consultation with representatives of University Faculty Senate and/or the University Fringe Benefits Committee. Any alterations to the benefits of faculty members must be announced to the faculty either directly or through the University Faculty Senate.

### **A. Payment of Salaries**

Faculty members on nine-month appointments, i.e. most full-time faculty, will be paid in ten equal installments, the first payment being made on September 1 each year. Faculty may choose to be paid in twelve equal installments by completing the Payroll Options Form by August 1 of any year. This form does not need to be filled out yearly, unless a change is requested. Faculty who choose to be paid in twelve equal installments will be paid all deferred payments in a final June 1 paycheck upon completion of the year they retire or terminate their employment. This does not apply to faculty who retire after the fall semester. Faculty members on semester appointments (all part-time and a few full-time) receive their salaries in four equal installments during the fall semester (October, November, December, and January 1) and in five equal installments during the spring semester (February, March, April, May, and June 1). School of Professional and Continuing Studies part-time faculty will receive their spring semester pay over four installments beginning on March 1. Faculty may choose to have their checks mailed to their home address, campus address, or delivered to their bank via direct deposit. Forms are provided for the election of the above alternatives through the Payroll Office or Human Resources.

Explanation of deductions may be obtained from the Payroll Office or Banner Web at

<https://bannerweb.richmond.edu/>.

## B. Benefits Available to Faculty

The benefits offered by the University to eligible faculty are described on the [Human Resources Benefits web page](#) or the [Risk Management web page](#)—and, as of the effective date of this Handbook, include the following:

- *Health Benefits Plans;*
- *Life Insurance;*
- *Disability Plans;*
- *403(b) Retirement Plan;*
- *Early Retirement Plan;*
- *Phased Retirement Plan;*
- *Legal Services Plan;*
- *Employee Assistance Program;*
- *Leave Plans, including FMLA leave;*
- *Post-Retirement Health Insurance (Medicare Advantage Plan);*
- *Flexible Spending Accounts; and*
- *Business Travel Insurance.*

Health insurance coverage, for all full-time faculty, continues until the last day of the month in which he/she is employed by the University on a full-time basis. For full-time faculty leaving at the end of the spring semester, coverage will end May 31. Faculty who are resigning or who are on term appointments will not be covered beyond this date, even if they have opted to receive monthly paychecks for the twelve-month period. They are given the opportunity to continue their health plan at their own expense (paying the additional portion formerly paid by the University on their behalf plus 2%) under COBRA (Consolidated Omnibus Budget Reconciliation Act). Faculty who are not continuing with the University and wish to extend their coverage, should contact Human Resources.

## C. Faculty Parental Leave Policy

Refer to the [Human Resources web page](#) for information on faculty parental leave.

### **Educational Benefits Policy**

The University offers its faculty members and their dependents the benefit of sharing in the educational opportunities of the University. The following policies, procedures, and definitions apply to everyone receiving educational benefits. In addition, the usual rules of the school or division apply. In order for the tuition waiver to apply, the student must be academically qualified to enroll and must go through regular admissions procedures. **A *Tuition Remission Form for Credit Courses* must be completed and submitted to the Department of Human Resources Services for each course taken or for the semester the student is enrolled.**

**Audited Classes:** The same provisions apply as for classes taken for credit.

**Special Fees:** The student is responsible for any special fees, such as music fees, late registration fees, drop-add fees, or overload charges.

**Virginia Tuition Assistance Grant Program:** Most children and some spouses of full-time faculty are eligible for the VTAGP. It is the responsibility of the student and/or faculty member to make application for this grant through the University's financial aid program. Failure to do this will result in the student or faculty member having to pay tuition equaling the amount which he/she would have received had he/she applied for the VTAGP.

**Grants and Scholarships:** Tuition and fees in any undergraduate division, for courses taken for academic credit, will be waived only to the extent that the student does not already have some form of scholarship or grant to cover his/her educational costs.

**Graduate Study:** If the student holds a bachelor's degree, he/she is deemed to be enrolling for graduate study, regardless of the nature of the courses being taken. There are limited exceptions to this rule for the spouses of some faculty. These exceptions must have the approval of the Provost. They are noted below, in the body of the policy description.

**Dependent Children:** A dependent child of an employee shall be defined as: (1) natural issue of the faculty member, (2) his or her stepchild, (3) a child legally adopted by the faculty member, or (4) a foster child, provided that the foster child shall have been living in the home of the faculty member and shall have been supported primarily by the faculty member for at least two years prior to matriculation in a college or university. The child must meet the definition as a legal dependent of the faculty member as stipulated by the United States Internal Revenue Code. If the faculty member's child is older than age 23, the parent employee must be able to claim the child as a dependent on his/her last annual tax return. In this instance, a copy of the tax return must accompany the request for tuition waiver.

**Appeals:** The Provost shall have the power to review individual cases, upon appeal.

**Non-credit Courses:** These are courses not taken for academic credit, and not offered as part of a regular degree program. A *Tuition Remission Form for Non-Credit Courses* must be completed and submitted along with the *Course Registration Form* to the appropriate division, either Campus Recreation or the School of Continuing Studies, for each non-credit course, no less than two weeks prior to the start of class. There is no tuition remission for special fees that may be associated with the class.

**Benefits for Spouses and Dependents of Deceased, Fully Disabled, or Retired Faculty:** The surviving spouse who has not remarried and the children of a deceased or fully disabled or retired Tenured faculty member shall receive the educational benefits which would have been theirs had the faculty member not died, become disabled, or retired. The words "educational benefits which would have been theirs" are to be construed as educational benefits available at the time application for such benefits is made, not the educational benefits in effect at the time of death, disability, or retirement.

**Restrictions on the Educational Benefit:** The conditions listed below will be referred to by the

letter within the description of the policy, as they apply.

The individual receiving the benefit must enroll after regular registration, except for those students formally admitted to, and actively pursuing, a degree or certification program. (Note: Usual registration procedures for some non-academic credit courses may alter this requirement.) Approval consistent with the policies of the department or division must be given. The individual's enrollment does not cause a class to be held which would otherwise have been cancelled.

## **D. Summer School Contracts**

Separate contracts with the faculty for teaching in the summer session are made by the Provost upon recommendation of the Dean and the appropriate department or school.

*(This section does not require Trustee approval to modify.)*

## **E. Extra Compensation for Full-Time Faculty**

Full-time faculty will be permitted to receive extra compensation from the University of Richmond for the performance of services to the University in the form of teaching or instructional assignments to special conferences and seminar groups composed primarily of individuals outside the University community. Such activities must be performed on the individual's personal time, i.e., weekends, vacation or holiday time, and may not conflict with normal, ongoing job responsibilities. The performance of such services must be approved in advance by the appropriate Dean, Provost, or the President. Any such service must be clearly outside the normal job responsibilities and expectations of the University.

It is expected that this type of activity will be coordinated by Executive Education or the School of Professional and Continuing Studies, and that Executive Education or the School of Continuing Studies will negotiate with the individual regarding compensation for services rendered.

## **F. Sabbatical Leave**

The sabbatical leave program is provided by the University for the enrichment of the teaching capabilities and professional growth of its faculty members. The program is administered by the Provost, with the approval of the President and the Board of Trustees. Application forms for sabbatical leaves may be obtained from the office of the Dean for each division.

Sabbatical leaves for study or research are granted to members of the faculty subject to the following:

### **1. Eligibility**

Full-time Tenured faculty members become eligible for sabbatical leaves after each six years of service at the University of Richmond, with the sabbatical taken in the seventh year. Newly

Tenured professors become eligible to apply in their seventh year. Periods of leave do not count toward the six years of faculty service in determining eligibility. Work done on a sabbatical leave may be part of the fulfillment of the requirements for an advanced degree, but it is the responsibility of the faculty member to present a case that such a sabbatical is in the best interests of the University.

The time between sabbaticals normally will be six years. Under unusual circumstances when a faculty member is asked to delay a sabbatical leave for the benefit of the department, school or University, less than six years may be required for the subsequent sabbatical.

## **2. Compensation**

One-half salary will be granted for a leave of one academic year (two semesters), or full salary for a leave of one semester. Medical and life insurance, disability, workman's and unemployment compensation are continued in full as usual and are based on the salary the faculty member would have received from the University had they not been on sabbatical. Payments to the retirement program are based on actual salary received from the University. Individuals taking a full year sabbatical at half pay may wish to make extra contributions to their retirement program at their own expense. All faculty members taking a sabbatical leave should contact Human Resources to discuss their benefit coverage.

Members of the faculty going on sabbatical leave must repay the University the amount of leave compensation (salary and benefits) if they do not return to the University for two semesters immediately following their sabbatical leave.

In addition to the compensation outlined above, the University encourages faculty members to apply for additional grant monies to cover travel, research costs, displacement costs, or any other expense connected with the leave and which they would not normally encounter in a normal teaching year. Such non-salary funds will not be deducted from the University's compensation.

Any grant funds above these expenses, however, will reduce the University's participation dollar for dollar, in order that its limited funds may be used for the benefit of those unable to obtain grant monies. The Office of Foundation, Corporate and Government Relations offers help in seeking grant funds. Sabbatical compensation paid by the University is not affected by extra income (e.g. consultation fees, investment returns) earned by the faculty during the regular teaching year.

## **3. Submission Deadline for Applications**

The leave request should be initiated by the faculty member with the department chair's support and submitted to the Dean. The request must be filed in the first week of September in the fall semester preceding the session for which the leave is requested. Applications approved internally are submitted by the Provost through the President to the Board of Trustees at its Fall meeting.

## **4. Contents of Application**

Applications for sabbatical leaves should contain the following information and supporting

materials:

- A statement of purpose and an outline of the proposed program.
- A statement relating the program to the faculty member's teaching and research effectiveness, to the aims of the department, and to the needs of the University.
- A statement of places where the work is to be accomplished.
- A statement indicating whether remunerative employment is to be accepted during the period of leave and stating how this would be consonant with the program. The presumption is that the leave would preclude such employment.
- A statement by the department chair supporting the application and indicating how teaching adjustments will be made in the department.

## **5. Bases for Consideration of the Application by the Board of Trustees**

- Will the faculty member's effectiveness as a teacher and scholar at the University of Richmond be directly enhanced?
- Will the leave help to enhance the faculty member's professional status through publishing, research, study, or service?
- What contribution will the program make to the needs of the department and the University?
- What is the faculty member's seniority in service since being hired or since the last sabbatical leave?
- Will the teaching program of the division be seriously impaired by the absence of the person on leave?

## **6. Post-Sabbatical Report**

A full report on all sabbaticals, spelling out the benefits of the leave to the individual and the University, must be filed with the appropriate department chair and dean within the first month of the semester that the faculty member returns.

# **G. Leave of Absence**

A faculty member (including faculty of practice) may apply for a leave of absence without pay for a period of up to one year for either personal or professional reasons. Individuals who wish to apply for a leave of absence must discuss the application with the Dean of their school, who will then make a recommendation to the Provost. All leaves must be approved by the Provost.

Faculty members on a leave of absence ordinarily do not receive a salary. Therefore, the University will not continue making contributions to the retirement program during an unpaid leave of absence since these benefits are tied to salary payments. Health Benefits for personal and professional leaves of absence are discussed below. A faculty member requesting a leave of absence is advised to contact the Office of Human Resources to discuss benefits available during the leave.

## **1. Unpaid Personal Leave:**

Unpaid personal leave of absence may be granted for circumstances such as care-giving for family members, personal or family medical needs. Faculty on an unpaid personal leave of absence may arrange to have their benefits continued at their own expense. The University will comply with the legal requirements for benefits continuation for leaves covered by the Family and Medical Leave Act. Faculty on parental leave and short-term disability will receive salary and benefits as set forth in Article II, Compensation and Benefits, of the Faculty Handbook.

Time on an unpaid personal leave of absence is not considered time spent in service to the University and will not count toward a faculty member's years of service. Article IV, Section A of this Handbook, "Stop the Clock Requests" specifies the process for seeking a delay in consideration for tenure for certain types of leave. However, a leave of absence for up to one full semester will not ordinarily change the date of the tenure decision nor the eligibility date for a sabbatical leave.

## **2. Professional Leave:**

Leave may be granted for professional reasons such as pursuing scholarly or artistic work under a grant or fellowship. For a leave to be considered professional, its primary purpose must be to enhance the scholarly and teaching skills of the faculty member. If the purpose of the leave of absence is unclear, a decision will be made by the Provost. In exceptional circumstances, such leaves may be extended beyond one year.

The University will continue to pay its portion of benefits (medical, long term disability and life insurance) for faculty members on unpaid professional leave with no outside funding. The faculty member must make arrangements with the Office of Human Resources to continue to pay his or her share of the monthly premiums. The University will not, however, provide benefits for faculty members on unpaid leave who have outside income from a grant or employer who pays benefits. In these cases, the grant or employer will be expected to assume the cost of the faculty member's employee benefits.

In unusual circumstances, leaves for professional reasons, depending on their nature, may be counted as service to the University and thus towards the years required for tenure and sabbatical. The Provost will consult with the appropriate Dean and will decide whether the leave time will count.

Article IV, Section A of this Handbook, "Stop the Clock Requests" specifies the process for seeking a delay in consideration for tenure for certain types of leave.

Individuals who wish to apply for a leave of absence should discuss the application with the Dean of their school. All leaves must be approved by the Provost.

## **H. Reinstatement of Tenured Faculty on Long-Term Disability**

After short-term disability is exhausted, a covered faculty member may be eligible for long-term

disability (LTD). Once a faculty member is approved for long-term disability he or she is no longer considered an active employee. Their employment will end effective the day before the LTD effective date.

When a Tenured faculty member goes on long-term disability (LTD), they may return to their tenured position provided that all of the following conditions have been met: 1) they are no longer receiving LTD benefits from the university's insurance provider, 2) the university has received appropriate medical certification that they are able to return to work full-time in his/her previous position; and 3) no more than six full semesters have passed since they were placed on LTD. The individual on LTD may choose to relinquish the right to return to their tenured position in a letter to the provost at any time before the six-semester limit.

### **III. Policies Applicable to All Employees**

The University of Richmond prohibits discrimination against applicants, students, faculty, or staff on the basis of race, religion, national or ethnic origin, age, sex, sexual orientation, gender identity, gender expression, disability, status as a veteran or any classification protected by local, state, or federal law. The University also prohibits any form of harassment based on race, religion, national or ethnic origin, age, sex, sexual orientation, gender identity, gender expression, disability, status as a veteran or any classification protected by local, state, or federal law. The University prohibits such harassment by all students, faculty and staff, and affiliates of the University. These prohibitions against discrimination and harassment extend to admissions and employment. As a recipient of federal funds, the University complies with federal laws prohibiting discrimination, including Title IX of the Education Amendments of 1972 (Title IX). Title IX provides that: “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

For questions about discrimination in education, including sex discrimination, please contact the University’s Director of Compliance and Title IX Coordinator, Kristine Henderson Fountain Hall, Suite 101, (804) 289-8186, khender3@richmond.edu or the University’s Senior Associate Vice President for Human Resources and Deputy Title IX Coordinator. Further information about Title IX and sexual discrimination in education is available from the Assistant Secretary for Civil Rights, U.S. Department of Education, Office of Civil Rights, 400 Maryland Avenue, SW, Washington, DC, 20202-1100; 800-421-3481; OCR@ed.gov; or at the website: <http://www.ed.gov/ocr>.

The University maintains a [policy library](#) for policies in many areas that are applicable to both faculty and staff. Most policies are set by various administrative offices on campus, but a few are set by the Board of Trustees. Members of the faculty must comply with University policies.

Policies of particular interest to faculty include, but are not limited to the following:

- Policy Prohibiting Discrimination
- Policy on Preventing and Responding to Discrimination and Sexual Misconduct Involving Faculty or Staff

- Intellectual Property Policy
- Policy on Research Misconduct
- Policy on Conflict of Interest
- Privacy of Education Records (FERPA) Policy
- Policy Prohibiting Retaliation
- Computer Account Expirations
- Policy on the Use of Income from Endowed Chairs
- Policy on the Use of University Funds and Financial Responsibilities
- Data Security Policy
- Use of Technology and Information Resources Policy
- Financial Conflict of Interest for Grant-Funded Research Policy
- Policy on Political Campaign Activities on Campus

## **IV. Faculty Personnel Policies and Procedures**

### **Preface**

The following provisions describe employment policies specific to the faculty and are designed to enable the University of Richmond to protect academic freedom through tenure and the requirements of academic due process. A university is a marketplace of ideas, and it cannot fulfill its purposes of transmitting, evaluating, and extending knowledge if it requires conformity with any orthodoxy of content and method. In the words of the United States Supreme Court, "Teachers and students must always remain free to inquire, to study, and to evaluate, to gain new maturity and understanding; otherwise, our civilization will stagnate and die."

### **A. Extension of Consideration for Tenure and Mid-Course Review**

#### **1. "Stop the Clock" Requests.**

A faculty member with a Tenure-Track/Probationary appointment may request a delay in consideration for tenure for up to one (1) year as a result of:

- a. The birth, adoption or state placement of a child, provided the requested delay occurs within twelve (12) months of such birth, adoption or state placement;
- b. A documented medical condition of the faculty member that precludes him or her from engaging in the full array of faculty responsibilities, with or without reasonable accommodation; or
- c. An approved leave of absence from the University.

Any request for a delay in consideration for tenure must be made, in writing, to the Dean and must set forth specifically the basis for the request. The faculty member making the request must

provide any additional information or documentation reasonably requested by the Dean or Provost. The Provost, in consultation with the Dean may approve or deny such request at their reasonable discretion. If the request to delay consideration for tenure is granted, the notice granting such delay shall specify the length of the delay, up to one (1) year.

Except in the case of extraordinary hardship, no faculty member shall receive more than one (1) delay in consideration for tenure as a result of a “stop the clock” request and such delay shall not extend beyond seven (7) years the total period of full-time service at the University prior to the acquisition of continuous tenure. In the event a second delay is granted based on extraordinary hardship, the seven (7) year period for acquiring tenure may be extended commensurately.

## **2. Extension Caused by COVID-19 Pandemic.**

A faculty member with a Tenure-Track/Probationary appointment may request a delay in consideration of their mid-course (third year) review or a delay in consideration for tenure for up to one (1) year due to the disruption in teaching, scholarship, and service caused by the COVID-19 pandemic. The timetable for requesting this extension will be set by the Dean of each of the schools. Faculty who are scheduled for their mid-course (third year) review or to stand for tenure in the 2020-2021 academic year shall have until at least April 15, 2020 to decide if they wish to extend the time for consideration for the mid-course (third year) review or tenure by one year. All other faculty with a Tenure-Track/Probationary appointment scheduled for a mid-course (third-year) review or to stand for tenure in the 2021-2022 academic year or later and who were employed at the University as of August 24, 2020, shall have until January 15 of the academic year before they would normally be considered to decide if they wish to extend the time for consideration for the mid-course (third year) review or tenure by one year. Faculty opting for an extension in their tenure-clock under this policy will still remain eligible for “stop-the-clock” requests, as outlined in Article IV, Section A(1), above, and may extend the tenure-clock by one-year due to COVID-19 so that the maximum pre-tenure period will be a total of eight (8) years.

# **B. Evaluation for Personnel Decisions**

## **1. University Standards for Tenure, Promotion, and Salary Decisions**

Tenure, promotion, and salary decisions are based on an assessment of excellence in teaching, scholarship, and service. The standards by which excellence is judged are stipulated separately for each school in the school-specific appendices to this Handbook. Generally, excellence in teaching shall be evidenced by a faculty member's command of the developing subject matter, the ability to organize and present it effectively, and the utilization of effective teaching methods and strategies. Consideration may be given to the effective mentoring of student academic work outside of the classroom. Excellence in research/scholarship shall be evidenced (with documentation) by professional growth through original research, study, publication, performance (in the fine arts), or other significant professional activities. Excellence in service shall be evidenced by effective participation in the affairs of the faculty and University community, particularly through committee activities. The school-specific appendices shall designate for each school whether advising is considered as service or teaching. Consideration may be given to service to professional communities beyond the University.

Tenure and promotion procedures are not standardized over the several schools and faculties. Tenure decisions shall be made solely on the basis of the merits of the candidates and the needs of programs, without regard to quotas and within the context of existing tenure policy set forth in this section of the Handbook and in the school-specific appendices to this Handbook. Other factors affecting personnel decisions include the economic or budgetary situation of the University. Certain degrees or certifications (appropriate to the division and discipline) are usually considered necessary for tenure and for the rank of Assistant Professor and above.

## **2. General Procedures for Tenure and Promotion Decisions**

Successive reviews and recommendations for tenure and promotion decisions are made through a route that involves the department and/or a faculty committee, the respective Dean, the Provost, and the President. All tenure and promotion decisions are made by the Board of Trustees only on the positive recommendation of the President.

An individual may stand for tenure only once.

Each person involved in the process is expected to be familiar with the criteria on which recommendations respecting tenure and promotion are based and exercise great care that inappropriate criteria play no part. The University of Richmond prohibits discrimination and harassment against applicants, students, faculty, or staff on the basis of race, religion, national or ethnic origin, age, sex, sexual orientation, gender identity, gender expression, disability, status as a veteran, or any classification protected by local, state, or federal law.

Inasmuch as the University has adopted a policy recognizing that the tenure and promotion process may differ among the five schools, it is the responsibility of each Dean to make individual faculty members aware of the University's policies regarding non-discrimination and to be certain that discriminatory factors are not a part of the evaluation leading to a tenure or promotion recommendation nor a part of the official file on which such decisions are made.

The party making a recommendation in a tenure or promotion case will notify the candidate of the recommendation. The basis on which a negative recommendation was made will be summarized in writing for the candidate. The written summary may include relevant information contained in confidential reports, but must not violate the confidence in which information was given by individual faculty colleagues, students, or outside experts. The written summary should be given to the candidate at approximately the time the party transmits the negative recommendation to the next successive level of review.

While some of the above statements are intended to clarify the candidate's access to the bases on which negative tenure and promotion recommendations are made, it is not their purpose to make the process overly burdensome or legalistic nor to create adversarial relationships in which one's best professional judgment, subjective as it may be, or the department's, division's, or University's long-range needs, are compromised. The evaluation of teaching, advising, scholarship, and service to the University is by its nature subjective, and final judgments must be made holistically. Fair-minded and reasonable people can disagree. Since the needs of various departments and faculties may differ and may change from time to time, the overall needs of the University as a whole, as determined by the Board of Trustees, shall come first.

Although many of the policies and procedures specified in this document are similar to those recommended by the American Association of University Professors (AAUP) and other similar organizations, the University of Richmond declares that it is not bound by the interpretations given them by such external organizations.

## **C. Termination of Appointment by the Faculty Member**

A faculty member may terminate their appointment effective at the end of an academic year, provided that they give notice in writing to the Provost at the earliest possible opportunity, but not later than 30 days after receiving notification of the terms of their appointment for the coming year. The faculty member may properly request a waiver of this requirement of notice in case of hardship or in a situation where they would otherwise be denied substantial professional advancement or other opportunity. The institution may properly deny waiver if it would cause a substantial hardship on its academic program.

## **D. Procedures for the Discontinuance of an Academic Department or Program of Instruction Involving Possible Dismissal of Tenured Faculty**

1. Whatever the source of the original recommendation to discontinue a department, the official process to discontinue must be initiated by the Provost, at their discretion, after consultation with the appropriate dean(s) and being convinced that there is a prima facie case for discontinuance.
2. The process should follow these steps:
  - a. The Provost will consult with the University Faculty Senate about procedures not enumerated here that are deemed appropriate for the particular case.
  - b. The Provost will announce to the Department involved his or her intention to open a discontinuance proceeding. There will follow a period of 60 days (within the academic year) during which the Department involved may try to negotiate another remedy.
  - c. If such negotiations fail, the merits of (including the good faith of) the recommendation to discontinue will be studied by an External Review Panel described in Article IV, Section D(3), below, which will file a report with the Internal Review Panel.
  - d. The merits of the recommendation will then be studied by an Internal Review Panel described in Article IV, Section D(4), below, whose recommendation and rationale will be forwarded in turn to the affected school(s), the University Senate, the Provost, the President, and the Board of Trustees. Each body leading up to the Board of Trustees will make its own recommendation, supplying reasons for it. The faculty and Dean of a school may choose to file separate recommendations.
  - e. In the event a department or program is discontinued, a Reassignment Panel described in Article IV, Section D(5), below, will recommend either appropriate reassignments or full

dismissal of affected Tenured faculty to the President, who will forward a final recommendation to the Board of Trustees.

- f. Steps (a) through (d) should be completed within an academic year; step (e) by the end of the following academic year.
3. The External Review Panel will consist of three experts with no connection to the University, one chosen by the Provost, one by the Department involved, and one by the University Faculty Senate, subject to review and approval by the Academic and Enrollment Management Committee of the Board of Trustees. The panel will visit the campus and remain on campus so long as is necessary to complete a thorough review.
4. The Internal Review Panel will consist of five faculty members, chosen by the University Faculty Senate from its body or the larger University faculty according to procedures it deems appropriate for the particular case. Faculty members with a personal interest in the matter should not sit on the Panel.
5. The Reassignment Panel will consist of the Provost, the relevant dean(s), and two faculty members appointed by University Faculty Senate.

## **E. Termination by the Institution of Continuous Tenure or Termination of an Appointment Before the End of the Specified Contractual Term**

### **1. Adequate Cause**

Termination of a Tenured faculty member or termination of a faculty member with a Tenure-Track/Probationary Appointment or a Continuing Appointment with Fixed Term before the end of then-current contract term, may be effected by the University only for adequate cause. Adequate cause will consist of demonstrated:

- a. financial exigency of the institution;
- b. bona fide discontinuance or substantial modification, by the Trustees (after consulting with the faculty and administration), of an academic program or department of instruction, pursuant to the process set forth in Article IV D of this Handbook, resulting in significantly diminished personnel requirements;
- c. medical evidence that the faculty member cannot continue to fulfill the terms and conditions of the appointment even with reasonable accommodations for a qualified disability; or
- d. finding of misconduct and the imposition of a sanction of dismissal pursuant to process specified in Article IV, Section H of this Handbook.

### **2. Terminations Under Adequate Causes (1 a, b, and c)**

Where termination of appointment is based upon the criteria specified in Article IV, Section E(1)(a) or (b), the dismissal procedure described in Article IV, Section E(3), below, will not apply. In lieu of the dismissal procedures, the faculty members shall be able to have the issues reviewed by the University Faculty Senate with ultimate review of all controverted issues by the Board of Trustees. In all such cases, the faculty member concerned shall be given notice as soon as possible, and never less than twelve months' notice, or, in lieu thereof, they will be given severance salary for twelve months. The released faculty member's position will not be filled by a replacement within a period of three years, unless the released faculty member has been offered reappointment without loss of seniority and a reasonable time within which to accept or decline it. Before terminating an appointment because of abandonment or modification of a program or department of instruction resulting in significantly diminished personnel requirements, the institution will make every effort to place affected faculty members in other suitable positions.

University Faculty Senate shall determine the appropriate review process to be utilized and may request information from the faculty member(s) and the administrators involved for purposes of review. The Senate will issue a written determination after review which will be forwarded to the affected faculty member(s), the Provost, the President and the Board of Trustees. The Senate may go into executive session during the review process. The Senate shall make every effort to complete the review process in time for controverted issues, if any, to be reviewed by the Board of Trustees during the academic year in which the review was requested.

Termination before the end of the period of appointment based upon the criteria specified in Article IV, Section E(1)(c) will be based upon clear and convincing medical evidence which shall be reviewed by the University Faculty Senate, if requested by the faculty member, before a final decision is made by the Dean, in consultation with the Provost.

### **3. Dismissals and Procedures for Dismissal Under Adequate Causes (1d)**

The dismissal of a Tenured faculty member or the dismissal of a faculty member with a Tenure-Track/Probationary Appointment or a Continuing Appointment With Fixed Term before the end of the then-current contract term based on the criteria specified in Article VI, Section E(1)(d) shall be subject to the procedures set forth in Article IV, Section H of the Handbook. Such procedures do not apply to a decision not to renew the appointment of a faculty member with Tenure-Track/Probationary Appointment or a Continuing Appointment with Fixed Term at the end of the then-current contract term or to the dismissal of a faculty member with a Continuing Appointment Without Fixed Term.

## **F. Academic Freedom**

All members of the faculty, whether tenured or not, are entitled to academic freedom as set forth in the "[1940 Statement of Principles on Academic Freedom and Tenure](#)," formulated by the Association of American Colleges and the American Association of University Professors.

### **1. Academic Freedom of Non-Tenured Faculty**

If a faculty member on Probationary/Tenure Track Appointment or a Continuing Appointment alleges that considerations violative of academic freedom significantly contributed to a decision

not to reappoint them, their allegation will be given preliminary consideration by the University Faculty Senate, which will seek to settle the matter by informal methods. The allegation shall be accompanied by a statement that the faculty member agrees to the presentation of such reasons and evidence as the institution may allege in support of its decision. If the difficulty is unresolved at this point, and if the University Faculty Senate so recommends, the matter will be heard in the manner set forth in Article IV, Section E(2) of this Handbook, except that the faculty member making the complaint is responsible for stating the grounds upon which his/her allegations are based, and the burden of proof shall rest upon the faculty member. If, in the view of the University Faculty Senate, they succeed in establishing a *prima facie* case, it is incumbent upon those who made the decision not to reappoint him/her to come forward with evidence in support of their decision.

## **2. Administrative Personnel**

The foregoing regulations apply to administrative personnel who hold academic rank, but only in their capacity as faculty members. Where an administrator alleges that a consideration violative of academic freedom significantly contributed to a decision to terminate his/her appointment to his/her administrative post, or not to reappoint him/her, he/she is entitled to the procedures set forth in Article IV, Section F(1) of this Handbook.

## **3. Political Activities of Faculty Members**

Faculty members, as citizens, are free to engage in political activities. When so doing, however, they must speak as individuals and in no way consciously represent the University. Where necessary, leaves of absence may be given for the duration of an election campaign or a term of office, on timely application, and for a reasonable period of time. The terms of such a leave of absence shall be set forth in writing, and the leave will not affect unfavorably the tenure status of a faculty member, except that time spent on such leave will not count as probationary service unless otherwise mutually agreed to. When engaging in political activity on campus or seeking to use University resources, faculty members must comply with the [University's Policy on Political Campaign Activities on Campus](#).

# **G. Grievance Procedures**

Grievance procedures are used for all grievances by members of the faculty, except those concerning dismissal proceedings subject to Article IV, Section E(2) of this Handbook. Grievances relating to reappointment, tenure, promotion, or disciplinary action under Article IV, Section H of this Handbook follow the procedures described in Article IV, Section G(1), below. Other grievances follow the procedures described in Article IV, Section G(2) of this Handbook.

Grievance procedures are intended to provide fairness, foster communication and solve problems within the University community. They permit differences of opinion to be addressed with respect and civility, while recognizing that reasonable people may not agree on the proper course of action. To the extent permitted by University policy and applicable law, all documents and other information provided to the committee, and all deliberations of the committee, will remain confidential. The Grievance Committee has the power to address procedural violations only, and the final authority for action resides with the President and the Board of Trustees.

The Grievance Committee is composed of full-time Tenured faculty members appointed in accordance with the University Faculty Senate Committee Policy Document. Deans, associate deans, and assistant deans are not eligible to sit on the Grievance Committee. Where the Grievance Committee determines that a conflict of interest exists for a member of the committee with respect to a particular case, that person will withdraw from the case. If practical, a replacement will be selected by the Committee on Committees.

The Provost will call a meeting of the Grievance Committee yearly within the first four weeks of the fall semester to select the committee's chair and to have an orientation to review the tenure and promotion procedures for each school.

### **1. Grievance Procedures Relating to Reappointment, Tenure, and Promotion Decisions and Disciplinary Procedures**

Faculty who are not recommended for reappointment, tenure, or promotion may petition the Grievance Committee for review of the process involved in an adverse recommendation or decision. By way of example, but not limitation, each of the following is a separate adverse recommendation that a faculty member may challenge:

- 1) Any initial recommendation to deny reappointment, tenure or promotion by a department, committee, dean or provost; or
- 2) Any recommendation to deny reappointment, tenure or promotion on appeal or reconsideration of an initial recommendation.

Faculty members who are subject to the disciplinary process set forth in Article IV, Section H of the Handbook may petition the Faculty Grievance Committee for review of the process involved as specified in Article IV, Section H(8)(a).

To initiate a grievance, the faculty member must submit a written petition to the chair of the Grievance Committee and the Provost within fourteen (14) calendar days of his or her actual receipt of the first formal written notice of the adverse recommendation he or she wishes to challenge. Before initiating a grievance, the faculty member may, but does not have to, pursue any appeal of the adverse recommendation available under University procedures. The grievance petition must state in detail the factual basis for the claim that the process involved in the challenged adverse recommendation failed to substantially comply with established University procedures and/or the University's written faculty employment policies, such as non-discrimination policies. The faculty member may amend the petition and provide supporting materials during the ten (10) calendar days following the submission of the petition, but may not do so after that time unless the Grievance Committee so assents. The chair of the Grievance Committee shall give notice of the petition, its contents, and any amendments or supporting materials to the individual or committee who made the adverse recommendation.

The Grievance Committee shall limit its consideration to whether the process failed to comply substantially with established University policy or procedure and the University's written faculty employment policies, such as non-discrimination policies, or with the Faculty Handbook. It will

not substitute its judgment on the substance of the recommendation for that made at any of the various levels of review. In grievances alleging discrimination, the committee's responsibility will be to consider whether adequate non-discriminatory professional criteria were used in reaching the contested recommendation or action.

Upon receipt of a grievance petition, the Grievance Committee will assess whether the petition alleges one or more failures to comply with established University policy or procedure or the Faculty Handbook and, thus, falls within the purview of the Grievance Committee. If the Grievance Committee finds that the petition does not allege one or more failures to comply with established University policy or procedure or the Faculty Handbook or the petition challenges the substantive basis for a recommendation, then the Grievance Committee will dismiss the petition after written notice to the faculty member who filed the petition. If the Grievance Committee finds that the petition does allege one or more failures to comply with established University policy or procedure or the Faculty Handbook, then the Grievance Committee shall initiate a thorough review of such petition. The Grievance Committee will confer with the appropriate committees and individuals, compile and review relevant information, and complete its review within thirty (30) calendar days of the date of receipt of the grievance petition unless unusual circumstances dictate otherwise. If in the course of reviewing the procedural errors alleged in the petition, the Grievance Committee discovers other procedural errors relating to the same reappointment, tenure, or promotion decision, it may consider and act on them as well. In the course of its deliberations, the Grievance Committee will confer with the Provost and with other relevant individuals or committees as appropriate. All individuals in the community are expected to cooperate fully with the Grievance Committee and to maintain confidentiality regarding the case. While the grievance is under consideration, the reappointment, tenure, promotion, or disciplinary decision-making process will be suspended until the Grievance Committee makes its recommendation.

If the Grievance Committee concludes that there has been substantial compliance with the Faculty Handbook or University policies and procedures, it will so notify in writing the faculty member who filed the petition and other appropriate parties as specified above. No further review of the petition will be made by the Grievance Committee, but the petition and the committee's written conclusions will be included in the reappointment, tenure, or promotion file prior to any subsequent levels of review for consideration by further reviewers.

If the Grievance Committee concludes that there has not been substantial compliance with the Faculty Handbook or University procedures or policies, it will so notify in writing the faculty member who filed the petition, the individual or committee responsible for the violation, and the Provost. The Committee will also notify any person or entity that the grievant's petition claimed was responsible for a violation, but has been found by the report not to have committed a violation.

The notice to non-responsible persons may be a summary that omits information and conclusions not relevant to them. The Grievance Committee has the authority to mandate, at its discretion, and with the written consent of the petitioning faculty member, the reconsideration of a case from the point of a procedural violation. The Grievance Committee's order mandating reconsideration may contain conditions that the Grievance Committee deems necessary to guide the reconsideration process. During reconsideration, the Grievance Committee may confer with the Provost and with other relevant individuals or committees, as appropriate, to facilitate compliance

by the department, tenure committee, dean or provost with the order.

The file for any subsequent levels of review will include the petition and any amendments or supporting materials, the Grievance Committee order, and any response following reconsideration.

The grievance procedure involving a tenure or promotion decision should be completed within the regular reappointment and tenure review calendar, and normally no later than the conclusion of the academic year in which the petition was submitted. For purposes of this policy and terminal year notification only, the conclusion of the academic year will be May 31st. The Grievance Committee should issue two reports in cases brought before it:

- 1) The standard confidential review of the particular case to the candidate, which is included in the portfolio prior to any subsequent levels of review.
- 2) A report to the Provost delineating any general lessons learned and possible recommendations for process clarification or change.

Each spring after all tenure and promotion decisions are complete, the Provost will identify issues and concerns relating to the process and refer those issues to the school(s) involved for study.

## **2. Procedures for Other Grievances**

Faculty may submit grievances on matters other than discipline, reappointment, tenure, or promotion. A faculty member with such a grievance must submit a written petition to the chair of the Grievance Committee and the Provost within fourteen (14) calendar days of learning of the event at issue in the grievance. The petition must state in detail the nature of the grievance, the person(s) against whom the grievance is directed, the factual or other information pertinent to the grievance, and the relief requested. The chair of the Grievance Committee shall give notice of the petition and its contents to the individual and/or committee against whom the grievance is directed.

Upon receipt of a grievance petition, the Grievance Committee will assess whether the petition alleges one or more failures to comply with established University policy or procedure or the Faculty Handbook and, thus, falls within the purview of the Grievance Committee. If the Grievance Committee finds that petition does not allege one or more failures to comply with established University policy or procedure or the Faculty Handbook or the petition challenges the substantive basis for a recommendation, then the Grievance Committee will dismiss the petition after written notice to the faculty member who filed the petition. If Grievance Committee finds that the petition does allege one or more failures to comply with established University policy or procedure or the Faculty Handbook, then the Grievance Committee shall initiate a review of such petition. The Grievance Committee will determine the appropriate scope of such review based on the content of the petition. Submission of a petition will not automatically initiate investigation or detailed consideration.

The Grievance Committee will investigate the fairness of the procedures which were used in the aggrieved matter. It will not, normally, attempt to adjudicate the differences of opinion involved in the substance of the matter of the decision. The committee may pursue a resolution of the

grievance satisfactory to both parties. If in the opinion of the Grievance Committee a mutually agreeable resolution is not possible, or is not appropriate, the committee will report its recommendations to all parties directly involved, the Provost, and the President. In cases where the grievance is directed to actions of the President, the full report shall also be forwarded to the Rector of the Board of Trustees.

## **H. Disciplinary Actions, Investigations, and Formal Faculty Hearings**

The procedures set forth in this Article IV, Section H shall apply only to reports that a Tenured faculty member or a faculty member with a Tenure-Track/Probationary Appointment or a Continuing Appointment engaged in misconduct, as defined below, and to a faculty member with a Temporary and Restricted Appointment in the case of an allegation of sexual harassment under Title IX, as defined below. These procedures apply only to reports of alleged misconduct arising out of or related to an individual's role as a faculty member. These procedures do not apply to conduct alleged to have occurred in a faculty member's private life, unless such alleged conduct has or reasonably could have a direct impact on students or other members of the campus community, or to reports of alleged Misconduct arising out of or relating to an individual's administrative role, including, but not limited to the role of President, Provost, or dean.

The University's response to allegations of faculty Misconduct may vary according to the nature of the misconduct, its seriousness, its impact on the University or the well-being of other members of the University community, and any prior record of Misconduct.

The procedures set forth in this Article IV, Section H will not be used to restrain faculty members in their exercise of academic freedom or free expression.

The term "Misconduct" as used in this Handbook includes, but is not limited to, continued and material failure to perform properly assigned duties, sexual misconduct as defined in the University's Policy on Preventing and Responding to Discrimination and Sexual Misconduct Involving Faculty or Staff, discrimination, harassment, material violations of University policies, including but not limited to those set forth in this Handbook, research misconduct, violations of scholarly integrity, fraud, or conduct that meets the definition of a crime under the laws of the Commonwealth of Virginia or under federal law.

The term "sexual harassment under Title IX" as used in this Handbook is a form of sexual misconduct that involves conduct on the basis of sex that satisfies one or more of the following:

- 1) Conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct;
- 2) 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 recipients education program or activity; or
- 3) Sexual assault, dating violence, domestic violence, or stalking as defined in the University's Policy Prohibiting Sexual Misconduct and University's Policy on Preventing and Responding to Discrimination and Sexual Misconduct Involving Faculty or Staff.

Each step in the disciplinary process set forth herein shall be undertaken in a prompt and equitable manner consistent with the complexity of the matter at issue.

### **1. Confidentiality and Disciplinary Actions, Investigations, and the Formal Hearing and Appeal Process**

In all proceedings, it is essential that confidentiality be maintained. Thus, information concerning any investigation should be disclosed only to those with a right or a need to know or as otherwise required by law or applicable regulations.

### **2. Reports of Alleged Misconduct**

All members of the University community, including faculty, staff and students, who have a good faith concern regarding possible Misconduct are expected to report such concerns to the appropriate University official.

A report of alleged Misconduct involving a faculty member may be made as set forth below.

Reports alleging possible discrimination, harassment, or sexual misconduct, including sexual harassment under Title IX should be directed to the University's Director of Compliance and Title IX Coordinator, Kristine Henderson Fountain Hall, Suite 101, (804) 289-8186, khender3@richmond.edu or the University's Senior Associate Vice President for Human Resources and Deputy Title IX Coordinator.

Reports alleging possible research misconduct should be directed to the University's Research Integrity Officer. The Director of Compliance and Title IX Coordinator has been designated as the Research Integrity Officer.

Reports alleging other forms of Misconduct should be directed to the appropriate school dean. If the subject of the report is the school dean, then the report should be made to the University's Provost.

The recipient of such a report shall notify the appropriate dean, but, in the case of an allegation of discrimination, harassment, or sexual misconduct, shall not disclose the name of the alleged Complainant of such conduct without consent.

### **3. Retaliation is Prohibited**

The University prohibits retaliation or retribution, in any form, against an individual who reports, in good faith, an actual, potential or suspected incidence of Misconduct. As used in this Article IV, Section H(3), reporting "in good faith" means the individual making the report has a reasonable basis to believe that there has been or may have been a violation of this policy. Individuals who make frivolous or false reports shall not be deemed to be acting in good faith.

Anyone who engages in or attempts to engage in retaliation or retribution against an individual who reports, in good faith, an actual, potential or suspected incidence of Misconduct shall be subject to discipline in accordance with this Handbook or the applicable policies and procedures

of the University.

#### **4. Process for Addressing Reports of Misconduct**

A report alleging possible discrimination, harassment, or sexual misconduct, including sexual harassment under Title IX, shall be handled in accordance with the University's [Policy on Preventing and Responding to Discrimination and Sexual Misconduct Involving Faculty or Staff](#), provided, however, the procedures for a hearing, an appeal, and the imposition of any sanctions shall be governed by this Article IV, Section H of the Handbook.

A report alleging possible research misconduct shall be handled in accordance with the University's [Policy for Responding to Allegations of Research Misconduct](#), provided, however, the procedures for a hearing, an appeal, and the imposition of any sanctions shall be governed by this Article IV, Section H of the Handbook.

In case of a report alleging other forms of Misconduct, the appropriate dean or his/her designee will meet with the person making the report or on whose behalf the complaint or report is made (the "Complainant"), to review the Complainant's concerns, explain the University's procedures for handling the report, and discuss with the Complainant the options for formal and informal resolution. The appropriate dean or his/her designee shall then meet with the faculty member who is the subject of the report (the "Respondent") to review the allegations in the report, listen to the Respondent's perspective, explain the University's procedures for handling the report, and discuss with the Respondent the options for formal and informal resolution.

Following these initial meetings, the dean shall determine whether the factual allegations contained in the report, if proven to be accurate, would constitute Misconduct, as defined in this Article IV, Section H. If not, the dean shall consult with the Provost before finalizing a decision and shall then notify the Complainant and Respondent, in writing, of such conclusion and the matter shall be closed. If the dean or his/her designee determines that the factual allegations contained in the report, if proven to be accurate, would constitute Misconduct, the dean or his/her designee shall determine whether to attempt to resolve the issue through an informal resolution process involving all parties to the issue, as described in Article IV, Section H(5) of this Handbook, or whether to commence a formal resolution, as described in Article IV, Section H(6) of this Handbook. The dean shall consult with the Provost before finalizing a decision and shall then notify the Respondent and the Complainant, in writing, of their determination.

#### **5. Informal Resolution**

Informal resolution provides an opportunity for the dean or their designee, the Complainant and the Respondent to discuss the incident which is the subject of the report of alleged Misconduct and their respective wishes and expectations regarding appropriate resolution of the incident. Neither the Complainant nor the Respondent shall be required to participate in an informal resolution process. The Complainant or the Respondent may, at any time prior to the conclusion of the informal resolution, elect to end their participation in such proceedings. If the Complainant elects to end their participation, the dean or their designee and the Respondent may continue to seek an acceptable resolution. If the Respondent elects to end the informal process, then: (i) the dean or their designee may make a finding regarding responsibility and impose a minor sanction,

as described below; or (ii) the matter shall be referred for formal resolution as described in Article IV, Section H(6) of this Handbook.

The dean or their designee shall structure the informal resolution process in a manner that they deem appropriate given the nature of the incident at issue. The dean or their designee shall have the discretion to engage a qualified third-party to serve as a facilitator or mediator for an informal resolution process, provided such third-party agrees, in writing, to keep confidential all information shared in the course of the informal resolution process.

If, during the course of the informal resolution, parties reach a mutually acceptable outcome, such outcome shall be documented in writing and the matter will be resolved without any further rights to a hearing or appeal.

If, during the course of the informal resolution, the Respondent elects to take responsibility for the alleged conduct, the dean or their designee shall propose a sanction to the Respondent. If the Respondent agrees to such proposed sanction, the matter will be resolved without any further rights to a hearing or appeal.

If the parties do not reach a mutually acceptable outcome or if the Respondent either does not take responsibility for the alleged conduct or objects to such proposed sanction, the dean or their designee may determine whether there is sufficient evidence to find that the Respondent engaged in Misconduct. If the dean or their designee finds sufficient evidence that the Respondent engaged in Misconduct, the dean or his/her designee may impose a minor sanction, as defined in Article IV, Section H(7), on the Respondent. For purposes of this policy, a minor sanction is a sanction that does not involve suspension or termination of employment and does not reduce the then current compensation of the Respondent. If the dean or their designee imposes a minor sanction, they shall notify the Respondent, in writing, of their conclusion, the rationale for such conclusion, and the specific minor sanction(s) imposed. The matter will then be closed and the Respondent shall have no further opportunity for hearing or appeal. The dean may not impose a major sanction, as defined in Article IV, Section H(7), on the Respondent during the informal resolution process without the consent of the Respondent.

The foregoing process shall not apply to reports of alleged sexual harassment under Title IX. The University's Policy on Preventing and Responding to Discrimination and Sexual Misconduct Involving Faculty or Staff shall govern any informal or alternative resolution of reports of sexual harassment under Title IX.

If the matter is not resolved through the informal resolution process, it will be handled in accordance with the formal resolution process outlined below.

## **6. Formal Resolution**

### *a. Referral to the Provost.*

If the dean or their designee determines that a report of alleged Misconduct warrants a formal resolution process or if the informal resolution process does not resolve the matter, the dean or their designee shall provide written notice to the Respondent and the Provost of the alleged

Misconduct. The notice shall include a summary of the factual allegations in the report and the nature of the alleged Misconduct, including citing specific policies alleged to have been violated, where applicable.

The Provost or their designee shall review the notice and may seek additional information from the dean or their designee, the Respondent, or others who have knowledge of the matter.

If the matter has not been through the informal resolution process, the Provost or their designee may seek to resolve the matter through the informal resolution process described in Article IV, H(5) of this Handbook, with the Provost or their designee undertaking the responsibilities and assuming the authority of the dean or his/her designee.

The Provost or their designee may also refer the matter for formal investigation pursuant to Article IV, H(6)(c) of this Handbook.

b. *Administrative Leave*

Pending a decision through the formal resolution process, the Provost may impose an administrative leave on the Respondent. An administrative leave may be imposed only when the Provost has a reasonable basis to conclude that: (a) the continued presence of the Respondent on campus or in the classroom may create a risk to the health or safety of one or more members of the University community; or (b) the Respondent poses an ongoing threat of disruption of, or interference with, the educational functions of the University.

Before imposing an administrative leave, the Provost will consult with the Executive Committee of the Faculty Senate concerning the propriety, length, and other conditions of the leave (the faculty member may waive the right to have the Executive Committee consulted and accept the leave, but the waiver must be in writing). An administrative leave cannot continue indefinitely; should the leave continue beyond 120 days, the Provost shall justify the cause of the delay to the Executive Committee of the Faculty Senate (in the unlikely event that the leave or reassignment continues beyond 240 days, the Provost must so justify the delay to the Executive Committee of the Faculty Senate at each subsequent 120-day interval).

An administrative leave shall be imposed with pay and the Respondent shall continue to be eligible for University benefits during the administrative leave.

c. *Formal Investigation*

If the Provost or his/her designee determines that a formal investigation is warranted, the Provost or his/her designee shall assign the matter to an appropriate investigator. The nature and extent of the investigation will vary based on the specific circumstances of the matter, but, in all cases, the investigation will be prompt, fair, and impartial.

The Provost may assign responsibility for the investigation to a faculty or staff member or to a qualified, independent third party, provided such third party agrees, in writing, to maintain the confidentiality of the investigation.

The investigator will interview the Complainant, Respondent and other witnesses who may have information about the incident(s). The investigator may also conduct one or more follow-up interviews with the Complainant, Respondent, or other witnesses. The interviews will be recorded by the investigator for purposes of preparing the investigative report. The investigator has the discretion to determine what witnesses will be interviewed as part of the investigation. The investigator is not required, but may in their discretion, speak with character witnesses. The Respondent has the right to services of an advisor of their choice. The Respondent may have their advisor present for any interview with the investigator. The role of the advisor is to provide support, guidance, and advice to Respondent. However, the Respondent is responsible for presenting their own information during the interview. Advisors may ask questions regarding process but are not permitted to speak on behalf of the Respondent or object to interview questions.

The investigator will also gather relevant evidence, including, but not limited to documents, email messages, text messages, social media postings, video evidence, and other records and documents. At the conclusion of the investigation, the investigator shall prepare a written investigative report that will include a summary of key interviews and other evidence, copies of relevant documentary evidence, and an analysis of the evidence and findings of fact in the investigation. It is not the role of the investigator to draw a conclusion as to whether the Respondent engaged in Misconduct. The investigator will not make recommendations regarding the outcome of conduct or disciplinary process or the imposition of sanctions. The investigator will transmit the final investigative report to the Provost or their designee.

Upon receipt of the investigative report, the Provost or their designee shall provide Respondent with a copy of the investigative report. If the Respondent objects to the findings of fact in the investigative report, the Respondent shall have five (5) business days to submit a written statement to the Provost listing the objections, setting forth in detail the basis for the objections, and attaching any documentary evidence to support the objections.

The Provost or their designee shall review the investigative report and any objections filed by the Respondent. If the Provost or their designee has questions about the investigation, the findings of fact, or seeks additional information, they shall ask the investigator to follow up on the requests. The Provost or their designee may consult with other University officials regarding the investigative report.

The University's Policy on Preventing and Responding to Discrimination and Sexual Misconduct Involving Faculty or Staff shall govern the investigative process for reports of sexual harassment under Title IX.

In cases not involving allegations of sexual harassment under Title IX, the Provost or their designee shall determine whether to refer the matter to a Faculty Hearing Committee. In making this determination, the Provost or their designee will consider whether the investigative report contains sufficient facts and evidence upon which a reasonable decision-maker could find, by clear and convincing evidence, that the Respondent engaged in Misconduct. The Provost's decision must be based on the information gathered in the investigation. In cases involving reports of sexual harassment under Title IX, the Provost or their designee shall refer the matter to a Faculty Hearing Committee.

The decision to refer the matter to a Faculty Hearing Committee is not a final determination of responsibility and will not be used as evidence in any subsequent hearing or proceeding.

The Provost or their designee shall provide the Respondent and the President of the Faculty Senate with written notice of a decision to refer the matter to the Faculty Hearing Committee. The notice shall include a summary of the factual allegations in the report and the nature of the alleged Misconduct, including citing specific policies alleged to have been violated, where applicable.

If the Provost or their designee determines that the investigation does not result in sufficient facts or evidence upon which a reasonable decision-maker could find, by clear and convincing evidence, that the Respondent engaged in Misconduct, then the Provost or their designee shall close the investigation. The Provost or their designee shall provide written notice to the Respondent of the decision to close the investigation.

If the report of Misconduct at issue involves alleged sexual harassment under Title IX, the Complainant shall be afforded the same rights outlined in this Article IV, Section H(6)(c).

*d. Appointment of Faculty Hearing Board*

Upon receipt of a notification from the Provost or his/her designee, pursuant to Article IV, Section H(6)(c) of this Handbook, the Faculty Senate President shall request that the chair of the Faculty Hearing Committee select five (5) members of the Faculty Hearing Committee to serve on a Faculty Hearing Board to consider the charges against the Respondent. The Chair of the Faculty Hearing Committee shall also appoint a non-voting hearing officer, who shall be responsible for the orderly conduct of the hearing. The hearing officer may be a member of the Faculty Hearing Board or a qualified third-party who agrees, in writing to maintain the confidentiality of the proceedings. The Chair of the Faculty Hearing Committee should use reasonable efforts to ensure that the Faculty Hearing Board members and hearing officer have no conflict of interest or, in the case of a report of sexual harassment under Title IX, no bias for or against the Complainant or Respondent in the case at hand or complainants or respondents generally. The Chair of the Faculty Hearing Committee shall also use reasonable efforts in the selection of the Faculty Hearing Board members and hearing officer to achieve a reasonably balanced representation with regard to the issues involved (e.g., gender or Respondent's field of expertise). The Chair of the Faculty Hearing Committee shall notify the Provost and the Respondent of the names of the proposed Faculty Hearing Board members and the hearing officer.

The Respondent has the right to petition that any member of the Faculty Hearing Board or the hearing officer be removed on the basis of bias or conflict of interest. The Respondent must submit a written petition to the Chair of the Faculty Hearing Committee at least ninety-six (96) hours prior to the scheduled hearing seeking removal of a member of the Faculty Hearing Board or the hearing officer stating the reasons for such request. The Chair of the Faculty Hearing Committee shall respond to such request, in writing, within forty-eight (48) hours of receipt of the request.

If the report of Misconduct at issue before the Faculty Hearing Board involves alleged sexual

harassment under Title IX, the Complainant shall be afforded the same rights as the Respondent as to petition that any member of the Faculty Hearing Board or the hearing officer be removed on the basis of bias or conflict of interest.

*e. Rights and Responsibilities of the Respondent*

The Respondent shall be afforded the following rights and responsibilities throughout the hearing process:

- i. Hearing. The Respondent has the right to a live hearing, conducted in accordance with the procedures set forth in this Handbook. At the discretion of the hearing officer, the hearing may be conducted with all parties, advisors, and witnesses physically present in the same location or any or all parties, advisors, and witnesses may appear virtually with technology enabling participants to simultaneously see and hear each other. The hearing will be recorded and a transcript of the hearing shall be made available to the Respondent for inspection and review.
- ii. Evidence. The Respondent has the right to a hearing based on reliable evidence presented during the hearing process, including reasonable inferences drawn from such evidence, and reasonable determinations by the fact finder as to the credibility of witness testimony. In cases involving allegations of sexual harassment under Title IX, the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility shall rest with the University and not the parties to the hearing. Notwithstanding the foregoing, the Faculty Hearing Board is not bound by formal rules of evidence and may consider any evidence or testimony that it deems reasonable reliable.
- iii. Advisor. The Respondent has the right to the services of an advisor of their choice. The Respondent is responsible for presenting their own information, and therefore, advisors are not permitted to participate in any hearing before a Faculty Hearing Board, including, but not limited to making oral arguments or statements, questioning witnesses (except as permitted herein), or raising objections during a hearing. An advisor may request a brief recess of the proceedings to provide advice to the Respondent. The Respondent should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the Faculty Hearing Board hearing, as delays will not normally be allowed due to the scheduling conflicts of an advisor. If, in cases involving allegations of sexual harassment under Title IX, the Respondent does not have an advisor present at the hearing, the University will provide an advisor of the University's choice, at no cost, to conduct cross-examination on behalf of the Respondent. Such advisor may be, but is not required to be an attorney.
- iv. Right to Remain Silent. The Respondent has the right to remain silent and is advised that any statement they make may be used in evidence against them. In cases involving allegations of sexual harassment under Title IX, if the Respondent does not submit to cross-examination at the hearing, the Hearing Board members must not rely on any statement of the Respondent in reaching a determination regarding responsibility, but the hearing board members must not draw an inference regarding responsibility based solely on the Respondent's decision to remain silent and/or refusal to answer questions under cross-examination.

- v. Notice of Hearing. The hearing officer shall prepare and deliver to the Respondent a notice of hearing. Such notice may be delivered to the Respondent in person, by electronic mail, by U.S. Mail, or by campus mail. The date of the hearing shall not be less than twenty (20) days from the date of such notice. The notice of hearing shall include:
- a. The name and address of the Respondent;
  - b. The date, time, and location of the Faculty Hearing Board hearing;
  - c. A description of the alleged Misconduct at issue;
  - d. The date, and place of the alleged Misconduct (if known);
  - e. The name of the Complainant and, if not the same, the name of the person who filed the complaint (if known);
  - f. The name of the hearing officer;
  - g. The names and titles of the voting members of the Faculty Hearing Board;
  - h. A statement that the Respondent is presumed to be not responsible for the alleged Misconduct until a determination is made at the conclusion of the hearing and any appeal process that the Respondent is responsible;
  - i. A statement that the Respondent may have an advisor present who may be, but is not required to be, an attorney;
  - j. In cases involving an allegation of sexual harassment under Title IX, a statement that the Respondent have the right to inspect, review, and present at the hearing all evidence, exculpatory and exculpatory, gathered during the investigation; and
  - k. Information regarding any policy or Handbook provision prohibiting knowingly making false statements or knowingly submitting false information during the investigation, hearing, or appeal process.
- vi. Written Objections to Factual Findings of Investigative Report. The Respondent has the right, upon request, to review the investigative report at any time after it is delivered to the Provost and prior to the hearing before the Faculty Hearing Board. If the Respondent objects to the findings of fact in the investigative report, the Respondent may submit a written statement to the hearing officer listing the objections, setting forth in detail the basis for the objections, and attaching any documentary evidence to support the objections. The Respondent's written statement of objections shall be included in the hearing record.
- vii. Witness List. The Respondent has the right to receive the list of witnesses that the Faculty Hearing Board intends to call at a hearing in accordance with the timeframes set forth in Article IV, Section H(6)(g) of the Handbook. In cases involving allegations of sexual harassment under Title IX, the Respondent has the right to receive the list of witnesses that the other party intends to call at hearing in accordance with the timeframes set forth in Article IV, Section H(6)(g) of the Handbook.
- viii. Witness Statements. If a witness submits a written statement, the Respondent will

be provided an opportunity to review such statement in accordance with the timeframes set forth in Article IV, Section H(6)(g) of the Handbook. In order to ensure the confidentiality of the disciplinary hearing and to protect the privacy rights of the Respondent and other witnesses, the Respondent shall not copy, reproduce, disseminate, or disclose to anyone other than their advisor any such witness statements and shall return such witness statements to the hearing officer at the conclusion of the hearing. In cases involving allegations of sexual harassment under Title IX, the Hearing Board members must not rely on any statement of a witness who does not submit to cross-examination at the hearing in reaching a determination regarding responsibility, but the hearing board members must not draw an inference regarding responsibility based solely on the witness' refusal to answer questions under cross-examination. Following the hearing, the hearing officer shall permit the Respondent to have access to such witness statements to the extent needed for any appeal conducted this Article IV, Section H of the Handbook.

- ix. Documentary Evidence. Subject to applicable privacy laws, including FERPA, the Respondent has the right to all documentary evidence that the Faculty Hearing Board intends to present at the hearing in accordance with the timeframes set forth in Article IV, Section H(6)(g) of the Handbook. In cases involving allegations of sexual harassment under Title IX, the Respondent has the right to all documentary evidence that the other party intends to present at the hearing in accordance with the timeframes set forth in Article IV, Section H(6)(g) of the Handbook. In order to ensure the confidentiality of the disciplinary hearing and to protect the privacy rights of the Respondent, Complainant, and other witnesses, the Respondent shall not copy, reproduce, disseminate, or disclose to anyone other than their advisor any such documentary evidence and shall return such documentary evidence to the hearing officer at the conclusion of the hearing. Following the hearing, the hearing officer shall permit the Respondent to have access to such documentary evidence to the extent needed for any appeal conducted under this Article IV, Section H of the Handbook.
- x. Attendance at the Hearing. The Respondent and their advisor have the right to attend the entire Faculty Hearing Board hearing except for the deliberations of the Faculty Hearing Board. In cases involving allegations of sexual harassment under Title IX, the Hearing Officer shall have the ability to arrange for the participation of the Respondent or the Complainant in all or part of the hearing by real-time video conferencing.
- xi. Right to Offer Evidence and Witness Testimony. The Respondent has the right to offer evidence and oral testimony of witnesses that is relevant or reasonably related to the issues before the Faculty Hearing Board in accordance with the timeframes set forth in Article IV, Section H(6)(g) of the Handbook.
- xii. Right to Offer Witnesses Statements. The Respondent has the right to offer written statements of witnesses that are relevant or reasonably related to the issues before the Faculty Hearing Board in accordance with the timeframes set forth in Article IV, Section H(6)(g) of the Handbook. In cases involving allegations of sexual harassment under Title IX, the Hearing Board members must not rely on any statement of a witness who does not submit to cross-examination at the hearing in

reaching a determination regarding responsibility, but the hearing board members must not draw an inference regarding responsibility based solely on the witness' refusal to answer questions under cross-examination.

- xiii. Questions for Witnesses. The Respondent has the right to submit to the hearing officer a list of questions that the Respondent wishes the hearing officer to ask any witness who gives oral testimony. The Respondent must submit his/her initial list of questions to the hearing officer in accordance with the timeframes set forth in Article IV, Section H(6)(g). Notwithstanding the foregoing, in cases involving allegations of sexual harassment under Title IX, the advisor for the Respondent may, directly, orally, and in real time, ask the other party and any witnesses relevant questions and follow-up questions, including those challenging credibility. The hearing officer shall use their reasonable discretion in determining the relevance or appropriateness of any proposed question submitted by the Respondent or posed by an advisor for the Respondent or Complainant and the hearing officer shall not be obligated to ask or permit all of the questions proposed by the Respondent or Complainant. In cases involving alleged sexual misconduct under Title IX, the hearing officer shall comply with 34 C.F.R. §100.45(b)(6)(i) in determining the relevance of proposed questions and explaining any ruling on relevance. Where appropriate, the Respondent may request a brief recess of the hearing to prepare such questions. The hearing officer, in their reasonable discretion, may grant or deny such request.
- xiv. Closed Hearing. Faculty Hearing Board hearings are closed to the public. Admission of any person not a party to or witness in the hearing shall be at the sole discretion of the hearing officer. The Respondent shall have the right to attend the entire hearing, except for the deliberations of the Faculty Hearing Board.
- xv. Failure to Attend Hearing. The Respondent has the responsibility to attend the scheduled Faculty Hearing Board hearing. If the Respondent, without valid excuse or authorization from the hearing officer, fails to attend the hearing as scheduled, the Faculty Hearing Board may proceed in the Respondent's absence to a determination of the matter, and if appropriate, impose sanctions.
- xvi. Notice of Outcome. The Respondent has the right to written notice of the outcome of the Faculty Hearing Board hearing, including a brief summary of the rationale for such outcome and sanctions (if any), by 5:00 PM on the fifth business day following the conclusion of the hearing. The hearing officer of the board at their discretion can extend this timeline for good cause and with written notice to the Respondent. The notice of outcome shall include a brief description of the appeal rights of the Respondent under the Handbook. The Respondent also has the right to written notice of any change in the outcome or sanctions imposed and notice as to when such outcome and sanctions shall be deemed final. In cases involving allegations of sexual harassment under Title IX, the content of the notice of outcome shall comply with 34 C.F.R. §100.45(b)(7)(ii) and the notice shall be provided to the Respondent and the Complainant simultaneously.
- xvii. Appeal. The Respondent has the right to appeal the decision of the Faculty Hearing Board, in accordance with the standards and procedures for appeal established in Article IV, Section H(8) of this Handbook. The determination regarding

responsibility shall become final either upon the date a final determination upon an appeal is issued or, if no appeal is filed, on the date of the deadline for filing an appeal.

- xviii. Privacy of the Respondent. The Respondent has the right to preservation of privacy, to the extent reasonably possible and allowed by law. The Respondent has the right not to have irrelevant prior sexual or relationship history or physical or mental health history admitted as evidence in a Faculty Hearing Board hearing. The Respondent has the right not to have released to the public by University officials any personally identifiable information about the Respondent, without their consent, except to the extent such disclosure is required by applicable law, regulation, or court order.

*f. Rights and Responsibilities of the Complainant.*

If the report of Misconduct at issue before the Faculty Hearing Board involves an alleged sexual harassment under Title IX, the Complainant shall be afforded the same rights as and shall have the same responsibilities of the Respondent as outlined in this Article IV, Section H(6)(e) of the Handbook.

*g. Pre-Hearing Submission Deadlines.*

- i. Submission of Witness Lists and Witness Statements.* The Respondent shall provide the hearing officer their respective lists of witnesses and copies of any witness statements by 5:00 p.m. on the fourth (4<sup>th</sup>) day before the hearing.
- ii. Submission of Documentary, Electronic, and Other Evidence.* The Respondent shall submit copies of all documentary, electronic, or other evidence to the hearing officer by 5:00 p.m. on the fourth (4<sup>th</sup>) day before the hearing.
- iii. Statement of Objections to Investigative Report.* The Respondent shall provide the hearing officer with their respective statements of objection to the investigative report, if any, by 5:00 p.m. on the third (3<sup>rd</sup>) day before the hearing.
- iv. Access to Other Party's Pre-Hearing Submissions.* Upon receipt of a pre-hearing submission from either the Complainant or the Respondent, the hearing officer shall provide the other party with access to such submission as soon as reasonably possible and in no event, later than twenty-four (24) hours following the submission.
- v. Faculty Hearing Board Witnesses, Documentary, Electronic, and Other Evidence.* The hearing officer shall provide the Respondent with access to the list of witnesses to be called by the Faculty Hearing Board, any witness statements, and any documentary, electronic, or other evidence not included in the investigative report at least three (3) days prior to the hearing.

- vi. Questions for Witnesses. The Respondent shall submit their respective lists of questions for witnesses to the hearing officer or their designee at least twenty-four (24) hours prior to the commencement of the hearing.
  - vii. Extension of Submission Deadlines. The hearing officer may extend the time frame for submitting evidence, witness statements, witness lists, and witness questions, at their sole discretion, and only for good cause. If timelines are extended, the Hearing Officer or their designee shall provide written notice to the Respondent.
  - viii. Applicability of Time Frames to the Complainant. If the report of Misconduct at issue before the Faculty Hearing Board involves an alleged sexual harassment under Title IX, the rights afforded by and provisions of this Article IV, Section H(6)(g) shall apply equally to the Complainant and the Respondent.
- h. *Pre-Hearing Procedures.*
- i. The Respondent shall be afforded the opportunity to meet (in person or by telephone or videoconference) with the hearing officer or their designee prior to the hearing. The purpose of this meeting is to advise the Respondent of the hearing procedures and their rights in connection with the hearing. The Respondent's advisor is permitted to attend this meeting.
  - ii. If the report of Misconduct at issue before the Faculty Hearing Board involves an alleged sexual harassment under Title IX, the Complainant shall be afforded the opportunity to meet (in person or by telephone or videoconference) with the hearing officer prior to the hearing. The purpose of this meeting is to advise the Complainant of the hearing procedures and their rights in connection with the hearing. The Complainant's advisor is permitted to attend this meeting.
  - iii. The hearing officer shall review all written materials prior to submission to the Faculty Hearing Board to ensure that the hearing record does not contain irrelevant, unfairly prejudicial, or inadmissible information, as determined by the Hearing Officer in their reasonable discretion and, in cases involving allegations of sexual harassment under Title IX, as specified in 34 C.F.R. §100.45(b)(6)(i).
- i. *The Hearing Record.*
- i. The hearing officer shall create a hearing record comprising the following: (a) the hearing written notice to the Respondent; (b) the investigative report with its attachments; (c) witness statements submitted by the Faculty Hearing Board, the Complainant (if applicable), and the Respondent; (d) the documentary, electronic, and other evidence submitted by the Faculty Hearing Board, the Complainant (if applicable), and the Respondent; and (e)

the hearing transcript, following completion of the hearing.

- ii. The hearing officer shall provide the Complainant (if applicable) and the Respondent with access to the hearing record at least forty-eight (48) hours prior to the hearing.
  - iii. The hearing officer shall convene one or more pre-hearing meetings of the members of the Faculty Hearing Board to review the charge(s), to go over the contents of the hearing record, and to answer any procedural questions. This meeting shall be held at least twenty-four (24) hours prior to the hearing.
  - iv. The hearing officer shall ensure that there are sufficient copies of the hearing record available during the hearing for all Faculty Hearing Board members, the Respondent, the Complainant (if applicable), for testifying witnesses to use during their testimony.
- j. *Authority and Other Duties of the Hearing Officer.* The Hearing Officer shall preside over and conduct the hearing and has the authority described herein.
- i. The hearing officer may appoint a recording secretary or other staff as needed. The hearing officer shall also arrange for the preparation of a transcript of the hearing, excluding the deliberations of the Faculty Hearing Board.
  - ii. The hearing officer may control the admission of persons to the hearing. The hearing officer may order any person in attendance that does not conduct themselves in an orderly and respectful manner to leave. Obstructive, contemptuous, disruptive or noisy conduct in the presence of the hearing board by any person, including the Respondent, the Complainant (if applicable), a witness, or an advisor, may result in that person being removed from the hearing.
  - iii. The hearing officer may control the questioning of the Respondent, the Complainant, and any witnesses by Faculty Hearing Board members, the Respondent or their advisor, and the Complainant (if applicable) or their advisor to protect witnesses from improper questions, insulting treatment, and unnecessary inquiry into their private affairs.
  - iv. The hearing officer may exclude witnesses from the hearing room except when they are testifying.
- k. *General Procedural Rules of the Faculty Hearing Board.*
- i. All members of the Faculty Hearing Board must be present throughout the hearing.
  - ii. If a member of the Faculty Hearing Board must leave before the hearing is

complete with good cause, the hearing officer may at their sole discretion recess the hearing and reconvene the hearing within twenty-four (24) hours.

- iii. If a voting member disqualifies themselves or for good cause must withdraw from the hearing, the hearing officer shall select a replacement from the Faculty Hearing Committee. The hearing officer shall, after consultation with the Respondent and the Complainant (if applicable) in open session, provide the replacement with a summary of all prior proceedings.
- iv. No person shall address the Faculty Hearing Board or submit questions to the hearing officer for any witness (including the Respondent, the Complainant or an advisor) without first being recognized by the hearing officer.

1. *Order of the Hearing.*

- i. The Hearing Officer shall read a summary of the alleged Misconduct at issue to the Respondent and the Respondent shall state whether they accept or deny responsibility for such alleged Misconduct. In the absence of a response, the Respondent shall be deemed not to have accepted responsibility for the alleged Misconduct.
- ii. If the Respondent does not accept responsibility for the alleged Misconduct, evidence, witness testimony, and/or witness statements admitted by the hearing officer shall be presented that support or refute such allegation.
- iii. If the Respondent accepts responsibility for the charge(s), evidence, witness testimony, and/or witness statements admitted by the hearing officer shall be presented that will assist the Faculty Hearing Board in determining a recommended sanction.
- iv. The hearing officer shall remind all parties that the standard of evidence for cases other than those involving reports of sexual harassment under Title IX shall be clear and convincing evidence, meaning that in order to find the Respondent responsible, the Faculty Hearing Board must find clear and convincing evidence that the Respondent is responsible for the Misconduct alleged. In cases involving reports of sexual harassment under Title IX, the hearing officer shall remind all parties that the standard of evidence shall be the standard of evidence adopted by the University for reports of sexual harassment under Title IX, which shall be the same for reports involving faculty, students or staff, meaning that in order to find the Respondent responsible, the Faculty Hearing Board must find by the standard of evidence adopted by the University for reports of sexual harassment under Title IX that the Respondent is responsible for sexual harassment under Title IX.
- v. The Respondent shall be provided an opportunity to make an opening statement.

- vi. The Members of the Faculty Hearing Board shall direct the hearing officer to call witnesses and/or present evidence and witness statements.
  - vii. The Respondent shall have the opportunity to testify, present evidence, call witnesses, and present witness statements.
  - viii. Prior to the initial deliberations by the Faculty Hearing Board, the Respondent shall be given the opportunity to make a closing statement to the Faculty Hearing Board. This statement shall not address the impact of the incident, the investigation or the hearing, on the Respondent.
  - ix. The hearing officer will excuse all parties and witnesses so that the members of the Faculty Hearing Board may deliberate in private on the issue of responsibility for the charges at issue.
  - x. After deliberations on the issue of responsibility are completed, the hearing officer shall meet with the Respondent to notify them of the decision of the Faculty Hearing Board on the issue of responsibility.
  - xi. If the Faculty Hearing Board finds the Respondent responsible for the charges at issue, the hearing will be reconvened after the notice required herein. The Respondent will have an opportunity to make an additional statement to the Faculty Hearing Board regarding the issue of sanctions and the impact of the conduct on the Respondent.
  - xii. The Hearing Officer will excuse all parties and witnesses so that the members of the Faculty Hearing Board may deliberate in private on the issue of sanctions.
  - xiii. After deliberations on the issue of sanctions are completed, the Hearing Officer shall meet with the Respondent to notify the Respondent of the sanctions recommended by the Faculty Hearing Board and the effective date of such sanctions.
  - xiv. The Hearing Officer will also provide information to the Respondent related to written notification of the decision and appeal rights.
  - xv. The Hearing Officer will adjourn the hearing.
  - xvi. If the report of Misconduct at issue before the Faculty Hearing Board involves an alleged sexual harassment under Title IX, the Complainant shall be afforded the rights set forth in subsections v, vii, and viii, x, xi, xiii above.
- m. *Procedure for Oral Testimony.*
- i. The investigator may be one of the witnesses called to testify.

- ii. The Respondent, the Complainant (if applicable) and all witnesses shall testify under oath or affirmation.
- iii. The members of the Faculty Hearing Board shall be given the opportunity to ask questions of the Respondent, Complainant (if applicable) and all witnesses.
- iv. The hearing officer will ask questions submitted by the party calling the witness.
- v. The hearing officer will ask questions submitted by a party as cross-examination of a witness. In cases involving allegations of sexual harassment under Title IX, the advisor for the Respondent and Complainant shall ask questions of the witnesses, as described in Article IV, Section H(6)(e)(xiii) of this Handbook.
- vi. The members of the Faculty Hearing Board shall have the opportunity to ask questions of the witnesses.
- vii. The Respondent shall have the opportunity to submit follow-up questions for the witnesses to the hearing officer. In cases involving allegations of sexual harassment under Title IX, the advisor for the Respondent and the Complainant shall ask questions follow up questions of the witnesses, as described in Article IV, Section H(6)(e)(xiii) of this Handbook.
- viii. Members of the Faculty Hearing Board shall have a final opportunity to ask questions of the Respondent.
- ix. If the report of Misconduct at issue before the Faculty Hearing Board involves an alleged sexual harassment under Title IX, the Complainant shall be afforded the rights and shall be subject to questions as set forth in subsections ii, iii, iv v, vi, vii, and viii above.
- n. *Deliberation of the Faculty Hearing Board.*
  - i. The voting members of the Faculty Hearing Board shall deliberate in private and reach a decision based only upon the evidence introduced at the hearing. The hearing officer is present during the deliberation, but does not have a vote.
  - ii. The members of Faculty Hearing Board shall not make any finding of fact that is not supported by the evidence presented at the hearing. In making findings of fact in cases other than those involving reports of sexual harassment under Title IX, the members of the Faculty Hearing Board shall apply the clear and convincing standard of evidence. In cases involving reports of sexual harassment under Title IX, the members of the Faculty Hearing Board shall apply the standard of evidence adopted by the University for reports of sexual harassment under Title IX, which shall be the same for

reports involving faculty, students or staff.

- iii. If a majority of Faculty Hearing Board members find the Respondent responsible for the alleged Misconduct, the recommendation of the Faculty Hearing Board shall be that the Respondent be found responsible.
- iv. If the Respondent is found responsible, the recommended sanction generally shall be chosen from those listed in Article IV, Section H(7) of the Handbook.
- v. The hearing officer shall write a brief statement outlining the rationale for the decision and sanction(s) after the Faculty Hearing Board has reached its decision. The members of the Faculty Hearing Board shall sign the statement, and the statement will be placed in the case file. The statement shall be furnished to the Respondent, consistent with the requirements of this Article IV, Section H, simultaneously to the Complainant in cases involved sexual harassment under Title IX, and to the Provost or his/her designee.

*o. Advice and Assistance for the Hearing Officer and Faculty Hearing Board.*

At any time during the formal resolution process, the hearing officer and the Faculty Hearing Board may seek advice and assistance from the Provost, the President of the Faculty Senate, or the University's General Counsel, or their designee. Such advice and guidance shall generally be limited to procedural matters, interpretative matters, or legal matters and shall not go to the ultimate issues of responsibility or the appropriate sanction.

*p. Review by the Provost.*

Upon receipt of a recommendation by the Faculty Hearing Board to find the Respondent responsible for Misconduct and to impose sanctions, the Respondent shall have ten (10) business days to submit a statement to the Provost.

The Provost shall consider the report of the Faculty Hearing Board, the statement of the Respondent, if any, and shall have access to the entire hearing record, including any transcript of the proceeding. The Provost shall use reasonable efforts to complete their review within thirty (30) days of receipt of the Respondent's statement, provided however, that such time frame may be extended for good cause.

Should the Provost agree with the Faculty Hearing Board's findings and recommendation about sanctions, he/she shall so inform the faculty member, the Faculty Hearing Board, and the President in writing, formalizing what action, if any, is to be taken, subject to the Respondent's right to appeal, as set forth in Article IV, Section H (8) of the Handbook.

If the Provost disagrees with the Faculty Hearing Board's decision regarding responsibility and/or recommendation about sanctions, the Provost will determine the appropriate action to be taken only after consulting with the Faculty Hearing Board. The Provost shall then inform the Respondent, the Faculty Hearing Board, and the President in writing, of the action to be taken,

subject to the Respondent's right to appeal, as set forth in Article IV, Section H (8) of the Handbook.

If the report of Misconduct at issue before the Faculty Hearing Board involves an alleged sexual harassment under Title IX, the Complainant shall also have a right to submit a statement to the Provost and to receive notice of the Provost's decision.

#### 7. Remedies and Sanctions.

Remedies and sanctions for Misconduct may include, but are not limited to the minor and major sanctions listed below.

a. Minor Sanctions. Minor sanctions shall include, but shall not be limited to:

- A warning not to repeat the offending conduct and/or special monitoring of teaching or research;
- Separation of the parties involved, an order of "no contact" between the parties involved, or reasonable limitations on access to University facilities and events;
- Required participation in an educational program (for example, about discrimination); or
- A letter of reprimand.

b. Major Sanctions. Major sanctions shall include, but shall not be limited to:

- Removal from a research project (including long-term disbarment), suspension of access to laboratories, or other reassignment of duties;
- Loss of office, travel funds, research funds, etc.;
- Denial of a pay increase;
- Reduction in rank or salary or loss of endowed chair;
- Probation;
- Suspension with or without pay; or
- Dismissal.

As used in this Handbook, the term "dismissal" refers to termination of Tenured faculty member or a faculty member on a Tenure-Track or Continuing Appointment before the end of the specified contractual term. The term dismissal and the procedures set forth in this Article IV, Section H do not apply to termination of Tenure-Track/Probationary Appointment or Continuing Appointment With Fixed Term at the end of the then current contract period and

do not apply to the termination of Temporary and Restricted Appointments.

## **6. Grievance and Appeal.**

### *a. Petition to Grievance Committee.*

The Respondent may petition the Faculty Grievance Committee alleging that the process followed in Respondent's case was conducted in a manner materially inconsistent with Article IV, Section H of the Handbook. Such a petition may be submitted at any of the following stages of the disciplinary process:

- Upon receipt of written notice of the imposition of a minor sanction against the Respondent by the Dean;
- Upon receipt of the investigative report;
- Upon receipt of written notice of the Faculty Hearing Board's determination; or
- Upon receipt of written notice of the Provost's determination following review of a Faculty Hearing Board recommendation.

Such petition shall be subject to the procedures set forth in Article IV, Section G(1) of the Handbook. To initiate a grievance, the Respondent must submit a written petition to the chair of the Faculty Grievance Committee within fourteen (14) calendar days of receipt of written notice of the outcome of the stage of the disciplinary process about which the Respondent seeks to file a petition. While the grievance is under consideration by the Grievance Committee, the disciplinary process will be stayed until the Grievance Committee makes its recommendation.

In hearings that involved an alleged sexual harassment under Title IX, the Complainant shall have the same rights as the Respondent to petition the Faculty Grievance Committee. While the grievance is under consideration by the Grievance Committee, the disciplinary process will be stayed until the Grievance Committee makes its recommendation.

### *b. Appeal to the President*

In cases that do not involve allegations of sexual harassment under Title IX, when the decision of the Provost pursuant to Article IV, Section H( 6)(p) of the Handbook involves the imposition of a major sanction, as defined Article IV, Section H(7) of the Handbook, and the Respondent is a Tenured faculty member or a faculty member on a Probationary/Tenure Track or Continuing Appointment With Fixed Term, the Respondent shall have the right to appeal to the President on the following grounds:

- i. A witness at the Faculty Hearing Board hearing lied and the testimony was both material and adverse to the appealing party;
- ii. New evidence of a material nature is available that was not available at the time of the Faculty Hearing Board hearing, unless such evidence was or could have been available prior to or at the time of Faculty Hearing Board hearing; or
- iii. The sanction(s) approved by the Provost was disproportionate to the findings of fact.

In cases that involved alleged sexual harassment under Title IX, the Respondent and the Complainant shall each have the right to appeal the decision of the Provost on the following grounds:

- i. A procedural irregularity that affected the outcome of the hearing, which shall be considered by the Grievance Committee;
- ii. New evidence is available that was not available at the time of the Faculty Hearing Board hearing that could affect the outcome of the hearing, unless such evidence was or could have been available prior to or at the time of Faculty Hearing Board hearing; or
- iii. The Title IX Coordinator, investigator, or a member or members of the Faculty Hearing Board had a conflict of interest or bias for or against the Respondent or Complainant, or respondents or complainants generally that affected the outcome of the matter.

An appeal to the President must be made in writing within fifteen (15) business days of receipt of notice of the decision of the Provost pursuant to Article IV, Section H( 6)(p) of the Handbook.

Upon receipt of an appeal to the President, the Provost will transmit to the President the hearing record, any statement filed with the Provost, and a copy of the Provost's decision in the case. The President's review will be based on the records transmitted by the Provost and the written appeal of the Respondent and Complainant (where applicable).

While the appeal is under consideration by the President, the disciplinary process will be stayed until the President's review is complete.

After the President's review, the President may either sustain the decision of the Provost or return the proceeding to the Provost or the Faculty Hearing Board, depending on where the earliest disagreement occurs, with specific objections and/or instructions. In the event the proceeding is returned to the Provost or Faculty Hearing Board, the Provost or the Faculty Hearing Board will then reconsider, taking into account the President's written objections and receiving new evidence if necessary. The President will make a final decision only after study of the report of reconsideration; the decision will be transmitted to the Respondent and simultaneously to the Complainant (if applicable) in writing.

*c. Appeal to the Board of Trustees.*

When the final decision of the President includes the sanction of dismissal, the Respondent may appeal the dismissal to the Board of Trustees of the University on the grounds that dismissal is disproportionate given the findings of fact in the case. In cases involving findings of sexual harassment under Title IX, the Complainant shall also have the right to submit a statement to the Board of Trustees in connection with the appeal.

Upon receipt of an appeal to the Board of Trustees, the President will transmit to the Rector of the Board of Trustees the hearing record, any statement filed with the Provost, a copy of the Provost's

decision in the case, any appeal submitted to the President, the President's written decision, any report of reconsideration from the Faculty Hearing Committee or Provost, and a copy of the President's final decision.

The Board of Trustees may delegate responsibility for the appeal to a standing or an *ad hoc* committee of the Board of Trustees. The review by the Board of Trustees will be based on the records transmitted by the President and the written appeal of the Respondent and Complainant (if applicable).

While the appeal is under consideration by the Board of Trustees, the disciplinary process will be stayed until the Board of Trustees makes a decision.

The Board, or its designated committee, may sustain the decision of the President, reduce the sanction, or return the proceeding to the President, the Provost, or Faculty Hearing Board, with specific objections and/or instructions. The President, Provost, or Faculty Hearing Board will then reconsider, taking into account the Board of Trustees' stated objections. The Board of Trustees, or its designated committee, will make a final decision only after study of the report of reconsideration by the President, Provost, or Faculty Hearing Board (as applicable). The Respondent and the Complainant (if applicable) will be notified in writing of the Board of Trustee's decision.

## **I. Faculty External Consulting Policy**

### **1. Purpose**

The University of Richmond recognizes that faculty may occasionally contribute their time and talents to activities performed in the service of outside entities. To the extent that they are both valuable to the faculty member's continuing skill acquisition and refinement, and do not conflict with the faculty member's primary responsibilities of employment, the University is supportive of external consulting relationships. This policy provides guidance for and establishes reasonable limits on the consulting activities faculty may undertake while remaining under the employ of the University of Richmond.

### **2. Definitions**

For these purposes, consulting is defined as professional activity related to a faculty member's field or academic discipline, in which the faculty member receives a fee-for-service or other valuable consideration from a third party. The guiding principle of consulting is that a person agrees to use his or her professional capabilities to further the interests of a third party, in return for an immediate or prospective personal gain. There are a variety of consulting relationships and fee arrangements, some of which may also be governed by other University of Richmond policies (see, *e.g.*,: University of Richmond Policies on Conflict of Interest in Research and Intellectual Property).

Several categories of faculty activity fall outside of work performed for the institution, but are not considered consulting. They include:

#### Lectures, Publications and Journals:

Scholarly communications in the form of lectures, books, articles, movies, television productions, art works, etc., though frequently earning financial profit for a faculty member and for another party (e.g., publisher), are not viewed as consultation. Reviewing or editing scholarly publications and books is not considered consulting, even when the faculty member is compensated for these services.

#### Professional Service:

The fundamental distinction between these activities and consulting is that they are either public or part of University service. This category includes service on national commissions, governmental agencies and boards, granting agency peer-group review panels, conference boards, visiting committees or advisory groups to other universities, and similar entities. Although an honorarium or equivalent is sometimes provided, these professional service activities are not undertaken for personal financial gain.

#### Outside Business Interests:

Faculty members may pursue a variety of endeavors for financial profit that are not directly related to their field or discipline. However, faculty are expected to fulfill their full-time commitment to the University of Richmond regardless of the nature of their outside business interests.

#### University of Richmond Outreach:

Executive Education through the Reynolds Graduate School of Business and leadership training or curriculum development through the Jepson School of Leadership Studies, and non-credit continuing education offered through the SPCS are activities sponsored by the University of Richmond and are outside the purview of this policy.

### **3. Guidelines**

The following guidance is provided to assist faculty in ensuring their external consulting activities adhere to the University of Richmond's policies and procedures.

#### Time and Effort:

- A conflict of commitment exists when the external activities of a faculty member are so substantial or demanding of the faculty member's time and effort as to interfere with the faculty member's primary responsibilities to his or her department or school, to students, or to the University.
- Faculty must obtain approval from the dean or the dean's designee before agreeing to a consulting arrangement. A denial by the dean or dean's designee of a request for prior approval to engage in outside consulting is appealable to the Grievance Committee. Deans will maintain records of denied requests.

- Faculty members are ordinarily limited to the equivalent of one day per work week serving as consultants in fields related to their academic discipline and employment at the University of Richmond.
- Nine-month faculty: Individuals without a full summer supplement (2/9ths salary) are not subject to these limits during periods of time when they are not receiving compensation from or administered by the University.
- Faculty members will ordinarily consult outside of their regularly-scheduled class room teaching hours. Consulting must not conflict with the full-time employment and academic obligations of the faculty member.
- Faculty members must disclose the names of companies for whom they consult, the general nature of each consulting agreement, and the number of days committed per consulting agreement.

#### Use of University Affiliation and Facilities:

- University facilities and equipment, such as copy machines and printers, may not be used for private consulting purposes without reimbursing the University.
- Staff support time may not be used for private consulting purposes.
- Use of faculty offices or email, and other non-expense incurring use of University equipment and facilities, is permissible.
- When consulting, faculty members may not represent themselves as agents of the University of Richmond.

#### Compensation:

- Twelve-month faculty may not receive additional compensation through the institution by serving as consultants on projects funded by University-administered grants.

#### 4. *Exceptions and Prior Approval*

Faculty members seeking an exception to the University's Faculty Consulting Policy must seek written approval from their academic dean, as well as the Provost.

Individuals who have questions about this policy or wish to pursue a consulting role that falls outside of these guidelines should consult with their respective dean, the Provost, or University Counsel for guidance.

## **J. Nepotism and Consensual Relationships with Students**

### 1. Nepotism and Personal Relationship Policy

Faculty acting in a supervisory or hiring capacity for other faculty or staff shall comply with the [University's Nepotism and Personal Relationship Policy](#).

## 2. Consensual Dating and/or Sexual Relationships with Students

The relationships addressed by this Article IV, Section J(2) are romantic or sexual relationships in to which the parties freely consent. Sexual harassment and non-consensual sexual conduct are addressed in the University's Policy on Preventing and Responding to Discrimination and Sexual Misconduct Involving Faculty or Staff.

For purposes of Article IV, Section J(2) of this Handbook, a dating relationship is defined as a social relationship of a romantic or intimate nature. The existence of such a relationship will be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. A sexual relationship is defined as a relationship that involves one or more instances of sexual contact or sexual intercourse, both as defined in the [University's Policy Prohibiting Sexual Misconduct](#).

The University prohibits any faculty member, including part-time faculty, from knowingly engaging in a consensual dating and/or sexual relationship with any student with whom the faculty member has any direct or indirect supervisory, evaluative or collaborative relationship. The phrase "supervisory, evaluative, or collaborative relationship" refers to any relationship between a faculty member and a student, both within and outside the classroom, and in all university-sponsored academic, co-curricular, and extra-curricular activities, wherein the faculty member: (i) supervises the academic or non-academic work of a student; (ii) evaluates the academic work or non-academic work of a student, including assigning grades or contributing to performance evaluations; or (iii) collaborates with students on research, academic activities, or co-curricular activities. By way of example and not limitation, a supervisor, evaluative, or collaborative relationship includes teaching, research collaboration, employment of research assistants, academic advising, advising student activities and student organizations, service on evaluation committees that confer or recommend the conferral of awards, prizes and other forms of recognition, and thesis committees.

## 3. Supervisory, Evaluative, and Collaborative Relationships with Family Members

Faculty members are prohibited from engaging in a direct or indirect supervisory, evaluative or collaborative relationship with members of their immediate family who are students at the University.

## 4. Exemptions

The dean of the school where a faculty member has a primary appointment or the University's Provost may grant an exemption from this policy for good cause shown, but only after the dean/Provost has ensured that the relationship does not impair the education of any student(s) and does not give rise to a conflict of interest. Any such exemption must be in writing and must specify any conditions the dean/Provost has imposed.

When determining whether there is good cause, the dean/Provost shall consider various factors including the actual or possible connection, if any, between the faculty member's official duties

and the student's program of study, the feasibility of imposing conditions that prevent any conflict of interest or other detriment to the educational function, and whether the faculty member and student are in a marriage or involved in a committed relationship that predated the appointment of the faculty member and/or the enrollment of the student in the relevant degree-seeking program.

## **V. Changes to the Faculty Handbook**

This Handbook and the University policies referenced herein may be modified or amended from time to time.

The specific procedures for modifying or amending this Handbook, excluding the Appendices, is set forth below. And while the Board of Trustees has the authority to change all stated policies and procedures, it is expected that, in the tradition of shared governance under which the University has operated for decades and which was codified in the Faculty Senate Charter, the Board of Trustees will facilitate faculty input on any proposed change and ultimately inform the faculty of any adopted changes. Changes to the Handbook, except for those to the section on summer school contracts in Chapter II, may be proposed by a majority vote of the University Faculty or, in the case of minor changes and subject to its Charter, by the University Faculty Senate. Such proposed changes will be transmitted to the Provost and then to the President for presentation to the Board of Trustees. All changes to Handbook, except for those to the section on summer school contracts in Chapter II, must be approved by the Board of Trustees. The appendices to the Faculty Handbook include specific sections detailing their individual revision process. Changes to an appendix is therefore governed by that appendix's revision process.

*Approved by the Faculty on June 26, 2020*

*Approved by the Board of Trustees and Effective August 13, 2020*

# VI. Appendix I: School-Specific Personnel Policies and Procedures

## A. Notification of Revision Process

This Appendix in its entirety must be consistent with University principles stipulated under "Evaluation for Personnel Decisions" (Chapter III, Section C). Revisions to a school's section of this Appendix may be proposed by a majority vote of the particular school's faculty, and transmitted by the Dean for separate majority vote by the University Faculty. The Provost and President then transmit the proposed revisions for vote by the Board of Trustees.

- B. School of Arts and Sciences Personnel Policies and Procedures
- C. The Robins School of Business Personnel Policies and Procedures
- D. The School of Professional and Continuing Studies Standards and Processes for Promotion
- E. The Jepson School of Leadership Studies Criteria, Guidelines and Procedures for Evaluating Candidates for Tenure and Promotion
- F. The School of Law Personnel Policies and Procedures

## VI.B School of Arts & Sciences Personnel Policies and Procedures

This Appendix in its entirety must be consistent with University principles stipulated under "Evaluation for Personnel Decisions" (Chapter III, Section C). Revisions to a school's section of this Appendix may be proposed by a majority vote of the particular school's faculty, and transmitted by the Dean for separate majority vote by the University Faculty. The Provost and President then transmit the proposed revisions for vote by the Board of Trustees.

In addition to the following criteria and procedures for Arts and Sciences faculty, candidates should read the Faculty Handbook, Chapter III, "Faculty Personnel Policies and Procedures."

- 
- A. Criteria for Tenure, Promotion, and Performance Reviews
  - B. Tenure and Promotion Process and Procedures

---

### **A. Criteria for Tenure, Promotion, and Performance Reviews**

The following guidelines describe the criteria that departments, the Arts and Sciences Tenure and Promotion Committee, and the Dean in the School of Arts and Sciences follow in making

recommendations concerning tenure and promotion.

Faculty members are expected to show that their performance in the areas of teaching, scholarship, and service each meets the standards set forth below.

### **1. Teaching**

In keeping with the mission of the University of Richmond, teaching is the most important area of faculty performance. The School of Arts and Sciences seeks a faculty committed to excellence in teaching, and expects successful candidates for tenure and promotion to have demonstrated a high level of performance in teaching. Such things as measures of student achievement, student evaluations, and reviews conducted by other teachers can be used to demonstrate the quality of teaching. Excellent teaching stimulates students' interest, increases their knowledge, and requires them to engage in critical analysis. Generally, excellent teaching is the result of the instructor's mastery of the subject, clear organization and presentation, use of appropriately up-to-date materials and methodologies, respect for and fair treatment of students, thoughtful advising, and willingness to engage with them in open dialogue.

### **2. Scholarship**

If teaching is our primary mission, scholarship is virtually as important. Through scholarship, School of Arts and Sciences faculty members remain current in their academic disciplines and work toward the University of Richmond's goal of advancing knowledge. Scholarship supports the university's commitment to teaching. The university recognizes that scholarly and other kinds of creative activity can take a variety of forms. It also recognizes that scholarship, to reach its potential, must be shared and tested publicly. Typically, this means that the university faculty's scholarly and creative projects are expected to produce publications, presentations, and works of the creative imagination that are open to scrutiny by professional peers. The quality of such work is more significant than the quantity, but candidates for tenure and promotion are expected to demonstrate that they are involved in ongoing scholarly and/or creative work and that they have the ability to complete work of high quality.

### **3. Service**

The University of Richmond and its School of Arts and Science rely upon the involvement of its faculty in service to the university community, such as participating in committee work and the life of the university. Every candidate for tenure and promotion is expected to demonstrate that he or she has effectively served his or her department and the School of Arts and Sciences and/or the university.

A faculty member's activity in professional organizations, depending on its nature and extent, can count as significant service, but cannot substitute for service at the University of Richmond.

Service with community organizations is also noted insofar as it involves the exercise of the faculty member's professional knowledge or abilities.

## **B. Tenure and Promotion Process and Procedures**

This section describes the process and procedures for three decisions within a tenure-stream faculty member's career: mid-course review, tenure and promotion to associate professor, and promotion to full professor. Decisions at all three stages are based on the candidate's performance

in the areas of teaching, scholarship, and service. The tenured members of an untenured faculty member's department and the Dean of the School of Arts and Sciences participate in the mid-course review. At the time for tenure and/or promotion, the tenured members of the candidate's department, the Tenure and Promotion Committee, and the Dean are responsible for making recommendations. Positive recommendations at these stages do not mean that the Board of Trustees will grant tenure and/or promotion, nor that individuals at higher levels who are involved in the process will necessarily support those recommendations. Specifically, after hearing from the department, the Tenure and Promotion Committee, and the Dean, the Provost makes a recommendation to the President, and the President decides whether to nominate a candidate to the Board. The Board of Trustees is the only university body that awards tenure and/or promotion to a member of the faculty.

The timetable for the various stages in the mid-course review and the tenure and/or promotion processes is established annually by the Dean. The Dean, in consultation with the Tenure and Promotion Committee, provides the candidate and the department chair a memorandum of instruction detailing the timetable and the preparation of the portfolio. It is the responsibility of the candidate to include in his or her portfolio all required information and any additional information the candidate believes pertinent to the review process. The candidate delivers the mid-course review, tenure, or promotion portfolio to the department chair to meet the deadline set in the Dean's memorandum. The deadline is generally in the spring for the mid-course review and early in the fall for the tenure and/or promotion process.

## **1. Career Profiles, Reviews, and Timing of Tenure and Promotions**

### **a. Departmental Career Profiles**

Departments are urged to establish clear, written, discipline-specific career profiles for teacher scholars at the University of Richmond. Following consultation with the Dean, these profiles should be made available to all faculty members. Thoughtfully prepared profiles may offer a rough outline of expected progress, but should not be considered a checklist for tenure and promotion. They should be consistent with the School of Arts and Sciences' mission as an institution dedicated to both teaching and scholarship.

### **b. Annual and Mid-course Reviews for Untenured Faculty**

Untenured faculty members are reviewed annually. Tenured members of departments should participate in the annual evaluation of untenured faculty, offering guidance and assessment. The chair's annual evaluation will reflect the views of these participants. Consultation may take different forms depending on the size of the department.

Tenure candidates will also have a mid-course review by the department and the Dean of the School of Arts and Sciences during the pre-tenure period. This review is developmental in nature, but an additional goal is to determine whether the candidate is on track toward a favorable tenure decision. The review is designed to provide early warning signals to the candidate if there are significant problems in the candidate's teaching, scholarship, or service contributions. It is possible for the review to result in a recommendation that the candidate be given a terminal contract for the following year if, following the process described below, the Dean concludes that there is a low likelihood that the candidate's present and future efforts will be sufficient to meet the standards for tenure and promotion.

During the semester of the mid-course review, usually the candidate's third year, the candidate will submit a package of materials for review. This package contains relevant information, specified by the Dean in a letter of instruction to the candidate, about the candidate's teaching, scholarship, and service activities. Tenured members of the candidate's department review the candidate's materials, meet to discuss the candidate's performance, and provide a thorough critical evaluation regarding the candidate's progress toward tenure and promotion.

The department chair writes a mid-course departmental report that offers an evaluation of the candidate's teaching, scholarship or creative work, and service. This report analyzes the candidate's strengths and weaknesses and expresses the range of opinion in the department, especially with respect to the question of whether the candidate's teaching, scholarly/creative work, and service to date indicate that he or she, at the current point in time, is on course for a favorable tenure review. The departmental report is circulated to all tenured members of the department, revised as necessary to reflect the tenured faculty's deliberations, and the final version signed by all tenured members of the department. Signature only means agreement that the letter fairly represents the departmental discussion.

The departmental report, after vetting by the Dean for legal and procedural issues, is shared with the candidate. The candidate then meets with the chair to discuss his or her progress. The report is then sent to the Dean following the Dean's timetable. The Dean reviews all relevant material in the candidate's portfolio and the report from the candidate's department. The Dean then holds a meeting with the candidate to discuss results of the mid-course review process. In an instance where the candidate is to be given a terminal contract for the fourth year, the Dean will meet with the candidate's department chair to discuss the case before making a final decision. The Dean informs the candidate and the candidate's chair in writing of the results of his or her evaluation.

#### c. Timeline for Tenure

At the time of appointment, the untenured faculty member is provided with the year of his or her tenure decision. The untenured faculty member may elect to stand for tenure at an earlier date, but once the tenure review process is initiated, the process must be completed and the outcome of that decision is final. (For more information, see the University Faculty Handbook, I.D.2)

#### d. The Conjunction of Tenure and Promotion

Tenure and promotion to associate professor are almost always granted at the same time. In the exceptional case of tenure without promotion, subsequent promotion requires completion of the promotion process.

Faculty may be promoted prior to receiving tenure and new faculty appointments may be made with or without tenure at the associate or full professor rank.

#### e. Timeline and Review for Promotion to Full Professor

Normally faculty will seek promotion to full professor approximately six to ten years after the tenure decision, but candidates should submit a portfolio for a promotion decision only after consultation with the department chair and the Dean. The key determinant is a record of sustained achievement since the last promotion decision and continued promise of professional accomplishment and contribution to the university's mission. Chairs should include a discussion of progress towards promotion as part (formal or informal) of each associate professor's annual

review.

The candidate, any member of the candidate's department (including the chair), or the Dean may initiate a discussion about whether the candidate is ready to begin the promotion process.

## **2. Tenure and Promotion Procedures**

### **a. Composition and Election of the Tenure and Promotion Review Committee**

The Tenure and Promotion Committee is composed of seven Arts and Sciences faculty members who have been tenured at the University of Richmond for at least two years: two active members elected from each of the School of Arts and Sciences' tripartite divisions and one at-large member, or in cases of recusal, their reserved substitutes (see explanation below). Committee members will be elected to staggered, three-year terms by the Arts and Sciences faculty and in such a way that representatives from one division are not members of the same department.

The Tenure and Promotion Committee elects its chair from among its faculty members. Committee members must recuse themselves as necessary, for example, on cases involving members of their home departments and/or families. Committee members who are themselves candidates for promotion to full professor must recuse themselves from all cases for the year of their candidacy, and their position on the committee must be filled by a one-year replacement, determined by the Nominating Committee as would be done for a replacement due to a sabbatical. After a three-year term, committee members become emeriti committee members, available as reserve committee members for up to three additional years. The chair of the Tenure and Promotion Committee will call in reserve committee members to replace active members of the Tenure and Promotion Committee who must recuse themselves from a specific case. The reserve members substitute by division.

The Tenure and Promotion Committee includes the Dean of Arts and Sciences as a full participating but non-voting member. The Dean serves as administrative coordinator and works closely with the chair in scheduling meetings. The Dean meets with the Committee to participate in the full discussion of each case, but does not vote on the candidates.

### **b. The Role of the Tenure and Promotion Committee Chair**

The Committee Chair is responsible for coordinating the meetings of the Tenure and Promotion Committee with the Dean's and other committee members' schedules, and for ensuring that the work of the committee proceeds both fairly and efficiently. The Chair will be available to address concerns brought forth by the candidate, a departmental colleague, or another member of the Committee, regarding procedural violations or any inappropriate or illegal bias. The Chair may consult with anyone in the process, including candidate, department chair, Dean, and fellow Tenure and Promotion Committee members, to resolve concerns of bias or violation of procedure. If the Committee Chair cannot resolve the question, she or he may refer the candidate to the University Grievance Committee.

### **c. The Role of the Candidate for Tenure and/or Promotion**

In preparation for a tenure and/or promotion review, the candidate and his or her department chair will consult to identify the candidate's field of scholarship. The candidate shall then offer his or her chair the names of four or five people outside the university who are recognized as experts in that field. These experts should be chosen carefully from among those unlikely to have an undue

interest in the outcome of the review. The candidate should not contact these suggested reviewers about their willingness to serve in this capacity. The candidate may also name potential referees who, for good reasons, should not be invited to comment on his or her work.

The candidate may submit a list of up to five students whom she or he wants the chair to contact and up to five whom she or he does not want the chair to contact. The candidate should not contact the suggested student reviewers about their willingness to serve in this capacity.

The candidate for tenure is responsible for submitting his or her portfolio to the department in accordance with the Dean's timetable and memorandum of instruction. This portfolio should include the candidate's curriculum vitae; statements on teaching, scholarship, and service; annual personnel reports and annual reviews; mid-course review; and evidence of effectiveness in teaching, scholarship, and service.

Once the candidate submits the portfolio, no materials may be added, other than 1) notification of the receipt of a major award, prize, or grant, or 2) status updates on a submission that was included in the original portfolio and that was already out for review when the portfolio was submitted.

At each stage of review, the candidate will be notified of a positive or negative recommendation but the actual vote at any stage will never be included or alluded to in any report to the candidate.

The candidate will receive the departmental report, the Tenure and Promotion Committee report, and the Dean's report. In each case, the candidate will have a week to file a written response if he or she desires. This response will be returned to the point of origin (to the body whose opinion is being addressed) for review and a re-vote. If the original recommendation stands, the point of origin body may choose to write an explanation and attach that as an addendum to the original report. If the point of origin body changes its recommendation, that body must write an explanation for the change and that explanation will be attached as an addendum to the original report. In either event, once the response has been reviewed and a new vote taken, the original report, the candidate's response, and any subsequent re-vote and/or explanation will be included in the portfolio as it moves forward.

The candidate has the right to file a grievance following the procedures defined in the Faculty Handbook, (see III.H.), should he or she believe there has been a violation of the university's established procedures. The candidate must act in a timely manner to file a grievance and should not postpone action until the end of the process.

#### d. The Role of the Department and the Department Chair

The department chair consults tenured members of the candidate's department and outside experts to identify at least five qualified external reviewers from the candidate's field. At least two of the final five committed referees will be chosen from the candidate's list, and at least two will come from the chair's list. Every possible effort should be made to ensure that the number of outside reviewers drawn from the candidate's recommended list does not exceed the number independently identified by the department. The department will not inform the candidate of the identity of any of the persons invited to serve as external referees. Following the Dean's guidelines, the department chair is responsible for soliciting letters from a minimum of 80

students randomly selected from courses that the candidate has taught.

The chair is also responsible for soliciting letters from the heads of committees or groups familiar with the candidate's service to the university.

Tenured members of the candidate's department should prepare for the department's assessment by reviewing the candidate's portfolio and supporting materials.

Tenured departmental faculty then meet to discuss the tenure and/or promotion case, reviewing and assessing the portfolio submitted by the candidate, the external review letters, and the candidate's performance in relation to the criteria above. At this meeting, the tenured faculty vote on the candidate's tenure and promotion through a confidential ballot. The result of the vote is kept separate from the departmental report.

Based on this meeting, the chair of the department forwards a written report and the departmental vote to the Tenure and Promotion Committee and the Dean. The departmental report is to be a fair and balanced assessment of both the candidate's strengths and weaknesses. The report should express the range of opinion in the department, the presence of any dissenting views, and the strength of any consensus, but it should not resemble in any way a transcript of the department's confidential deliberations. Before being forwarded to the Tenure and Promotion Committee and Dean, the departmental report is circulated, revised as necessary, and the final version signed by all tenured members of the department. Signature only means agreement that the letter fairly represents the departmental discussion, and is by itself not a vote on the case.

The Department Report, after vetting by the Dean for legal and procedural issues, is shared with the candidate. If the report includes quotations from easily identifiable sources, the confidential information must be redacted before transmission to the candidate.

Normally, drafting the departmental report is the responsibility of the department chair, but in unusual circumstances this responsibility may be designated to another member of the department. In such circumstances, unless the Dean has approved an exception, the chair retains the responsibility of submitting the report to the Dean, indicating his or her role in preparing the document.

In departments with a small number of tenured faculty members (fewer than four) the Dean consults with the department chair and the candidate regarding the appointment of additional tenured faculty to the department mid-course review committee and the department tenure review committee. The candidate, the Dean, the chair, and other tenured departmental faculty members develop a mutually agreeable list of suitable tenured faculty, from whom the Dean selects members in order to bring the committee membership up to four. When possible, this process is initiated at the mid-course review with the anticipation that the same outside members are available to serve on the department tenure review committee.

e. The Role of the Tenure and Promotion Committee and the Dean

Before external letters and departmental reports are incorporated into the portfolio, the Dean reviews them for legal and procedural acceptability and consults counsel as might be necessary.

The Tenure and Promotion Committee including the Dean evaluates the credentials of each candidate through the examination of the candidate's portfolio, the department report, student letters, and external review letters. The Tenure and Promotion Committee including the Dean, as well as the Provost, and/or President may ask the candidate to provide documented evidence about the status of manuscripts, grant applications, etc., that are included as "submitted" or "pending" in the portfolio. However, no additional documents or outside reviews may be added or taken into consideration when reviewing a candidate's portfolio. In rare cases, relevant additional information may be requested of anyone, but only with the consent of the Tenure and Promotion Committee. In such cases, the candidate must be informed of these requests.

After thorough deliberations, the Tenure and Promotion Committee decides by confidential majority vote to recommend that the candidate be granted or denied tenure and/or promotion. The dean is part of these deliberations but does not vote. For each candidate, one faculty member from the Tenure and Promotion Committee is selected during deliberations to draft a committee report that reflects their deliberations and provides a fair and balanced assessment of the candidate's strengths and weaknesses. The report should express the range of perspectives among committee members, the presence and nature of any dissenting views, and the strength of any consensus, but it should not resemble a transcript of the committee's confidential deliberations. This report is reviewed, revised as necessary, approved in final form, and signed by all members of the Tenure and Promotion Committee, including the Dean, before being added to the portfolio.

The committee report, after vetting by the Dean for legal and procedural issues, is then shared with the candidate. If the report includes quotations from easily identifiable sources, the confidential information must be redacted before transmission to the candidate.

After meeting with the Tenure and Promotion Committee, the Dean writes an independent report to be shared with the Tenure and Promotion Committee before transmission to the Provost. This report may simply say, "I agree with the committee's recommendation." In cases where the Dean's final assessment differs from the recommendation of the committee, any substantive disagreements are discussed and this discussion summarized by the Chair of the Tenure and Promotion Committee for inclusion in the portfolio. The Tenure and Promotion Committee and the Dean's reports are then added to the portfolio and the entire dossier transmitted to the Provost for the next stage in the review process.

The Dean shares his or her report with the candidate.

### **3. Confidentiality**

#### **a. Confidential Meetings**

Department chairs and the chair of the Tenure and Promotion Committee will remind everyone, every year, that frank, honest discussion and deliberation are only possible when participants maintain absolute confidentiality.

#### **b. Confidential Letters**

Confidential letters from outside evaluators, colleagues, and students submitted as part of the tenure and/or promotion portfolio will be sequestered before the portfolio is returned to the candidate and not used for any other purpose unless legally necessary. After a period of seven

years from the final decision on tenure and/or promotion, all such letters will be destroyed.

*Changes to The Role of the Candidate for Tenure and/or Promotion section and other minor revisions*

*Approved by Arts & Sciences on April 21, 2011, University Faculty on May 9, 2011, and Board of Trustees on June 16, 2011*

*Change to Confidentiality section*

*Approved by Arts & Sciences faculty on March 25, 2010 Approved by University Faculty on May 10, 2010*

*Approved by Board of Trustees' Executive Committee on May 19, 2010*

#####

*This version approved by Arts & Sciences faculty on October 22, 2007 Approved by University Faculty on November 7, 2007*

*Approved by Board of Trustees on March 7, 2008*

## **VI.C The Robins School of Business Personnel Policies and Procedures**

This Appendix in its entirety must be consistent with University principles stipulated under "Evaluation for Personnel Decisions" (Chapter III, Section C). Revisions to a school's section of this Appendix may be proposed by a majority vote of the particular school's faculty, and transmitted by the Dean for separate majority vote by the University Faculty. The Provost and President then transmit the proposed revisions for vote by the Board of Trustees.

- 
- A. Introduction
  - B. Standards for Tenure, Promotion, and Performance Reviews
  - C. Tenure and Promotion Process and Procedures

---

### **A. Introduction**

The mission of the Robins School of Business is "to prepare leaders for the global business environment by engaging them in an active learning community, where excellent teaching, scholarship and service are integrated within a liberal arts university." Faculty standards are guidelines that give meaning to the teaching, scholarship, and service parts of the mission statement. These standards are for the faculty as a whole and for individuals subject to tenure, promotion, and periodic performance reviews. These standards help frame accurate expectations

about the quality and quantity of faculty contributions necessary for the Robins School of Business to meet its mission.

## **B. Standards for Tenure, Promotion, and Performance Reviews**

The tenure and promotion process in the School of Business supports faculty development in two ways. First, it seeks to encourage the individual faculty member to improve skills and grow professionally. Second, it attempts to guarantee that faculty members are of high quality and demonstrably dedicated to teaching, scholarship, and service. The overall standard for the Robins School of Business is excellence in teaching, intellectual contributions, and service. Structured guidelines are provided in this section to help define what is meant by "excellence" for each of these component parts of the School's mission.

### **1. Standards for Excellence**

Faculty members are expected to show that their performance as teachers, scholars, and citizens of the University has reached a level of excellence. The standards of excellence described below are derived from the mission of the Robins School of Business.

#### **a. Teaching**

Excellence in teaching is characterized by a consistent pattern of challenging course standards, a high degree of rigor, activities requiring critical thinking, extensive classroom preparation, enthusiasm, and a high degree of student interaction. These characteristics of excellent teaching are expected to be shown consistently from course to course and over a sustained period.

#### **b. Scholarship**

Excellence in scholarship is characterized by a strong and ongoing commitment to scholarly activities leading to high-quality publications. Faculty members are expected to engage in meaningful research that leads to the creation of new knowledge and that enhances the scholarly reputation of the School and the University.

#### **c. Service**

Excellence in service involves participation in and meaningful contribution to the life of the University, School and profession. Such service is meant to improve the academic experience for students, advance the profession, and guide the future direction of the school.

### **2. Evidence of Excellence**

#### **a. Teaching**

All faculty are expected to offer students a challenging educational experience. Because teaching has many dimensions, different individuals may be effective teachers for different reasons. As such, it is not possible to define a single, universal measure of teaching excellence. Nevertheless, individual faculty members subject to tenure and promotion reviews are responsible for offering evidence that they have achieved teaching excellence consistent with the faculty member's career stage and objectives of the department, the Robins School, and the University of Richmond. Faculty members who joined the Robins School in 2014-2015 or after are expected to provide a Teaching Philosophy Statement as part of their packet of materials (not to exceed either 1000

words or two pages in length).

Teaching evaluation measures may be derived from three separate sources: faculty peers, students, and department or committee reviews of one's teaching materials. The philosophy of the Robins School of Business is to use student evaluations in all classes, but to recognize the limitations of student responses. Student perceptions of a teacher offer valuable information about the teacher's availability, enthusiasm, clarity, and quality of instruction, level of interest, impact on learning, and ability to motivate students' critical and analytical thinking. Faculty peers offer valuable information on technical rigor, grading standards, course workload, teacher knowledge, pedagogical fit, currency of materials, course design, and departmental expectations of the teacher and the course.

Excellent teaching implies more than effective classroom presentation and high student evaluations. Important aspects of excellent teaching are outlined below. Individual faculty members are responsible for providing evidence that they have achieved a high level of performance in each of the following activities.

1) Functions Supporting Teaching

An excellent teaching institution must have a coordinated curriculum of study and course offerings orchestrated to be current, rigorous, and stimulating. Excellent teaching implies that faculty members work through their departments and the Robins School of Business to structure an appropriate curriculum of study and constantly improve course offerings. This dimension of excellent teaching is measured by colleagues and Department Chairs. Evidence of excellence in activities supporting teaching may be provided by effectively teaching a variety of courses, developing new courses, authorship of published materials on teaching, development of original course materials, active participation in the department's curriculum development, active participation in teaching conferences, and specific written support by departmental peers.

2) Course Specific Standards and Rigor

In a course assigned to a specific faculty member, excellent teaching is represented by the teacher's appropriate degree of rigor, design of graded assignments, and currency of teaching materials. A faculty member's syllabus, writing exercises, problem sets, grading standards, and other relevant material are the sources of information that may be used to judge the quality of teaching in a specific course. Faculty members who joined the Robins School in 2014-2015 or after must include course specific grade distributions, available from the Registrar's office, for each semester they have taught at the University of Richmond.

Departmental evaluations of a faculty member's teaching effectiveness are structured around course objectives and the role of the course in the curriculum. For example, some courses may have more of a textbook orientation with lecture formats. For such courses, defined in terms of topical coverage, the major considerations may be clarity, organization, preparation, rigor, structured exercises, and measurable evidence of student learning. Other courses, such as a case analysis course, may place a higher priority on a learning process as the objective. Excellence in teaching must be evaluated against the course objective in the context of the department and School curriculum.

### 3) Student Evaluations of Teaching Performance

Standardized teaching evaluations are administered in every course. A major use of the evaluations is self-improvement; faculty members are responsible for interpreting evaluations and adjusting their courses if necessary. Department Chairs and mentors of untenured faculty members actively work with newer faculty to interpret the evaluations and to consider adjustments to classroom activities. Student opinions are solicited and respected, but the information provided by students is judged in the context of departmental and the Robins School of Business standards and expectations. Nevertheless, consistently weak student evaluations will jeopardize a candidate's case for tenure or promotion unless a very strong case of teaching excellence is made from other evidence on teaching ability. Candidates who joined the Robins School in 2014-2015 or after must include all open-ended comments from course evaluations and their Summary of Student Evaluations table for each course taught.

### 4) Teaching Materials

An individual may support claims of teaching excellence through publication of teaching articles in peer-reviewed outlets, class exercises, textbooks, or cases. These publications may demonstrate competence and concentrated efforts in teaching beyond in-class performance.

## b. Scholarship

Scholarship is necessary for the fulfillment of the University of Richmond's goal of advancing knowledge. Scholarship supplements and strengthens the University's commitment to the highest possible quality of teaching. Scholarship of high quality advances the body of knowledge in the various business disciplines, signifies faculty quality in the disciplines, enhances the University's academic prestige, and provides direction for intellectual activity.

The University recognizes that evidence of excellence in scholarship can take a variety of forms. It also recognizes that any form of scholarship, to reach its fullest potential, must be shared and tested publicly. Typically, the primary form of such evidence is in publications that are open to scrutiny by professional peers. In addition, excellence in scholarship is also judged by its focus and whether it represents a sustained level of intellectual inquiry. Faculty members who joined the Robins School in 2014-2015 or after are expected to include a Research Statement in their portfolio of materials that provides a summary of their intellectual contributions and research focus (not to exceed either 1000 words or two pages in length).

### 1) Scholarly Publications

The quality of a candidate's publications is the primary focus of the scholarship review. Evidence of quality may be found in the acceptance rates, impact ratings and rank of the journals in which publications appear, the frequency of citations (in other journal articles and textbooks) to the specific articles authored by the candidate and to the journal in which the articles appear, and the reputation or visibility of the journal, which can be gleaned in part by the size of its readership. Also, a faculty member's department and external reviewers may be used to document research quality.

### 2) Research Focus

A faculty member's intellectual activity and academic reputation is strengthened by a well-

defined research focus. Generally, faculty members are expected to pursue intellectual activity in the areas where they teach and for which they were hired. This dimension of quality scholarship is especially important for untenured faculty members early in their careers, when evidence of contributions to the discipline is sought. Evidence of research focus is provided by the theme and subject matter of a candidate's research, the type of journals in which publications appear, and the nature of conferences in which presentations are made.

3) Sustained Intellectual Inquiry

Sustained research activity is also an important consideration in any evaluation of a faculty member's scholarship excellence. A faculty member should demonstrate on-going intellectual activities by regular publication in quality peer-reviewed journals, presentations at academic conferences, and support for colleagues in their research efforts. Sustained research activity signifies a long-term commitment to scholarship and lifelong learning.

4) Exceptional Cases

The University recognizes that there may be rare cases where a publication of high quality appears in a professional journal that does not follow a peer review process. In such cases, the faculty member is obliged to present other evidence that the research is of high quality. Examples of such evidence would be the extent to which the research has been referenced in other works or the impact the research product has made in theory or practice. Papers appearing in highly recognized trade journals may also qualify as quality scholarship. In all cases the quality of the journal and the publication will be taken into account when assessing excellence in scholarship. Also, as noted above, candidates for tenure and promotion are expected to pursue a research agenda within a particular area of focus. Occasionally, a candidate may collaborate with colleagues in other disciplines on a research project. Interdisciplinary work is encouraged to the extent that the faculty member applies specific discipline skills to a broader question.

c. Service

The University of Richmond and the Robins School rely on active and regular involvement of faculty. Hence, service duties, such as advising, committee work, and extracurricular activities supporting the school's mission, are an essential responsibility of the faculty. Every candidate for tenure and promotion is expected to demonstrate that he or she has played an effective part in the affairs of his or her department, the Robins School and/or the University. Faculty members who joined the Robins School in 2014-2015 or after are expected to include a Service Statement in their portfolio of materials that provides a summary of their service contributions (not to exceed either 1000 words or two pages in length).

Excellence in service implies a high level of collegiality where faculty work together to accomplish the service mission. Evaluations of service and teamwork may be solicited from Department Chairs, Committee Chairs, and colleagues as part of any tenure or promotion review. Service excellence is achieved through regular, effective, and active participation in the affairs of the University, School, and department. A faculty member's service to the business discipline and the external community is also evidence of service contributions.

### **3. Standards for Tenure and Promotion to Associate Professor**

The standard for tenure in the Robins School of Business is excellence in total contributions with an emphasis on teaching and scholarship. Service contributions are not given as much emphasis for the tenure decision as for the decision to promote to Full Professor. There may be cases where truly exceptional performance in either teaching or intellectual contributions may be weighed against performance in other areas. Nevertheless, truly exceptional contributions in any one area will not make up for performance that does not meet the standards of excellence in either teaching or scholarship. Overall, a successful candidate for tenure must demonstrate a level of performance consistent with the Robins School of Business mission statement.

Normally, promotion to the rank of Associate Professor is concurrent with a favorable tenure decision. In rare cases where there is considerable prior experience, but the faculty member was hired as an Assistant Professor, the faculty member may come up for promotion prior to the tenure decision. In such cases, the candidate must demonstrate excellent performance in both teaching and scholarship. A favorable decision for promotion prior to tenure does not guarantee a favorable tenure decision at a later date. As a necessary, but not sufficient condition for tenure, the faculty member must continue to demonstrate excellence in teaching and intellectual contributions after promotion and demonstrate long-term plans to continue to perform at these levels.

In some cases an experienced faculty member may be hired with the rank of Associate Professor without tenure. The judgment of the relevant department, with the approval of the administration, is used to determine the necessary time period before the tenure decision and whether the rank of Associate Professor is appropriate.

#### **4. Standards for Promotion to Full Professor**

Promotion to Full Professor requires significant and sustained contributions to the mission of the Robins School of Business and the University, and evidence of continued promise for future significant contributions. Normally, faculty may seek promotion to Full Professor no earlier than five years after being granted the rank of Associate Professor at the University of Richmond. Excellence in teaching, intellectual contributions, and service while the faculty member is an Associate Professor is a requirement for promotion to Full Professor. Promotion to Full Professor also requires that the candidate's contributions to scholarship are well known by other scholars working in the same or closely related areas of inquiry. In addition, candidates for Full Professor must demonstrate continued promise for leadership within the department, school, and university to achieve common goals such as curriculum development, student advising, hiring and retention, and enhanced student placement.

*Section B.4. revised and approved by the University Faculty on January 24, 2013 and by the Board of Trustees on February 22, 2013*

### **C. Tenure and Promotion Process and Procedures**

This section describes the process and procedures for three decisions within a tenure-line faculty member's career: mid-term review, tenure and promotion to Associate Professor, and promotion to Full Professor. Decisions at all three stages are based on the candidate's performance in the

areas of teaching, scholarship, and service. Within the Robins School of Business, the tenured members of an untenured faculty member's department and the Dean participate in the mid-term review. The Dean, the Tenure and Promotion Review Committee, and the candidate's department are responsible for making recommendations for tenure and promotion to Associate Professor based on the candidate's performance in the areas of teaching, scholarship, and service. The Dean and the Full Professor Committee (a committee made up of all Full Professors in the Robins School of Business) are responsible for making recommendations for promotion to Full Professor. Positive recommendations at these stages do not mean that the Board of Trustees will grant tenure and/or promotion, or that individuals at higher levels who are involved in the process will necessarily support those recommendations. Specifically, the Provost makes a recommendation to the President and the President decides whether to nominate a candidate to the Board. The Board of Trustees is the only university body that awards tenure and/or promotion to a member of the faculty.

The timetable for the various stages in the mid-term review, tenure, and/or promotion processes is established annually by the Dean. The Dean provides a memorandum of instruction detailing the timetable and the preparation of the portfolio to the candidate and the Department Chair in the spring semester prior to the review year. It is the responsibility of the candidate to include in his or her portfolio all required information and any additional information the candidate believes pertinent to the review process. The candidate delivers the mid-term review, tenure, or promotion portfolio to the Dean's Office to meet the deadline set in the Dean's memorandum, which is generally early in the fall semester.

## **1. Mid-Term Review**

Tenure candidates will have a mid-term review, which normally begins in the fall semester of the candidate's third year and is completed early in the spring semester of the same academic year. (Faculty could not seek nor be subject to a mid-term review at any other time unless explicitly noted in their contract.) While developmental in nature, an additional goal of the review is to determine if the candidate is on track toward a favorable tenure decision. The review is designed to provide early warning signals to the candidate if there are significant problems in the candidate's teaching, research, or service contributions. It is possible for the review to result in a recommendation that the candidate be given a terminal contract for the following year if, following the process described below, the Dean concludes that there is a low likelihood that the candidate's present and future efforts will be sufficient to meet the standards for tenure and promotion.

In the fall semester of a tenure candidate's third year, the Dean sets a timetable for completion of the candidate's mid-term review package. At the beginning of the spring semester of the candidate's third year, the candidate must submit a package of materials for review. This package contains relevant information about the candidate's teaching, research, and service activities. The candidate's package is an early draft form of what the candidate presents at the tenure review. Tenured members of the candidate's department review the candidate's materials and meet to discuss the candidate's performance.

The department forwards a letter to the Dean and the candidate providing an in-depth analysis of the candidate's strengths and weaknesses, a discussion of how the candidate's position is related to

the current and future needs of the department, and the reasoning supporting the analysis of the candidate's work. Tenured members of the department who participated in the discussions sign the letter. The report is forwarded to the Dean following the Dean's timetable, which must allow at least 15 business days from the due date of the candidate's materials.

The Dean reviews all relevant material in the candidate's package and all reports from the candidate's department. The Dean then meets with the candidate and the candidate's Department Chair to discuss results of the mid-term review process. In an instance where the candidate is to be given a terminal contract for the following year, the Dean will meet with the candidate's Department Chair to discuss the case before making a final decision. The Dean informs the candidate and the candidate's Chair of the results of the review in a letter. The letter is sent normally within five business days of the meeting with the candidate and the candidate's Chair or with the candidate's Department Chair in the case of a negative decision. The Dean's letter is also forwarded to the Provost along with the annual performance and merit review for the candidate.

## **2. Tenure and Promotion to Associate Professor**

### **a. Composition and Election of the Tenure and Promotion Review Committee**

The Tenure and Promotion Review Committee is composed of five persons with one member from each department (Accounting, Economics, Finance, Management, and Marketing). Although a member of all school committees, the Dean normally does not participate in the Tenure and Promotion Review Committee's deliberations concerning specific tenure candidates. Members of Academic Council are not eligible to serve on the Tenure and Promotion Review Committee. Committee members are elected by their respective departments for three-year terms, staggered so that one or two members' terms expire each year. Members of the Tenure and Promotion Review Committee are not permitted to vote or participate in any tenure deliberations held by their respective departments. The committee elects its Chair at its final meeting in the spring semester. Early in the fall semester, the Committee Chair notifies the members of the Tenure and Promotion Review Committee of the availability of tenure and promotion portfolios and the expected completion date for the committee's work.

The tenured faculty members of each department elect one of their members to the Tenure and Promotion Review Committee. Each department gives consideration to sabbatical, professional, and personal conflicts in deciding on its member. Near the end of each academic year, any department that needs to replace a member of the Tenure and Promotion Review Committee, either because a term has ended or because a member cannot serve for some other reason, holds an election.

### **b. Tenure and Promotion: External Letters**

In tenure cases, the faculty member's Department Chair provides the Tenure and Promotion Review Committee Chair with a list of six names of individuals who might submit external review letters. The candidate proposes three names, and the tenured members of the faculty from the candidate's department also propose three names. The Department Chair must contact the reviewers in advance to make sure they are willing to provide a timely review. Outside reviewers should be selected carefully to make sure reviewers are respected members of the candidate's discipline who have an arm's-length relationship with the candidate and can objectively evaluate the candidate's intellectual contributions.

After the Tenure and Promotion Review Committee receives these names, the Chair sends a standard cover letter to each of the reviewers soliciting a written review of the quality of the candidate's scholarship. The cover letter requests external reviewers to summarize their relationship with the candidate as well as evaluate a sample of the candidate's scholarship and the candidate's overall contributions in scholarship based on the candidate's vita. Materials sent out for review include the candidate's vita, scholarship products selected by the candidate, a copy of the "Standards, Procedures, and Process for Tenure, Promotion, and Ongoing Faculty Performance Reviews in the Robins School of Business", and for faculty members who joined the Robins School in 2014-2015 or after a research statement prepared by the candidate (not to exceed 1000 words or two pages in length). The cover letter also requests that each reviewer attach his or her vita to the review. External reviews received by the Tenure and Promotion Review Committee become part of the candidate's materials. All external reviews and vitae are treated as confidential and are removed before the materials are returned to the candidate.

c. Tenure and Promotion: Department's Role

In the case of tenure, which normally includes promotion to Associate Professor, the tenured members of the candidate's department (excluding that department's member of the Tenure and Promotion Review Committee) meet to evaluate the candidate's performance. The department discusses the portfolio submitted by the candidate, the external review letters, and the candidate's performance in relation to the standards of excellence. Based on this meeting, the Chair of the department forwards a written recommendation to the Tenure and Promotion Review Committee and the Dean following the Dean's timetable, which must allow no less than 15 business days from the due date of the tenure portfolio. This recommendation should be a summary of the committee's discussion and include a critical analysis of the strengths and weaknesses of the candidate, a discussion of how the candidate's position relates to the current and future needs of the department, and the reasoning and evidence that supports the majority and any dissenting opinion. The written recommendation is signed by each tenured member of the department and includes the departmental vote. Tenured members of the department with dissenting votes may also forward a written analysis to the Tenure and Promotion Review Committee and the Dean. The Department Chair notifies the candidate of the department's vote count in writing, normally within two business days after the report is forwarded to the Chair of the Tenure and Promotion Committee. In the event of a negative recommendation, the written notification will include summary of the rationale behind the recommendation.

d. Tenure and Promotion: Tenure and Promotion Review Committee's Role

The Tenure and Promotion Review Committee then evaluates the credentials of each tenure candidate through the examination of the tenure portfolio, the departmental recommendation and external review letters. As part of its deliberations, the Tenure and Promotion Review Committee will ask the candidate to submit an up-to-date curriculum vitae. The committee may request additional information about the candidate relevant to the Business School's current mission and standards from sources it deems appropriate.

After thorough deliberations, the committee decides by majority vote to recommend that the candidate be granted or denied tenure. The committee prepares a written report that includes a critical analysis of the information reviewed by the committee, as well as the reasoning and evidence that supports the majority and any dissenting opinion. The report indicates the committee vote count and is signed by all committee members. In the case of one or more

committee members abstaining from the vote, it is possible to have a tie vote. In such a case, the report should indicate whether abstentions reflect true ambivalence or some other technical reason.

The Tenure and Promotion Review Committee's report is completed according to the Dean's timetable, which must allow no less than 60 days from the due date of the department's recommendation. The Chair of the Tenure and Promotion Review Committee forwards the committee's written report and recommendation, including the vote count, to the Dean. The Tenure and Promotion Review Committee Chair orally informs the Department Chair and the candidate of the recommendation and vote count normally within two business days after the report is forwarded to the Dean. The Chair of the committee also informs the candidate and the tenured members of the faculty by confidential memo of its recommendation and the vote count, normally within two business days after forwarding the report. In the event of a negative recommendation, the candidate will receive a written notification that includes a summary of the rationale behind the recommendation.

e. Tenure and Promotion: Dean's Role

The Dean evaluates the full set of materials and prepares a written report that presents the rationale for his or her recommendation. The Dean's recommendation and report is normally completed within 20 days after the due date of the Tenure and Promotion Review Committee's report. During this time, the Dean may ask the Tenure and Promotion Review Committee (through its Chair) for clarification and/or an interpretation of the evidence collected to date, assuming that the Committee's report has not fully covered the issue presented by the Dean. Should the need arise for additional information, only the Tenure and Promotion Review Committee has the authority to seek such information. The Dean forwards the full set of materials, including all written recommendations, to the Provost. The Dean informs the candidate, the Chair of the Tenure and Promotion Review Committee, and the Chair of the candidate's department in writing of his or her recommendation, normally within two business days after submitting the recommendation. In the event of a negative recommendation, the Dean's written notification to the candidate will include a summary of the rationale behind the recommendation.

f. Promotion to Associate Professor when Tenure and Promotion are not Linked

In the case of promotion to Associate Professor when tenure and promotion to Associate Professor are not jointly considered; the process will follow the same procedures used in the tenure process.

### **3. Promotion to Full Professor and the Full Professor Committee**

a. Promotion to Full Professor: External Letters

The candidate and the candidate's department provide the Full Professor Committee Chair with a list of at least six names for external review letters. Three reviewers are selected by the candidate, and three reviewers are selected by the Department Chair, with the advice of tenured members of the department. The Department Chair must contact the reviewers to make sure they are willing to provide a timely review. Outside reviewers should be selected carefully to make sure reviewers are respected members of the candidate's discipline who have an arm's-length relationship with the candidate and can objectively evaluate the candidate's intellectual contributions.

As soon as reviewer names are forwarded to the Chair of the Full Professor Committee, a standard cover letter is sent by the Full Professor Committee Chair to each of the reviewers soliciting a written review of the candidate's scholarship. The cover letter requests external reviewers to summarize their relationship with the candidate as well as evaluate a sample of the candidate's scholarship and the candidate's impact on the literature in a specific area of specialization. Materials sent out for review include the candidate's vita, scholarship products selected by the candidate, a copy of the "Standards, Procedures, and Process for Tenure, Promotion, and Ongoing Faculty Performance Reviews in the Robins School of Business", and for faculty members who joined the Robins School in 2014-2015 or after a research statement prepared by the candidate (not to exceed 1000 words or two pages in length). The cover letter also requests that each reviewer attach his or her vita to the review. External letters received by the Full Professor Committee become part of the candidate's materials to be reviewed at higher levels. All external letters and vitae are confidential and are removed before the materials are returned to the candidate.

b. Promotion to Full Professor: Department's Role

In the case of promotion to Full Professor, the Full Professor Committee will act to review and evaluate a candidate. There will be no formal departmental review and evaluation in this process. Instead, the Full Professor Committee may request, through its Chair, additional information from the Chair of the candidate's department if such information is likely to be helpful to the review process.

c. Promotion to Full Professor: Full Professor Committee's Role

The Full Professor Committee, is charged with the responsibility of reviewing all candidates for Full Professor. Normally, subcommittees are chosen from this group to conduct an in-depth analysis of a candidate's teaching, research, and service and report back to the committee as a whole with their findings. Normally, each subcommittee has no more than one member from the candidate's department. Each subcommittee selects a Chair, who presents its findings to the Full Professor Committee. The subcommittees follow the same general procedures used by the Tenure and Promotion Review Committee to evaluate the strengths and weaknesses of the candidate for Full Professor.

Each subcommittee presents its analysis of the candidate's materials to the committee of the whole for discussion and a vote. The vote count of all Full Professors is included in a letter written by the Full Professor Committee Chair with a summary of the key arguments presented for discussion by the committee of the whole. The committee's work should be completed according to the Dean's timetable, which must allow no less than 60 days from the due date of the candidate's materials.

The Chair of the Full Professor Committee forwards the committee's letter to the Dean and orally informs the Department Chair of the recommendation and vote count. The Chair of the Full Professor Committee also informs the candidate in writing of the vote count and committee recommendation. Both the Department Chair and the candidate are informed (orally or in writing) normally within two business days after the committee report is sent to the Dean. In the event of a negative recommendation, the written notification to the candidate will include a summary of the rationale behind the recommendation.

d. Promotion to Full Professor: Dean's Role

The Dean evaluates the full set of materials and prepares a written report presenting the rationale for his or her recommendation. The Dean's recommendation and report is normally completed within 20 days after the due date of the Full Professor Committee's report. The Dean forwards the full set of materials, including all written recommendations, to the Provost. The Dean informs the candidate, the Chair of the Full Professor Committee, and the Chair of the candidate's department in writing of his or her recommendation, normally within two business days after submitting the recommendation. In the event of a negative recommendation, the Dean's written notification to the candidate will include a summary of the rationale behind the recommendation.

#### **4. Tenure and Promotion for Outside Candidates as Part of the Hiring Process**

In cases where rank and tenure are part of the hiring process, faculty involvement in the process occurs initially in the search committee and in the department where the candidate's appointment occurs. Candidates for these positions are informed in a timely manner that evidence of effective teaching, scholarly activity and service is required when they apply for the position. All candidates invited to campus are expected to submit such evidence in the form of a dossier; if such evidence is not provided at the time they apply for the position, candidates will be provided no more than 3 weeks after the invitation to campus to prepare the dossier. Suggestions for the types of materials to be included as evidence are described elsewhere in this document. A summary listing will be provided to the candidate. Tenure and promotion process information will be communicated to outside candidates by the Chair of the Tenure and Promotion Committee.

The Tenure and Promotion Review Committee and, in the case where the rank of Full Professor is being considered, the Full Professor Committee is then asked to review the candidate. The Tenure and Promotion and Full Professor committees will have no less than 2 weeks to review documents after they are received and make their recommendation to the appropriate decision maker (the Dean, Provost, or President). Reviews by the Tenure and Promotion Review Committee are conducted in a short time frame without data comparable to the reviews conducted for internal candidates. Nonetheless, the Tenure and Promotion Review Committee reserves the right to evaluate all candidates for tenure and rank and make the recommendation it deems to be appropriate.

*Section C.4. revised and approved by University Faculty on December 10, 2009 and by the Board of Trustees on February 12, 2010*

*This version approved by Robins School of Business Faculty on February 27, 2015 Approved by the Board of Trustees on October 2, 2015 contingent on approval by University Faculty Approved by University Faculty on May 11, 2015*

## **VI.D School of Professional and Continuing Studies Standards and Processes for Promotion**

In the School of Professional and Continuing Studies, (hereafter "SPCS"), we believe the

process for promotion should support the decisions each faculty makes with the Dean to become a candidate for review. There are various paths to promotion in SPCS, all of which demonstrate a focus on and support for achieving the overall mission of the school. In keeping with the approach of the AAUP, the faculty of SPCS embrace the importance of faculty's role in shared governance of the institution, the school, individual programs and the curriculum within the school. Faculty in SPCS have administrative roles in their respective programs and exercise program-specific decision making within the parameters of overall school governance structure. In SPCS, our philosophy supports and encourages faculty to be promoted and to seek each level of advancement in their academic careers. The promotion process allows SPCS faculty members to demonstrate their continuous growth and development in the areas of teaching, program development and administration, service and scholarship over their entire career. This document outlines a blueprint for how the SPCS constitutes and applies that philosophy of promotion and supports its faculty in their professional advancement.

### **The SPCS Full-Time Faculty**

As is the case with the other four schools, the responsibilities of faculty members in SPCS include teaching and advising, service to the University and scholarship. In SPCS, however, faculty also have academic program development and administration responsibilities. In the SPCS, contracts and expectations are specific to the unique needs of the SPCS and may vary from year to year. The SPCS embraces the importance of faculty's ability to seek promotion of rank, which assesses a faculty member's growth in their profession, their efforts to advance the mission of the school and the faculty member's contributions to their field of expertise and to the University.

Full-time faculty in SPCS fall into two tracks: traditional track faculty and clinical track faculty. Full-time traditional faculty members are eligible for promotion in rank without tenure through the rank of full professor. Traditional track faculty in the SPCS consist of Instructor, Assistant Professor, Associate Professor, or Professor. Clinical track faculty in the SPCS consist of Instructor of Clinical Practice, Assistant Professor of Clinical Practice, Associate Professor of Clinical Practice, or Professor of Clinical Practice. Traditional track faculty roles are envisioned as teacher scholar-oriented in nature, with extensive discipline-specific academic and curricular expertise, while actively contributing to the scholarly discourse in their respective fields and incorporating their expertise into their teaching. Clinical track faculty roles are envisioned as practitioner-oriented in nature, with extensive practical field-based expertise and understanding of the pragmatic needs of their respective fields as well as community workforce needs, while actively incorporating their practical expertise into their teaching.

**“Traditional Track Faculty”** refers to a faculty member at any rank whose duties and responsibilities are focused on teaching, academic program development and administration, service, and scholarship. As a school of professional and continuing studies, SPCS traditional track faculty promotion expectations are differentiated from clinical track faculty by having a scholarship expectation including but not limited to Boyer's (1997) *scholarship of engagement*. Traditional track faculty may hold a 9-month contract or a 12-month contract. Traditional track faculty on a 9-month contract are responsible for teaching, scholarship, and service, while traditional track faculty who hold a 12-month contract are responsible for teaching, scholarship, service, and academic program development and administration. Traditional track faculty may serve as academic program chairs.

**“Clinical Track Faculty”** refers to a faculty member at any rank whose duties and responsibilities are primarily focused on teaching, service, and academic program development and administration. Clinical track faculty promotion requirements are differentiated from traditional track faculty by the absence of a scholarship expectation and the presence in all cases of academic program development and administration expectations and service. Clinical track faculty are typically 12-month contract appointments due to their program administration expectations and/or additional teaching responsibilities (may include engagement and recruiting, advising, increased course load, responsibilities, additional administrative responsibilities). Clinical track faculty will not typically serve as academic program chairs, but can serve as assistant chairs.

### **Qualifications and Initial Rank**

Basic degree qualifications are outlined in the University’s policy on the Academic and Professional Preparation Requirements for Faculty, and as required for the delivery of services, appropriate licensure, and professional experience may also be required. Faculty in SPCS who do not have a terminal degree hold the rank of Instructor. Upon completion of a terminal degree, promotion from the Instructor to the Assistant Professor level occurs at the beginning of the next academic year’s contract. Faculty with a terminal degree enter at the level of Assistant Professor or above. Change in rank from Instructor to Assistant Professor (Traditional and Clinical) is based on degree held and does not require review by the Promotion Committee. Terminal degrees are defined as the highest degree that can be attained in the field, and typically are a doctorate.

### **Adjunct Faculty and Staff with Faculty Status**

This document applies to full-time faculty only; Staff with faculty status are not promotable in either track. Promotion policies and standards for adjunct faculty are defined in the Adjunct Faculty Achievement Portfolio.

### **Processes for Promotion for SPCS Full-Time Faculty**

Appointments for all full-time faculty (traditional and clinical) begin with an initial probationary appointment of up to three (3) years. Thereafter, full-time faculty are eligible for recurring continuing appointments of up to five (5) years per appointment. Presumptive renewal of an appointment is based on Annual Reviews with the Dean. In both tracks, eligibility for promotion, pending productivity, begins after the initial probationary period. Eligibility for subsequent promotion typically begins five years after initial promotion.

In the traditional and clinical tracks, eligibility for promotion from Assistant to Associate Professor commences with the first 5-year appointment following the initial probationary appointment. Eligibility for promotion from Associate to Professor commences with the second 5-year appointment. Promotion expectations for full-time faculty are differentiated across Instructor, Assistant, Associate, and Professor levels. Promotion for faculty addresses effectiveness in the current position, as noted in Faculty Annual Reviews with the Dean.

Assistant Professors in the traditional and clinical tracks develop their skills and expertise across the core areas of teaching, service, academic program development and administration, and depending on appointment, scholarship (traditional track). Assistant Professors in the traditional track are distinct from the clinical track in that they are creating a scholarly body of knowledge in their field/discipline.

Associate Professors are established in their field in these respective areas of responsibility. Professors are leaders in their field in their respective areas of responsibility.

### **Standards for Promotion for SPCS Full-Time Faculty**

Each faculty member in the SPCS is charged, through the annual faculty review process, with specific objectives in each assigned area of responsibility. When a faculty member is hired, general expectations and proportionality for teaching, service, and academic program development and administration, and/or scholarship are outlined in the appointment letter. Significant changes in the proportionality of teaching/service/administration/scholarship will be outlined in the annual review process. As promotion is considered, the standards in each category remain consistent, but the expectations for volume of accomplishment in each area will be calibrated to the proportional responsibilities of the faculty member documented in the appointment and annual Dean's review letters. Based on the Dean-faculty agreement and letters, proportions of time and focus will vary among candidates, depending on appointment, field, and departmental and school needs. Annual review letters from the Dean will address the past academic year's accomplishments and the agreed-upon expectations for the coming academic year.

Faculty will establish, annually with the Dean, agreement on each faculty member's unique responsibilities and goals and will establish the value/proportionality of engagement in each of the four faculty responsibility categories, as appropriate to their role and the needs of the school. As such, an annual agreement between the faculty member and the Dean will delineate the faculty member's percentage of effort in teaching, academic program development and administration, service, and, and/or scholarship. The Promotion Committee will judge the candidate on standards noted above and outlined in their annual review letters from the Dean. The Dean is obligated to provide reasonable support to faculty to obtain each year's individual goals, leading up to the candidate being considered for promotion.

## **Teaching**

### **Standards of Excellence in Teaching**

All faculty (traditional and clinical) in SPCS are expected to show excellence in teaching through their courses. Excellence in teaching is characterized by the development and implementation of challenging courses with high levels of rigor, and teaching strategies that encourage critical thinking and student interaction. Excellence in teaching also is exhibited through extensive course preparation and knowledge of course content, remaining current in the scholarly field and with pedagogical best practices.

### **Evidence of Excellence in Teaching**

Teaching is a complex endeavor with many dimensions and teaching excellence cannot be evaluated with a universal template. Rather, faculty can illustrate their teaching excellence across time and with a variety of types of evidence. Faculty can illustrate their preparedness for teaching with clear and organized syllabi and teaching materials that illustrate innovative techniques and approaches, designing new courses which are rigorous and relevant, documentation of the continuous improvement of existing courses with up-to-date information and strategies, faculty-created course materials, and exhibiting consistent preparedness for class meetings and thoughtfully developed assessments with clearly communicated expectations.

Faculty may also exhibit excellence in teaching by teaching a variety of courses over time, assisting the department in curricular restructuring and development, participating in and/or presenting at pedagogy-focused conferences, engagement in teaching-focused professional development, and connecting courses to community or university-wide events or clinical experiences.

All teaching achievement should be appropriate to a faculty member's career phase and proportional responsibilities per faculty appointment and role. Faculty can exhibit their teaching effectiveness by documenting their consistent use of teaching methods that encourage critical thinking; student interaction and career-focused connection to the course content; providing meaningful, timely and actionable feedback on student work; engaging in meaningful interaction with students both inside and outside the classroom; innovative use of online or hybrid teaching technologies; exhibiting concern and interest in student well-being; proactively addressing student concerns; and successful community- engaged course designations which may include field-trips and guest speakers. Faculty may provide evidence for excellence in teaching using numerous forms of documentation (see below).

In addition to samples of student evaluations, evidence for excellence in teaching may include, but is not limited to:

- peer reviews of teaching
- student letters
- personnel evaluations and/or annual faculty reviews
- samples of innovative instructional materials
- student work products, group projects, blogs/websites, community engaged projects
- student assessments
- self-evaluations and goal-setting
- teaching awards
- course data (grade distribution, teaching load, class sizes, new course development documentation, evidence of use of course data to adapt course contents),
- course development grants
- Implementation of novel teaching strategies
- Effective differentiation of between face to face, hybrid and online teaching strategies
- Training/professional development on teaching strategies/pedagogy/andragogy
- Community based learning, such as field trips and guest speakers

Faculty should consider their explanation and rationale for use of evidence above that illustrates the relevance to: impact on student learning, student engagement, rigor, clarity, organization, interest and enthusiasm, content knowledge, career-focused application, pedagogical fit between teaching techniques and content, and student engagement and motivation.

### **Teaching distinctions from Assistant Professor to Associate Professor and from Associate Professor to Professor (clinical and traditional tracks)**

Teaching that qualifies a faculty member for promotion from Assistant to Associate Professor would exemplify the faculty member's growth in teaching, course design and student assessment in their department and program, within SPCS, and at the University of Richmond, the community, and in their profession. Teaching that qualifies a faculty member for promotion from Associate Professor to Professor would exemplify a faculty member's success as a leader in pedagogy, course design and student assessment in their department and program, within SPCS, the University of Richmond, the community, and in their profession.

### **Academic Program Development and Administration Standards of Excellence in Academic Program Development and Administration**

Full-time faculty members (traditional and clinical) have responsibilities for the overall well-being of the program under his or her charge. The standards to assess academic program development and administration may include: program enrollment, general program oversight including student advising and admissions, new academic program development, assessment and accreditation, participation in curricular reviews and enhancements, engagement with faculty recruitment, and student recruitment activities, cross-school collaboration, collaboration with external agencies, and involvement with grants and contracts. Depending on the faculty member's appointment specifics, faculty are expected to show excellence in academic program development and administration. Excellence in academic program development and administration is characterized by developing and implementing innovative, career-relevant programs; program-specific student recruitment and retention efforts; new course development through school and university processes; strategic planning for program-specific needs; effective management of program including course scheduling; hiring, on-boarding and evaluating adjunct faculty; managing program staff; ; program accreditation facilitation; leading, facilitating and coordinating program meetings; and addressing student issues within courses and across the program; among others.

### **Evidence of Excellence in Academic Program Development and Administration**

Candidates can demonstrate their role in program development through a variety of means, including but not limited to: a statement of program development activities; new course and/or program proposals; letters from faculty and/or students; admission, recruitment and retention data attributable to programmatic efforts; data or external validation of enhanced reputation of the program; partnership agreements and/or MOUs with community partners, or other entities and institutions; evaluation documentation of adjunct faculty in the program; accreditation documentation; grants and other funding to support program development. Candidates for promotion may also provide examples of the faculty member taking on a leadership role in administration and program development designed to advance the program's reputation.

Evidence for excellence in academic program development and administration may include but is not limited to:

- creation of new degree(s)
- revision of degree programs
- new course and program proposals
- curricular reviews and implementation of review outcomes
- Syllabus review and revision to ensure programmatic alignment and relevance
- accreditation and assessment documentation
- recruitment and retention of students
- recruitment and retention of instructional faculty
- staff and adjunct faculty review documentation and evaluation
- program meeting documentation and minutes
- recruitment materials
- community partnerships and MOU documentation
- planning and implementing program information sessions, recruiting events, and orientation sessions
- effectively engaging program alumni in collaboration with the school and University
- Leading and/or supporting alumni, employer, exit, etc. surveys
- Documentation of cross school collaboration designed to create program growth
- grant and contract documentation
- participating in the creation of media and social media placements for new programs
- media interviews or public appearances related to programs

### **Administrative distinctions from Assistant to Associate Professor and from Associate Professor to Professor (clinical and traditional tracks)**

Academic program development and administration that qualifies a faculty member for promotion from Assistant Professor to Associate Professor would exemplify the faculty member's growth as an established faculty member in their department and program and within SPCS through the effective administration of their respective programs and departments as evidenced by growth in program interest and enrollment. Performance that qualifies a faculty member for promotion from Associate Professor to Professor would exemplify a faculty member's success as a leader in their field with regards to academic program development and administration. This can be demonstrated through development of innovative program components, course offerings, recruitment and retention of students and instructional faculty, program accreditation, and/or program expansion or adaptation. Professors with academic program development and administration components to their appointments serve as leaders to their programs and departments beyond the school/department, which may include collaboration with other entities, community partners, other institutions to develop or enhance program and course delivery, develop novel approaches to program development, establish collaborative efforts and/or program partnerships.

## **Scholarship**

### **Standards of Excellence in Scholarship**

Faculty in the traditional track are expected to show excellence in scholarship. Excellence in

scholarship is characterized by the generation, transmission, application, or preservation of knowledge through scholarly contributions, broadly defined. Excellence in scholarship for SPCS faculty can be exhibited in diverse ways, across a continuum from community-engaged scholarly output to more traditional, published scholarly output. Excellence in scholarship is further characterized by scholarly work that contributes to the school's mission, and impacts faculty's respective fields and disciplines at various forums, including local, regional, state, national, and international levels.

### **Evidence of Excellence in Scholarship**

Scholarship generally involves the generation, transmission, application, or preservation of knowledge. Scholarship may be the investigation of both theory and practice of an academic discipline or in the field of continuing education. Scholarship also may reach across and connect teaching, research, creative activities, and service. As a school that serves the needs of communities (local, state, national, global), SPCS faculty scholarship may focus on the needs of the community and include the *scholarship of engagement* (as noted by Boyer, 1997) or community-engaged scholarship that results in the generation and application of knowledge that influences practice in a field. Through the University's Center for Civic Engagement (CCE), the University of Richmond defines community-engaged scholarship as work that "emerges from a mutually beneficial partnership with a community and creates new knowledge that contributes to positive social change. Community-engaged research engages faculty expertise with the expertise of community stakeholders in order to co-create new knowledge that serves a public good extending beyond the academic purpose of the work." As noted by the CCE (2021), "Community- engaged scholarship is characterized by its relevance to a faculty member's expertise, its benefit to the external community, its visibility among community stakeholders, and its contribution to the University's mission."

Depending on the desired rank, traditional track faculty will provide evidence of meaningful achievements as a scholar. All scholarly achievement should be appropriate to a faculty member's career phase and proportional responsibilities per faculty appointment and role. Scholarship should be presented through the promotion process and fully represented on a curriculum vitae. Scholarship should demonstrate impact on the growth of the school and contribution to the respective field.

Evidence for excellence in scholarship may include, but is not limited to:

- copies of all published work, which may include but is not limited to publication in refereed journals, conference proceedings, book chapters in edited volumes, Op-Eds, and/or books
- Peer-reviewed publications such as journal articles, book chapters, books
- Artifacts of public and intellectual value that affirm peer collaboration and review. Such work may be published in disciplinary or community engagement publications, but also may exist in other public-facing forums such as professional media and field-related outlets, as well as mainstream news.
- Editing a collected works or edited volume
- Evidence of community engaged scholarly outcomes with community partners, including reports, white papers, letters from community partners or scholars in the

field affirming the relevance and impact on the field of collaborative work led by the faculty member

- Presentations at academic or professional conferences that can include Invited or competitive presentations
- Evidence of accepted or ongoing work or works in progress
- Citation of candidate's work, including but not limited to published work, in others' work
- Honors or recognitions for scholarly contributions
- Participating in student research, serving as scholarly resource for capstone projects
- Public exhibitions
- Presentations in panels or workshops
- Co-Publishing with students or mentoring students through published writing
- Internal or external grants awarded to support scholarly research or production
- Awards or special recognition for scholarly endeavors

### **Scholarship distinctions from Assistant to Associate Professor and from Associate Professor to Professor (traditional track only)**

Scholarship that qualifies a traditional faculty member for promotion from Assistant Professor to Associate Professor would exemplify the faculty member's growth in scholarly and creative contributions in their respective discipline and/or profession. Scholarship that qualifies a faculty member for promotion from Associate Professor to Professor would exemplify a faculty member's shift to a higher level of contribution and leadership through a continued and deepened engagement in scholarly and creative work in their respective discipline.

## **Service**

### **Standards of Excellence in Service**

All faculty in SPCS (traditional and clinical) are expected to show excellence in service. Excellence in service is characterized by the faculty contributions to the respective programs and departments, the SPCS, the University of Richmond, the community and the fields and disciplines in which the faculty works. Excellence in service for SPCS faculty can be exhibited in diverse ways, including contributing to ad hoc or standing committees at various levels, community outreach and community service related to one's field of expertise, participation and/or leadership in local, regional, state, national or international professional organizations, nonprofits, community organizations and collaboratives.

### **Evidence of Excellence in Service**

Service for SPCS faculty is expectedly diverse due to the diversity of disciplinary expertise, department and program needs, as well as professional and community interface represented across SPCS programs. In general, service constitutes opportunities for faculty to serve as advocates for SPCS at the university and in the community, advocates for their respective departments and programs to SPCS, the university and the community, and to serve as advocates, leaders and experts in the community and in their respective fields. School-level committee work is also diverse, reflecting the diversity of programs and disciplines in SPCS, and due to the nature of that diversity school-level committees may include on-going standing committees, faculty governance work, school academic council as well as ad-hoc committees and projects that arise as needed. Department-level service work is similarly diverse, as the needs of the

varying disciplines dictate, and may include department-level standing committees related to ongoing program needs or ad-hoc committees or special department- or program-focused projects or initiatives. Community service varies disciplinarily in SPCS and may include a variety of participation and/or leadership in community initiatives, associations, committees, task forces or other community groups oriented toward community engagement and with connection to the specific faculty member's disciplinary expertise and interests, as well as speaking engagements in the community. Professional service varies based on the diverse disciplines represented in SPCS but may include participation and/or leadership in professional associations or organizations, serving as reviewer for journals or conferences, participation and/or leadership in professional conference development, organization or implementation, serving on professional committees, task forces or other groups related to professional advocacy or other discipline-oriented work. Evidence includes a variety of documentation of these and other service work not specifically outlined here, reflection on the nature of this service work and the role of this service work in the professional career of the faculty member.

Evidence for excellence in service may include but is not limited to:

- Serving on or leading department, school, university committees
- Serving as a student academic advisor
- Developing and implementing advisory boards related to the school, University or one's scholarly field
- Serving on a community board or task force related to the school, University or one's scholarly field
- Serving in or leading a professional or academic organization in one's scholarly field
- Serving on local, regional, national or international boards or collaboratives related to one's scholarly field
- Serving on the board of a nonprofit based on one's scholarly field of expertise
- Community activism and advocacy in respective field
- Serving as a journal reviewer in one's scholarly field
- Serving as a journal editor in one's scholarly field
- Serving as a grant reviewer in one's scholarly field
- Receiving awards or special recognition for service to the school, University or in one's scholarly field
- Developing and implementing workshops, panels or professional development related to one's scholarly field
- Sponsoring, mentoring or advising student organizations
- Serving on a dissertation, master's thesis, or senior thesis committee
- Mentoring a faculty or staff colleague

### **Service distinctions from Assistant to Associate Professor and from Associate Professor to Professor (clinical and traditional tracks)**

All service achievement should be appropriate to a faculty member's career phase and proportional responsibilities per faculty appointment and role. Service that qualifies a faculty member (traditional and clinical) for promotion from Assistant Professor to Associate Professor would exemplify the faculty member's growth as an advocate, contributor, and decision-maker in their department and program, within SPCS, the University of Richmond, the community, and in their profession. Service that qualifies a faculty member for promotion from Associate

Professor to Professor would exemplify a faculty member as a leader in their advocacy, contributions, and decision making at the various service levels in their department and program, within SPCS, the University of Richmond, in the community, and in their profession.

### **Promotion Calendar**

In SPCS, a Promotion Committee is charged with determining the merits of a candidate's ability to be promoted. The Dean has a part of the process in forming the Promotion Committee and determining whether to accept the Promotion Committee's findings. As outlined in the calendar, it is the role of the Promotion Committee to conduct a thorough review and make a recommendation to the Dean. It is the role of the Dean to review the recommendation of the Promotion Committee. The Dean makes a recommendation to the Provost. The Provost reviews the recommendation of the Dean and makes a recommendation to the President and Board of Trustees. Promotions recommendations are made once each year.

May 1: Candidate notifies Dean of intention to seek promotion. Candidate includes updated curriculum vita and a list of references and outside reviewers to include names/contact information for:

- 5 - 10 former students, of which a minimum of 2 should be received and reviewed by the committee.
- 5 -10 campus or community professional references, of which a minimum of 2 should be received and reviewed by the committee.
- 3 - 5 scholarship reviewers are recommended to be comparable scholars with similar scholarship and institutional profiles, which must be faculty at or above the level to which the candidate is promoting or other informed professionals, of which 2 should be received and reviewed by the committee (for Traditional Track Faculty only).

June 1: Dean notifies the Promotion Committee and convenes initial meeting to occur by June 30. Executive Assistant to the Dean creates an electronic portfolio and shares it with the candidate.

July 1 - September 1: Promotion Committee organizes, selects chair, and works with Executive Assistant to the Dean to solicit references from the candidate's submitted reference list.

July 1 - September 1: Candidate prepares electronic portfolio. Executive Assistant to the Dean assists candidate as much as possible in preparation of the electronic portfolio.

September 1: Candidate submits electronic portfolio to Executive Assistant to Dean.

September 1 - December 1: Promotion Committee reviews portfolio and related promotion materials. Executive Assistant to the Dean works with the Committee on any outstanding issues with regard to references or materials.

December 1: Letter outlining recommendations of the Promotion Committee sent to the

Dean. December: Recommendation letter from Dean due to Provost.

This Appendix in its entirety must be consistent with University principles stipulated under "Evaluation for Personnel Decisions" (Chapter III, Section C). Revisions to a school's section of this Appendix may be proposed by a majority vote of the particular school's faculty, and transmitted by the Dean for separate majority vote by the University Faculty. The Provost and President then transmit the proposed revisions for vote by the Board of Trustees.

Revisions to Chapter VI, Section D. School of Professional and Continuing Studies

*Approved by University Faculty on May 12, 2022 Approved by the Board of Trustees on June 10, 2022*

## **VI.E. The Jepson School of Leadership Studies Criteria, Guidelines and Procedures for Evaluating Candidates for Tenure and Promotion**

This Appendix in its entirety must be consistent with University principles stipulated under "Evaluation for Personnel Decisions" (Chapter III, Section C). Revisions to a school's section of this Appendix may be proposed by a majority vote of the particular school's faculty, and transmitted by the Dean for separate majority vote by the University Faculty. The Provost and President then transmit the proposed revisions for vote by the Board of Trustees.

- 
- A. Teaching
  - B. Scholarship
  - C. Service
  - D. Tenure and Promotion to Associate Professor
  - E. Promotion to Full Professor
- 

### **A. Teaching**

#### **1. Standard:**

A faculty member's teaching should demonstrate excellence in advancing students' understanding of leadership.

#### **2. Guidelines:**

The following attributes are among those that will be considered when evaluating a candidate's excellence in teaching:

- a. *Expertise*: has mastered his or her field, with respect to its currency, scope, and depth;
- b. *Design and preparation*: thoughtfully and creatively organizes both individual class sessions and overall course content;
- c. *Teaching methods*: uses effective instructional techniques and materials;

- d. *Stimulation*: motivates students to learn and seek knowledge independently;
- e. *Assessment*: devises and rigorously applies appropriate methods of determining a student's progress and achievement;
- f. *Engagement and challenge*: motivates students to do intellectually challenging and creative work;
- g. *Student learning*: helps students achieve the learning goals of the course;
- h. *Mentoring*: directs student work inside and outside the classroom.

Circumstances such as teaching load, proportion of required and elective courses, number of contact hours, class size, subject matter, methodologies, and preparation of teaching materials will be considered when evaluating teaching and the candidate's overall performance.

### **3. Evidence:**

Judgments about excellence in teaching are based on a review of materials in the candidate's core and teaching portfolios, which include the candidate's curriculum vitae, a personal statement about his or her teaching, and items such as the following: student evaluations; letters from former students; syllabi; samples of class assignments; samples of student work such as graded papers, projects, or exams; audiovisual recordings of classes; classroom visits; grade distributions; and descriptions of courses newly developed or substantially changed.

## **B. Scholarship**

### **1. Standard:**

A faculty member's scholarship should demonstrate excellence in advancing the understanding of leadership for scholars and, in some cases, practitioners or educators. It may include interdisciplinary work in addition to work in the candidate's discipline. Research should exhibit originality, creativity, and rigor.

### **2. Guidelines:**

The University of Richmond expects that the faculty in the Jepson School will influence the understanding of leadership at national and international levels. The expectation, therefore, is that members of the faculty will produce and disseminate high-quality research, establishing a record of sustained and sustainable scholarly activity. Such scholarship may include journal articles, books or book chapters, textbooks, formal participation in scholarly conferences, and instructional materials. In the evaluation process, the tenure and promotion committee should also consider any scholarly work by the candidate on subjects other than leadership. The committee should consider any scholarly work produced before the candidate's arrival at the University of Richmond insofar as this work serves as evidence of sustained and sustainable scholarly activity.

### **3. Evidence:**

Judgments about excellence in scholarship are based on a review of materials in the candidate's core and scholarship portfolios, which include the following: the candidate's curriculum vitae; personal statement about his or her scholarship; plans for future research; copies of work that is published, in press, or under review, or has been presented at professional conferences. In addition, outside reviews by scholars with expertise related to the candidate's research will be used to inform the evaluation of the quality of scholarly accomplishment and future potential.

## **C. Service**

### **1. Standard:**

A faculty member is expected to play an effective role in the work of the Jepson School, the University, and his or her profession.

### **2. Guidelines:**

*Jepson School:* A faculty member is expected to serve the School by performing committee assignments within the School; by contributing to curriculum development; by assisting and advising student organizations and individual students; by showing interest and involvement in students' welfare; and by helping improve the quality of the academic environment. Inherent in a faculty member's professional and academic responsibility are mutual respect; collegiality; courtesy to colleagues, students, and staff; and professional conduct in all aspects of his or her work. A faculty member is expected to attend faculty and committee meetings and to assume responsibility for improving the School.

*University:* A faculty member is expected to contribute to the University through service on committees, participation in programs and interdisciplinary projects, and activities such as advising and mentoring students outside the major.

*Profession:* A faculty member is expected to use his or her expertise to contribute to the work of professional associations and to serve as a referee or reviewer for journal articles, book manuscripts, and conference presentations. Service to community organizations will be taken into account insofar as it involves the exercise of the faculty member's professional knowledge or abilities.

Service activities will be measured by the extent and quality of a faculty member's contributions to the School, University, and profession.

### **3. Evidence:**

Evaluation of service will be based on a review of materials in the candidate's core and service portfolios, which include the candidate's curriculum vitae; a personal statement about his or her service; and a list of all relevant committees and other service appointments. Together, these materials should specify positions related to program development, student advising/mentoring, and consulting. In addition, the committee may solicit letters from faculty and other persons inside or outside the University.

## **D. Tenure and Promotion to Associate Professor**

In the year that a candidate is considered for tenure and/or promotion to Associate Professor, a variety of materials must be submitted by the candidate as detailed in a memo of instruction from the Dean. The candidate is expected to show evidence of strength in teaching through the submission of supporting materials such as syllabi, assignments, examinations, handouts, and student evaluations; of strength in scholarship through the submission of conference papers, publications, and other scholarly work; and of strength in service through the submission of a record of contribution to and participation in the life and governance of the School, University, and profession.

The Dean will name the chair of the candidate's tenure and promotion committee. The chair is responsible for gathering such additional evidence as letters of evaluation from former students, outside scholars with expertise related to the candidate's research, and colleagues from within the School and University. All of this evidence is used to create portfolios that provide the basis for an assessment and recommendation with regard to tenure and/or promotion.

For candidates being considered for tenure and/or promotion to the rank of Associate Professor, this committee includes all tenured members of the Jepson School and, ordinarily, two additional members of the University faculty. The Dean will appoint these additional members of the committee in consultation with the chair and the Jepson faculty on the committee. The non-Jepson members of the committee should have expertise related to the candidate's research; customarily, the additional members will be from different departments in the University.

After receiving the candidate's portfolio, the candidate's tenure and promotion committee makes a recommendation regarding tenure and/or promotion to the Dean of the Jepson School. The letter of recommendation should report the views of each and every faculty member on the committee. The Dean then sends a written recommendation to the Provost. The Provost then makes a recommendation to the President. Tenure and promotion decisions are made by the Board of Trustees only on the positive recommendation of the President. The candidate will be notified of tenure and/or promotion recommendations in accordance with the procedures outlined in the Faculty Handbook.

Tenure and promotion to Associate Professor will generally be considered at the same time. Tenured Assistant Professors who wish to be considered for promotion to Associate Professor are required to initiate this process through the Dean.

## **E. Promotion to Full Professor**

Promotion to Full Professor is dependent on the quality of a candidate's record of scholarship, teaching, and service. Full Professors are expected to be nationally recognized contributors to the study and teaching of leadership. To merit promotion to the rank of Full Professor, the candidate will be expected to have sustained, over an extended period of time, a record of high-quality scholarship, teaching, and service. The Dean will name the chair of the candidate's tenure and promotion committee. The chair is responsible for gathering such additional evidence as letters of evaluation from former students, outside scholars with expertise related to the candidate's research, and colleagues from within the School and University. All of this evidence is used to create portfolios that provide the basis for an assessment and recommendation with regard to promotion to Full Professor.

For candidates being considered for promotion to the rank of Full Professor, the tenure and promotion committee includes all tenured Full Professors of the Jepson School and, ordinarily, two additional members of the University faculty. The non-Jepson members of the committee should have expertise related to the candidate's research; customarily, the additional members will be from different departments in the University.

After receiving the candidate's portfolios, the candidate's tenure and promotion committee makes

a recommendation regarding promotion to the Dean of the Jepson School. The letter of recommendation should report the views of each and every faculty member on the committee. The Dean then sends a written recommendation to the Provost. The Provost then makes a recommendation to the President. Promotion decisions are made by the Board of Trustees only on the positive recommendation of the President. The candidate will be notified of promotion recommendations in accordance with the procedures outlined in the Faculty Handbook.

Candidacy for promotion to Full Professor will normally be initiated by the faculty member who wishes to be considered for promotion.

*This version approved by the Jepson faculty on November 3, 2007*

*Approved by University faculty on January 24, 2008*

*Approved by the Board of Trustees on March 7, 2008*

## **VI.F. School of Law Personnel Policies and Procedures**

This Appendix in its entirety must be consistent with University principles stipulated under "Evaluation for Personnel Decisions" (Chapter III, Section C). Revisions to a school's section of this Appendix may be proposed by a majority vote of the particular school's faculty, and transmitted by the Dean for separate majority vote by the University Faculty. The Provost and President then transmit the proposed revisions for vote by the Board of Trustees.

- 
- A. Standards and Procedures for Reappointment, Promotion, and Tenure
  - B. Standards and Procedures for Faculty Subject to Reappointment, Promotion, and Long-Term Appointment
  - C. Standards and Procedures for Reappointment, Promotion, and Long-Term Appointment for Clinical Faculty
  - D. Standards and Procedures for Promotion and Long-Term Appointments for Law Library Director as a Faculty Member
- 

### **A. Standards and Procedures for Reappointment, Promotion, and Tenure**

As members of a law school faculty, we are committed to our continuing professional growth and development. To assist us in that process, evaluations for reappointment, promotion, and tenure are necessary. They help us continue to progress as professionals, and they advance the law school in its pursuit of excellence.

A law professor should continue to develop teaching skills and scholarship over an entire career. To determine whether a faculty member is meeting, and is likely to continue to meet, these primary expectations of professional development, evaluations for reappointment, promotion, and tenure will be conducted according to the following standards and procedures:

## **1. Standards for Evaluation**

### **a. Teaching**

Teaching and scholarship are inseparable. Teaching should reflect depth of research, high standards of accuracy and creativity, precision in analysis, clarity in language and organization, and a spirit of healthy inquiry into the values and assumptions that underpin law and society.

Different individuals are effective teachers for different reasons; it is not possible to define each of the essential components of teaching effectiveness. The following factors, however, shall be considered when we evaluate a candidate's teaching: ability to communicate, enthusiasm for teaching and for interaction with students, degree of preparation for class, breadth and depth of relevant knowledge, thoughtful and creative organization of both individual class sessions and overall course content, ability to stimulate students to learn and to seek further knowledge independently, capacity to direct student work inside and outside the classroom, ability to devise methods of determining a student's progress and achievement appropriate to the courses taught, ability to stimulate students to engage in creative work, accessibility to students, and demonstrated interest and involvement in students' welfare. Circumstances such as teaching load, number of contact hours, class size, subject matter, methodologies, preparation of teaching materials, and years of experience will be considered in the evaluation.

### **b. Scholarship**

In any law school, the expectation is that a member of the faculty will engage in disseminating the results of current research in law and legal institutions. Research is important both to advance knowledge and to improve teaching. Scholarship is an important part of every law professor's professional activity throughout an entire career. In the evaluation process, we seek to determine the promise that the faculty member has in scholarship. The evaluation process itself is not to be the impetus for the scholarship. Scholarship must be self-initiated and self-sustained.

Activity showing a career-long commitment to scholarship should begin early. As part of the application for promotion from Assistant Professor to Associate Professor, the applicant must submit at least one published scholarly work of high quality and at least a draft of another scholarly work which promises to be of high quality. As part of the application for promotion from Associate Professor to Professor and for the award of tenure, the applicant must submit at least four published scholarly works of high quality (which may include published scholarly works previously submitted as part of the application for promotion to Associate Professor). Co-authored works will be considered to the extent that authorship can be attributed to the applicant.

As used in this context, a scholarly work typically will mean a work which reflects originality, creativity, intellectual inquiry, and which advances the knowledge and understanding of legal

matters. It must be published in a law journal of an ABA-approved law school, as a chapter in a book, as a book, in a peer-reviewed academic journal, or in a peer-reviewed academic monograph.

Among the works not considered within the minimum necessary for promotion or tenure are casebooks, course books, contributions to annual surveys of the law, articles in association or committee journals and newsletters, case notes, student comments, CLE outlines, simulation exercises, video- or audio-tapes, and computer software. However, published or widely distributed materials of these types will be considered in the overall evaluation of scholarship.

c. Service

A law faculty member should be involved in the affairs of the law school, the University, the legal profession, and the community to a degree commensurate with the demands of teaching and scholarship.

A faculty member is expected to serve the law school by performing committee assignments within the school, by assisting and advising student organizations and individual students, and by helping to improve the quality of the academic environment. Inherent in a law professor's professional and academic responsibility are mutual respect, collegiality, and courtesy to colleagues, students, and staff, as well as professional conduct in all aspects of a law professor's service. A faculty member is expected to attend faculty and committee meetings and to assume responsibilities for improving the law school. A law faculty member is also expected to contribute to the University at large through, for example, service on committees and in programs or interdisciplinary projects. A faculty member is expected to contribute publicly and professionally to the legal profession and the community. When we consider activities outside the University, we will look only at those which draw on professional ability. These may be in connection with a bar association or other professional, governmental, or community organization. They may also be bono representation, amicus brief preparation, or similar uncompensated service.

What is important in measuring such activities in relation to reappointment, promotion, and tenure is the quality of service and the depth of involvement. Organizational membership itself or peripheral involvement will not be significant in our assessment.

## **2. Procedures for Annual Review of Non-Tenured Members of the Faculty and Recommendations Regarding Reappointment**

The professional development of each member of the full-time faculty who is not tenured will be assessed every year. Additional procedures for the evaluation of applicants for promotion and/or tenure are set out in Section 3 of this document. The provisions of Section 3 supersede the provisions of this Section only if they explicitly and expressly require other procedures.

If the faculty member is not an applicant for promotion and/or tenure, the purpose of the annual review will be to provide the non-tenured faculty member with feedback on her or his progress

toward meeting the standards for promotion and tenure stated in this document, and to provide supportive guidance and direction toward the successful completion of the promotion and tenure process. Except for the years in which the faculty member is an applicant for promotion and/or tenure, the annual review will not ordinarily result in any recommendation regarding the faculty member's reappointment or future status, although at the request of the Dean, the Chair of the Promotion and Tenure Committee, or the faculty member, such a recommendation will be made.

The Chair of the Promotion and Tenure Committee will appoint a subcommittee of three tenured faculty members for each non-tenured faculty member. Ordinarily, at least one member of a subcommittee will be changed each year. Each member of a sub-committee will: 1) attend classes taught by the faculty member; 2) review the faculty member's scholarly works while in progress and when published; and 3) otherwise monitor the faculty member's professional development. The subcommittee may review student evaluations and discuss the faculty member's work with others in the faculty member's field.

The subcommittee shall meet with the faculty member at least once each academic year to discuss the faculty member's professional development and to counsel the faculty member. If the faculty member is on a tenure track, the subcommittee will discuss the degree to which her or his performance meets the standards for promotion and tenure stated in this document. However, no statements made by any member of the sub-committee will control the Promotion and Tenure Committee's decision as to promotion and/or tenure.

Each subcommittee will make a prompt and concise report to the Promotion and Tenure Committee. All members of the Promotion and Tenure Committee who are not members of the subcommittee are encouraged to make their own annual evaluations of the professional development of each non-tenured faculty member, to share their evaluations with the faculty member, and to provide assessments to the Promotion and Tenure Committee. The Chair of the Promotion and Tenure Committee will annually evaluate each non-tenured faculty member, communicate to each non-tenured faculty member the report of the subcommittee, and provide a written assessment to the Promotion and Tenure Committee.

The subcommittee will, at the request of the faculty member, the Chair of the Promotion and Tenure Committee, or the Dean, make a recommendation to the Promotion and Tenure Committee regarding the faculty member's reappointment. Any other person may make a recommendation to the Dean and/or the Promotion and Tenure Committee regarding the faculty member's reappointment, and such recommendations will be considered.

### **3. Procedures for Promotion and Tenure**

#### **a. Responsibilities of the Applicant**

The faculty member who is an applicant for promotion and/or tenure should revise and update a curriculum vita. The applicant should also prepare information that may be used by the Promotion and Tenure Committee, the Dean, the Provost, and the President of the University to evaluate teaching effectiveness. This information should include a list of courses taught at the law school and elsewhere, syllabi, supplementary materials prepared by the applicant, reading lists and reserve reading assignments, final examinations and practical exercises (including any

analysis prepared by the applicant), other materials developed by the applicant which indicate a creative approach to the curriculum or to teaching methods, a list of any conferences, workshops, or other professional meetings, and any plans developed by the applicant for continued growth as a teacher. Student course evaluations, including written comments by students, will be considered by the Promotion and Tenure Committee and the Dean. The applicant may also provide her or his own interpretation of course evaluations.

The applicant should also prepare information on achievements as a legal scholar. The package of materials submitted to the Promotion and Tenure Committee and the Dean should include copies of scholarly works and other evidence of scholarly pursuits. The applicant is invited to nominate three or more experts in her or his field or fields for assessment of the applicant's scholarly work. Because others in the applicant's field may also be contacted, the applicant is invited to identify those whom he or she does not want to be approached for evaluation. The applicant is invited to submit a concise statement about each item of scholarship which outlines its goals and/or achievements. This statement may also be transmitted to outside assessors. The applicant should also outline research and scholarship plans for the next three to five years.

The applicant is encouraged to submit any additional information that he or she deems relevant to the promotion or tenure decision.

#### b. Promotion and Tenure Committee Process

During evaluation for promotion and/or tenure, members of the Promotion and Tenure Committee are encouraged to visit the classes of the applicant to assess teaching effectiveness. The Promotion and Tenure Committee will acquaint itself with the applicant's scholarly works. A subcommittee of the Promotion and Tenure Committee will be appointed for each applicant. That subcommittee will have the responsibility for a more in-depth evaluation and to prepare a draft report for the Promotion and Tenure Committee. In addition to their personal judgments on the applicant's scholarly works, the subcommittee may rely on written evaluations by outside experts in formulating a judgment on the applicant's scholarly achievements and potential. The subcommittee will also review the activities of the applicant to form a judgment on her or his teaching and service to the law school, the University, the profession, and the community. The subcommittee will submit a draft report to the Promotion and Tenure Committee embodying a written recommendation on the applicant for consideration by the full Promotion and Tenure Committee. The Promotion and Tenure Committee will submit a written report and recommendation to the Dean for delivery to the Provost.

The applicant's application for promotion and/or tenure will be evaluated solely on the standards in this document, regardless of: 1) any prior discussions with, statements made by, or promises made by any member of the faculty or any other person, or 2) any failure by the subcommittee, the Promotion and Tenure Committee, the Chair of the Promotion and Tenure Committee, or any other person to follow the procedural rules contained in this document.

#### c. Procedures to be Followed by the Dean of the Law School

The Dean will prepare a separate evaluation of the applicant's teaching, scholarship, and service.

In making a recommendation regarding promotion or tenure, the Dean will rely on both her or his independent evaluation and the written report and recommendation prepared by the Promotion and Tenure Committee. The Dean will not ordinarily make a recommendation contrary to that of a substantial majority of the Promotion and Tenure Committee.

#### **4. Confidentiality**

Except as provided in this paragraph, or as required by University policy or law, the information obtained by, and the written reports, written assessments, and oral deliberations of, any subcommittee or the Promotion and Tenure Committee will not be released to any person who is not a member of Promotion and Tenure Committee. At the request of the faculty member, the Promotion and Tenure Committee may, at its option, release any or all of the information and reports unless such release would violate University policy or law. The Promotion and Tenure Committee will release any information, reports and assessments necessary for the promotion and/or tenure process. The faculty member will be given a copy of any report made by the Promotion and Tenure Committee. To the extent permitted by University policy, the faculty member will be given a copy of any written information or assessment regarding her or him unless the person who provided the information or assessment requested that the information or assessment remain confidential. All deliberations of a subcommittee or the Promotion and Tenure Committee will remain confidential.

#### **5. Effective Date**

This document, and the standards and procedures contained herein, become effective on January 1, 1991.

*Adopted by the Promotion and Tenure Committee of the Law School on November 30, 1990, revised by the same body on April 20, 1994, and approved by the Board of Trustees on May 20, 1994*

### **B. Standards and Procedures for Faculty Subject to Reappointment, Promotion, and Long-Term Appointment**

As members of a law school faculty, we are committed to our continuing professional growth and development. To assist us in that process, evaluations for reappointment, promotion, and long-term appointment are necessary. They help us continue to progress as professionals, they advance the law school in its pursuit of excellence.

A law professor should continue to develop professional skills over an entire career. To determine whether a faculty member is meeting, and is likely to continue to meet, these primary expectations of professional development, evaluations for faculty subject to reappointment, promotion, and long-term appointment will be conducted according to the following standards and procedures.

#### **1. Standards and Procedures for Reappointment, Promotion, and Long-Term**

## **Appointment for Professor of Law, Legal Practice**

- a. Legal Practice faculty members typically will begin their service as assistant professors of law, legal practice and will serve a three-year probationary period during which they will receive renewable one-year appointments. Each year they will be reviewed for reappointment by the Promotion and Tenure Committee and the Dean. Nothing in this paragraph shall preclude making an offer of employment to a qualified individual at the associate or full professor, legal practice levels. Faculty appointed at these levels may request early consideration, based on their prior experience, for three or five year appointments. Denial of an early award of a long-term appointment shall not preclude subsequent application.
- b. During the fall of the third year of the probationary period, legal practice faculty members will be eligible to be considered for a three-year appointment and promotion to associate professor, legal practice. The review process by the Promotion and Tenure Committee and the Dean will parallel the review process for tenure-track faculty members contained in the Faculty Handbook, Section VII.F. The standards for promotion and long-term appointment status will be the following: (1) the Law School's need for the faculty member's position; (2) excellence in teaching; and (3) excellence in service, including management and oversight of programs, if any, associated with the faculty member's position. Once a legal practice faculty member has received a long-term appointment, annual reappointment reviews will be unnecessary.
- c. At the beginning of the sixth year of service, an associate professor of law, legal practice will be eligible to be considered for a five-year term and promotion to professor of law, legal practice. The review process and the standards described in paragraph b also will apply at this stage.
- d. Every five years thereafter, a professor of law, legal practice will be eligible for a presumptively renewable five-year appointment. The process for such renewal shall be as follows.

In the fall of the fifth year, the Dean and the Chair of the Promotion and Tenure Committee will consult and determine whether there is reasonable evidence to suggest that the standards specified in paragraph b are not met. If both the Dean and the Chair determine that there is not reasonable evidence, then the Dean would renew the contract. If either the Dean or the Chair conclude there is reasonable evidence, then the Chair will appoint a subcommittee to do a full review of the faculty member to assess whether the standards in paragraph b are met and present a report to the eligible faculty.

The faculty will make a recommendation to the Dean and will recommend renewal unless a majority of the eligible voting faculty vote not to renew the contract. In making this recommendation, the faculty will determine whether, consistent with academic freedom, there is substantial evidence that one or more of the standards in paragraph b are not met.

The Dean will ordinarily follow the recommendation of a substantial majority of eligible voting faculty and will not act contrary to the recommendation of the faculty without first informing the faculty.

- e. During any appointment period, the appointment may be terminated only pursuant to the policies set forth in the University Faculty Handbook. Any decision not to grant or renew an appointment shall also be governed by the policies set forth in the University Faculty Handbook for such decisions.
- f. Legal practice faculty members shall have the same voting privileges as tenured and tenure track faculty on initial appointments to the faculty, except that they do not vote on tenured and tenure track faculty appointments. Legal practice faculty members who have reached the full professor level may participate in promotion and reappointment reviews of legal practice faculty members at the assistant, associate, and full professor levels, including voting on those decisions. Legal practice faculty members do not participate in promotion or tenure reviews of tenure track or tenured faculty, and do not vote on those decisions. All other prerequisites of employment for legal practice faculty, except for sabbatical leave, will be the same as for tenure track and tenured faculty.

*Draft by Law School July 6, 2001;  
approved by the Board of Trustees on October 12, 2001*

*Section B. revised and approved by the Law Faculty on January 15, 2020,  
by University Faculty on June 26, 2020,  
and by the Board of Trustees on September 12, 2020*

## **2. Standards and Procedures for Promotion and Long-Term Appointments for Law Library Director as a Faculty Member**

### **a. Faculty Rank**

The Director of the Law Library is eligible for appointment to the faculty with faculty rank as well as faculty status. The Director may be appointed to the faculty as an Assistant Professor of Law, Associate Professor of Law, or Professor of Law, depending on his or her qualifications.

### **b. Promotion**

If the Law Library Director is initially appointed at the rank of Assistant Professor, he or she may apply for promotion during or after the third full year of service, or at such earlier time as was agreed to with the Dean. He or she may apply for promotion from Associate Professor to Professor at any time during or after the third full year following the promotion from Assistant Professor to Associate Professor. If the Director is initially appointed at the rank of Associate Professor, he or she may apply for promotion to professor during or after the third full year following the date of hire, or at such other time as is agreed to with the Dean.

The procedures used to evaluate an application by the Law Library Director for promotion will be the same as those used to evaluate applications for promotion by tenure-track faculty members. The criteria for promotion are as follows:

1. Excellence in administration of the library, including without limitation the following:
  - i. Quality of library operations;
  - ii. Effectiveness of library administration;
  - iii. Development of the library collection, including non-traditional resources;
  - iv. Development of access to off-campus library resources;
  - v. Effectiveness in supervising and directing library personnel;
  - vi. Effectiveness in utilizing available financial resources; and
  - vii. Effective interaction with faculty, students, staff and administrators.
  
2. Excellence in carrying out any assigned teaching responsibilities. While the Library Director is not required to teach in order to be eligible for promotion, the Law Library Director should demonstrate competence in carrying out any teaching responsibilities assigned. Teaching should reflect depth of research, high standards of accuracy and creativity, precision in analysis, clarity in language and organization, and a spirit of healthy inquiry into the values and assumptions that underpin law and society. Different individuals are effective teachers for different reasons; it is not possible to define each of the essential components of teaching effectiveness. The following factors, however, shall be considered in evaluating a candidate's teaching: ability to communicate, enthusiasm for teaching and for interaction with students, degree of preparation for class, breadth and depth of relevant knowledge, thoughtful and creative organization of both individual class sessions and overall course content, ability to stimulate students to learn and to seek further knowledge independently, capacity to direct student work inside and outside the classroom, ability to devise methods of determining a student's progress and achievement appropriate to the courses taught, ability to stimulate students to engage in creative work, accessibility to students, and demonstrated interest and involvement in students' welfare. Circumstances such as teaching load, number of contact hours, class size, subject matter, methodologies, preparation of teaching materials, and years of experience will be considered in the evaluation.
  
3. Excellence in contributions to the Law School, the University, and the legal profession, including contributions to scholarship. As a member of the faculty, the Law Library Director is expected to be an active member of the Law School and the University community. The Director is also expected to be professionally active outside the University, especially with regard to matters involving legal education, law libraries, and information technologies. Inherent in the Director's professional and academic responsibilities are collegiality and courtesy to colleagues, students, and staff, as well as professional conduct in all aspects of the Director's service. The Director is expected to attend faculty and committee meetings and to assume responsibilities for improving the Law School. Although not required for promotion, contributions to the body of scholarly literature and the production of instructional materials will be viewed favorably in the promotion decision.

### **c. Appointments**

The Law Library Director holds two kinds of appointments. His or her administrative appointment as Director is continuing in nature and is terminable at will by the University. His or her faculty appointment is for fixed terms of one or more years, as specified in the Director's annual reappointment letter setting his or her salary for the next academic year.

The first three years of the Library Director's appointment as a faculty member typically will serve as the probationary period during which he or she will be eligible for renewable one-year terms as a faculty member. Each year he or she will be reviewed for reappointment as a faculty member by the Promotion and Tenure Committee and the Dean. Reappointment will be based on performance and the Law School's needs. If the Director's initial appointment is at the rank of Associate Professor or Professor, however, he or she may request early consideration for a three- year term, or a five-year term, based on his or her prior experience. Denial of an early award of a multi-year term shall not preclude subsequent application.

After the probationary period, the Director will be eligible for a three-year term as a faculty member. Consideration for such term should normally coincide with consideration for promotion, and the criteria shall be the same as those for promotion. At the beginning of the sixth year of employment and every five years thereafter, the Director will be eligible for a presumptively renewable appointment to a five-year term as a faculty member. Reappointment to a five-year term shall be determined according to the same criteria that govern applications for promotion. There will be a presumption in favor of appointment renewal.

During any one-, three- or five-year term, the Director's appointment as a faculty member may be terminated only pursuant to the policies set forth in the University Faculty Handbook. Any decision not to grant or renew the Director's faculty appointment shall also be governed by the policies set forth in the University Faculty Handbook for such decisions.

The Law Library Director shall have the same voting privileges as tenured and tenure-track faculty on initial appointments to the faculty. The Director does not serve as a member of the Promotion and Tenure Committee and does not vote on promotion and tenure matters of tenured and tenure track faculty. Once the Law Library Director has reached the full professor level, he or she may participate in promotion and reappointment reviews of clinical faculty, academic success faculty, and legal writing faculty members at the assistant, associate, and full professor levels, including voting on those decisions. All other perquisites of employment for the Director, except for sabbatical leave, will be the same as for tenure-track and tenured faculty.

*Draft by Law School July 11, 2001;  
approved by the Board of Trustees on October 12, 2001*

*Section B.3.c revised and approved by the University Faculty on January 29, 2009  
and the Board of Trustees on March 6, 2009*

# VII Appendix II: School Specific Academic Organization, Policies, and Procedures

Subject to the Board's ultimate authority, responsibility for curriculum and methods of instruction has been delegated to the faculty. This section outlines each school's organization, policies and procedures for approving new programs (majors, minors, and concentrations) and new and modified courses including content, quality, and appropriate credit.

## A. Notification of Revision Process

Changes to this Guide may be proposed as recommendations to the Provost by vote of the appropriate faculty body. Information linked to web pages in other units, e.g. school committees, is maintained by those units and the Provost's Office should be notified of any changes therein. Changes to Section VII, Appendix II shall be reported by the Provost to the President and Academic and Enrollment Management Committee of the Board of Trustees.<sup>1</sup>

- B. School of Arts and Sciences Shared Governance Bylaws
- C. School of Art and Sciences Academic Approvals
- D. Robins School of Business Academic Organization
- E. Robins School of Business Academic Approvals
- F. School of Professional and Continuing Studies Academic Organization
- G. School of Professional and Continuing Studies Academic Approvals
- H. Jepson School of Leadership Studies Academic Approvals
- I. School of Law Academic Approvals

---

<sup>1</sup> This language initiating a reporting requirement was not included in the Handbook revisions reviewed and approved by the Senate. The Senate leadership is aware, however, that the Board may wish to add such a reporting requirement for this section, as changes to the section do not require Board approval.

# VII.B School of Arts and Sciences Shared Governance Bylaws

*Passed by the A&S Faculty on March 1, 2019 with subsequent edits indicated by footnotes*

---

## **Part I. Shared Governance**

### **Part II. A&S Organization**

### **Part III. The Place of A&S Committees in Shared Governance**

### **Part IV. Interpreting Section VII.B**

---

## **Part I. Shared Governance**

As stated in the preamble to the University Faculty Senate Charter:

“The Statement on Government of Colleges and Universities, jointly formulated in 1966 by the American Association of University Professors (AAUP), the American Council on Education (ACE), and the Association of Governing Boards of Universities and Colleges (AGB), calls for mutual understanding among all the members of a university community—the governing board, administrative officers, faculty, staff, and students—regarding the governance of the university. Such understanding, together with community members’ recognition of their interdependence, should result in a joint effort to promote the academic mission and welfare of the university and the well-being of its members by creating a unified voice for responding to external and internal challenges. The University of Richmond is committed to the principle and practice of shared governance, defined as the ethic that all members of the university community should work to align priorities in the governance of the university.

“The Board of Trustees of the University of Richmond has ultimate responsibility for the operation and affairs of the university, including the academic quality and direction of the university. The Board has delegated, subject to the Board’s ultimate authority, to the faculty primary responsibility for determining curriculum and methods of instruction; for conducting research and scholarly and creative work; for ensuring the quality of the faculty (selection, promotion, and tenure); and for recommending degrees to be offered by the university as well as degree requirements and degree recipients.

“Consistent with the university’s goals for shared governance, the faculty has a consultative role in certain areas overseen by the administration and the Board of Trustees that may have a direct impact on the academic quality of the university, including student admission qualifications, budgeting for various academic programs, and the configuration of academic and non-academic support programs.”

When matters relate to the School of Arts & Sciences (hereafter “A&S”), the A&S Dean (hereafter “the Dean”) and the A&S faculty shall work collaboratively in the spirit of shared governance according to the provisions laid out in this section (Section VII.B). The A&S faculty have primary responsibility for determining the curriculum of A&S majors and minors

and methods of instruction; for conducting research and scholarly and creative work; and for ensuring the quality of the A&S faculty (selection, promotion, and tenure). It has a consultative role in the governance and operation of the school, and in the development and welfare of its faculty and students. When matters relate to two or more schools, the faculty's role in shared governance is exercised by the University Faculty Senate according to the provisions laid out in its documents, including the Faculty Senate Charter.

## **Part II. A&S Organization**

### **A. The Dean**

The Dean is the executive officer of A&S and the leader of the A&S faculty, and reports to the Provost. The Dean's responsibilities include, but are not limited to, the overall operations and strategic direction of A&S, implementation of the A&S curricula, the A&S budget, A&S faculty recruitment, appointment, and reappointment, and the general instructional excellence of the A&S faculty. The Dean also administers the policies of A&S and the University with respect to A&S, represents A&S to external constituencies, engages in activities designed to promote the development of A&S faculty, staff, and students, and consults with the A&S faculty or its designated representatives on matters as outlined in Part II.B.3.b below.

### **B. The A&S Faculty**

#### **1. Determinative Body of the A&S Faculty**

A&S faculty meetings are the determinative body of the A&S faculty. The A&S faculty shall discuss in its meetings questions or information put to it by members of the A&S or University community and, on due deliberation, pass motions, create policies on matters for which it has primary responsibility, and convey recommendations to the Dean or other administrators. Its votes, online or floor, are expressive of the faculty's determinations.

#### **2. A&S Faculty Members**

As outlined below, the A&S faculty consists of individuals with continuing faculty appointments within A&S, as well as librarians and other staff with faculty status in A&S.

- a. Those with continuing faculty appointments within A&S, typically with the title of Professor, Associate Professor, Assistant Professor, or Director (Faculty of Practice), including those on leave, have voice and vote in A&S faculty meetings and elections, and in the division that corresponds to their appointment.
- b. Administrators (Dean, Provost, University President) who hold rank within A&S are part of the A&S faculty and have voice and vote in A&S faculty meetings and elections, and in the division that corresponds to their appointment.
- c. Those with continuing faculty appointments within A&S and who either hold an

- administrative position in the office of the Dean, Provost, or University President (for example, Associate and Assistant Provosts and Deans) and/or report directly to one of these administrators (excluding administrative committee chairs, department chairs, and interdisciplinary program coordinators) are considered A&S faculty with administrative status. Such individuals are part of the A&S faculty, and have voice and vote in A&S faculty meetings and elections, and in the division that corresponds to their appointment.
- d. University Professors who hold rank within A&S are considered part of the University faculty and do not have voice or vote in A&S faculty meetings. As part of the University faculty with an appointment in A&S, University Professors may vote for A&S Senators that are at-large or represent the division that corresponds to their appointment.
  - e. Professional librarians affiliated with an A&S department or division are staff who hold faculty status in A&S by virtue of their position, which grants them voice and vote in A&S faculty meetings and elections. They are assigned a division by the A&S Steering Committee, granting them voice and vote in the assigned division.
  - f. Staff members are those individuals who hold non-faculty positions at the University. Staff members may hold faculty status as it relates to A&S according to the circumstances below.
    - i. Individual staff members may hold faculty status in A&S by action of the A&S faculty. Faculty status in A&S grants staff members voice and vote in A&S faculty meetings and elections. They are assigned a division by the A&S Steering Committee, granting them voice and vote in the assigned division.
    - ii. Individual staff members may hold faculty status at-large within the University by action of the University Faculty Senate or one of its committees. Assignment to A&S through this procedure grants these individuals the ability to vote in elections for at-large A&S Senators.
    - iii. Staff members who report directly to the University President, Provost, or any rank of Vice President may hold faculty status at-large within the University, but not faculty status in A&S.
  - a. Visiting, term, adjunct, exchange, and applied music faculty, as well as post-doctoral fellows and artists- and scholars-in residence are not considered faculty for the purposes of shared governance and may not hold faculty status in A&S.

See the Section I of the Faculty Handbook for more information on faculty status and rank and the duties and responsibilities of individual faculty members.

### **3. Responsibilities of the A&S Faculty**

#### **a. Primary Responsibilities**

Consistent with the delegation of powers by the Board of Trustees to the faculty as outlined in Part I above and subject to the Faculty Handbook and the Faculty Senate Charter, the A&S faculty shall have primary responsibility for the following matters:

- i. the A&S curriculum, including the approval of new, and revision or termination

- of existing, A&S courses, majors, and minors;
- ii. recommendations to the appropriate bodies for all academic policies exclusive to A&S;
- iii. all policies and procedures and setting the standards regarding tenure and promotion for faculty in A&S, and making recommendations regarding tenure and promotion for individual A&S faculty members; and
- iv. subject to the terms of this section (Section VII.B), all policies and procedures that oversee A&S faculty governance.

On matters for which the Board of Trustees has delegated primary responsibility to the faculty, the Dean, and as appropriate, the Provost, shall thoughtfully deliberate and carefully consider the perspective of the faculty before making decisions that are contrary to the judgment of the A&S faculty. If reasons for such decisions are offered, they shall be communicated directly to the A&S faculty at its faculty meeting (or, in cases of confidentiality, to the committee designated to make recommendations on its behalf).

**b. Consultative Responsibilities**

Effective consultation includes the exchange of ideas, information, and questions, and, when needed, providing informal advice or formal recommendations to the person or body making the decision. Consistent with the role of the faculty in shared governance as outlined in Part I above and subject to the Faculty Handbook and Faculty Senate Charter, the A&S faculty or its designated representatives shall have a consultative role regarding the following matters as they relate to A&S:

- i. the policies, procedures, and general principles exclusive to A&S governing faculty workload;
- ii. the policies, procedures, and general principles governing the hiring of faculty exclusively in A&S, as well as the annual reports, annual performance reviews, and compensation policies exclusively related to the A&S faculty;
- iii. the relative emphasis given to the various elements of educational, scholarly, and creative work, such as the weights given to and the methods, process, and instruments used to evaluate teaching, scholarly and creative work, and service in A&S merit reviews;
- iv. the priorities and strategic plans of A&S, including the allocation of A&S resources, budgeting for A&S academic and academic support programs, and the School's fundraising priorities;
- v. the policies, procedures, and general principles governing A&S departmental and program reviews;
- vi. the development and mentoring of A&S faculty, as well as the policies and procedures governing funds for professional development overseen by the Office of the Dean;
- vii. the policies, procedures, and general principles governing faculty and student awards given by A&S, as well as the nomination of faculty or students by A&S

- for University awards;
- viii. the creating, joining, or splitting of academic departments and interdisciplinary programs exclusive to A&S;
- ix. student activities and co-curricular policies and programs managed by A&S;
- x. searches for the Dean by nominating faculty members for the search committee and offering feedback on candidates in those searches; and
- xi. the structure and composition of all A&S administrative committees.

#### **4. The A&S Steering Committee**

The A&S Steering Committee (hereafter “Steering Committee”), including the Dean, is responsible for facilitating faculty governance in A&S, including overseeing A&S faculty meetings and all A&S faculty committees, as well as coordinating responses to issues raised by the A&S faculty. When needed, the Steering Committee works with the University Faculty Senate and University administrators to facilitate communication between the A&S faculty and these bodies.

#### **C. Departments and Interdisciplinary Programs**

Academic departments (hereafter “departments”) offer majors and minors, as well as courses that support interdisciplinary and cross-school programs and the general education curriculum. Department operations are administered by a department chair, but are the responsibility of all faculty and staff with appointments in the department.

Interdisciplinary programs (hereafter “programs”) offer courses, majors, and/or minors that draw on expertise from across the faculty. Their curricula include courses unique to the program and/or courses from two or more departments. Programs housed within A&S are administered by an interdisciplinary program coordinator (hereafter “program coordinator”) and are overseen by an interdepartmental program advisory board.

Departments and programs foster scholarship, design curricula, advise students, and provide a forum for academic discourse. The smooth and effective functioning of departments and programs depends upon the achievement of broadly shared goals and upon the cooperation of all faculty and staff members. Agreement about goals and cooperation in their implementation are to be achieved through regular meetings and continuing discussion among the department or program advisory board members. Traditions for making decisions and resolving disagreements within departments and programs vary, and no single procedure could possibly cover the wide range of cases that may arise. Some matters are best left to the discretion of the department chair or program coordinator, whereas others, such as those involving the interests of all members of the department or program advisory board, should be resolved through consultation, consensus, or majority vote.

Administrators (Dean, Provost, University President) shall not participate in department and program advisory board meetings or votes. A&S faculty members with administrative status (see Part II.B.2. above) may participate in departmental and program discussion and votes regarding the hiring, tenure, and promotion of faculty; they may participate in other matters as decided by a majority of the continuing faculty members of the department or program advisory board.

Departments and programs are strongly encouraged to keep policy documents, as well as easily accessible records of all votes and decisions.

## **1. Hiring of Faculty**

While the Dean has the ultimate responsibility for hiring faculty in A&S, in the spirit of collegiality and shared governance, consultation between the Dean and departments or search committees must occur in the hiring of faculty. While it is incumbent on the Dean's office to work with the faculty to provide clear and consistent procedures at the start of the process, the faculty involved should follow the prescribed procedures to the best of its ability and act as a deliberative body to provide inclusive and well-reasoned hiring recommendations to the Dean. When making a final decision regarding to whom to make an offer, all parties (Dean and department and/or search committee) should communicate their positions clearly and sensitively consider the views of the other. If there is a divergence between the Dean and the recommendation(s) by the department or search committee regarding which candidate(s) to hire, the Dean shall articulate the reasons for the divergence to the department or search committee.

In the case of interdisciplinary faculty searches, where the home department may vary from candidate to candidate, an interdisciplinary committee that crosses traditional department boundaries may be used to conduct the search. In such cases, the hiring committee will involve, for each candidate, the potential home department during the recruiting and hiring phases.

When hiring faculty with tenure and/or at the rank of Associate Professor or Professor, after the hiring decision has been made, there shall be an expedited tenure and promotion process, with the department, A&S Tenure and Promotion Committee, Dean, Provost, and University President each providing a recommendation on tenure and/or rank to the Board of Trustees.

## **2. Department Chairs and Program Coordinators**

### **a. Responsibilities of Department Chairs and Program Coordinators**

Department chairs and interdisciplinary program coordinators represent their departments and programs to the administration, and administer the operations of their respective department or program. Their responsibilities include, but are not limited to, scheduling, providing an agenda for, and presiding over department or program advisory board meetings, scheduling courses, overseeing departmental or program curricular changes, hiring, supervising, and evaluating staff, facilitating department or program relations, preparing and managing budgets, and assessing and making recommendations to the Dean regarding departmental or program resource needs.

Department chairs have the added responsibilities of assigning faculty to courses and academic advising duties, mentoring, recommendation of salary increases for departmental faculty, requesting faculty lines, overseeing departmental recommendations for faculty hires and faculty promotion and tenure, and keeping their faculty informed of the actions of the administration.

Program coordinators have the added responsibilities of working in collaboration with the Dean and faculty to assign faculty to programs, working with the Dean and, when

necessary, School(s) and the Provost's Office on staffing the programs, and working with Deans, chairs, and faculty to cultivate learning, teaching, and multi-disciplinary perspectives. Program coordinators shall keep their stakeholders informed of the actions of their program.

In order to properly accomplish their administrative duties, department chairs and program coordinators are granted reassigned time, stipends, professional development funds, and/or other forms of compensation as set forth in policies established and overseen by the Dean, in consultation with the A&S faculty.

**b. Appointment of Department Chairs and Program Coordinators**

All department chairs and interdisciplinary program coordinators are appointed by the President of the University. In practice, however, and in the spirit of shared governance, the University President delegates to the Provost, Dean, and departments/programs the responsibility of appointing chairs and program coordinators in the manner prescribed below.

Department chairs and program coordinators (and their interim replacements) should normally be chosen from the tenured members of the department or those involved in the program. They are normally nominated for appointment to a three-year term by the department or program advisory board, voting by secret ballot. The person nominated will have the approval of a majority of the department or program advisory board members eligible to vote (usually all continuing faculty in the department or program advisory board unless decided otherwise by the department or program advisory board).

If there is a 50%:50% tie between candidates, a second election will be held after further discussion by the department or program advisory board. If the tie persists after two rounds of voting, the Dean will appoint the department chair or program coordinator after consultation with the department or program advisory board.

If the department or program makes a nomination that the Dean does not support, the Dean shall meet with the department or program advisory board to explain his or her reasons for not supporting the nomination. The department or the program advisory board will then reevaluate its nomination, consider the Dean's objections, and communicate its choice for chair or coordinator to the Dean. The Dean and the department or the program advisory board will remain in consultation until a mutually agreeable candidate has been selected. A mutually agreeable candidate is a person who is willing to serve and has the support of both the Dean and a majority of the department or program advisory board members eligible to vote. The consensus candidate's name is forwarded to the Provost and then to the President as a recommendation for appointment. In rare instances when a consensus is not attained in a timely manner after protracted effort, the record of consultations and reasoning on all sides will be communicated to the Provost for resolution and recommendation to the President.

The Dean may remove a department chair or program coordinator before the end of his or her term, but the Dean shall first consult with the said department chair or program coordinator and give him or her the option to resign.

#### **D. Disagreements over Policies or Decisions**

The Dean, department chairs, program coordinators, and A&S faculty members should all work hard to make transparent and collaborative recommendations and decisions. When disagreements over administrative policies or decisions arise, individuals and/or groups of individuals shall attempt to resolve the conflict through thoughtful and respectful communication. When a resolution is not attained in a timely manner after a good faith effort, the disagreement may be referred to the Dean for resolution (if the disagreement is between A&S faculty members, including a department chair or program coordinator). If the disagreement is between the Dean and any A&S faculty member(s), including departments or programs, the Provost may be consulted as part of the resolution process.

### **Part III. The Place of A&S Committees in Shared Governance**

#### **A. A&S and University Committees**

A&S committees are formed by the A&S faculty or Dean, consist mainly of A&S faculty, staff, and/or students, and address matters relevant exclusively to A&S.

University committees are formed by the University Faculty Senate or University administrators, consist of faculty, staff, and/or students from across the University, and address matters relevant to at least two schools at the University.

#### **B. Standing and Ad Hoc Committees**

Standing committees work on a continuous basis until dissolved and normally include members with staggered terms of three years.

Ad hoc committees (including taskforces) are temporary and created for a specific task typically outside the charge of any standing committee. The charge of ad hoc committees shall also include a plan for the committee's dissolution (for example, by a specific date and/or after completion of a specific work product). Members of an ad hoc committee are normally appointed for the duration of the committee.

#### **C. A&S Faculty and Administrative Committees**

##### **1. A&S Faculty Committees**

A&S faculty committees (standing or ad hoc) are created, altered, or dissolved by action of the A&S faculty and are used as a means to undertake the faculty responsibilities outlined in Part II.B.3 above. They are chaired by an A&S faculty member, have only A&S faculty (excluding administrators and those with administrative status) as voting members, include faculty from across all divisions of A&S, and report to the A&S faculty through the Steering Committee. Their charges may include responsibilities that are primary to the faculty and/or consultative with the Dean or other administrative units. Any A&S faculty member(s) or committee may initiate changes to the A&S faculty committee structure by submitting the proposal, in writing, to the Steering Committee for possible inclusion on the agenda of an A&S faculty meeting. Since A&S faculty committees include representatives from across A&S, department and localized cross-department/program committees are not considered A&S committees. The Dean's office shall provide administrative assistance to the A&S faculty officers and committee chairs as related to their roles in faculty governance.

## **2. A&S Administrative Committees**

A&S administrative committees (standing or ad hoc) are formed, altered, or dissolved by the Dean, in consultation with the Steering Committee and/or the A&S faculty. They report to the Dean and undertake matters of importance to the Dean. Typically, their charge will not include matters that overlap the charge of an existing A&S faculty committee. Any changes to A&S administrative committees made by the Dean shall be announced to the A&S faculty at the next A&S faculty meeting.

## **Part IV. Interpreting Section VII.B**

### **A. Supremacy Clause**

Nothing in Section VII.B of Appendix II of the Faculty Handbook shall contradict or override University-wide policies or the following University governing documents: the University Bylaws, the University Faculty Senate Charter, the policy documents of the University Faculty Senate, and the Faculty Handbook.

When the policies or guidelines in this section appear in conflict with the University governing documents, the members of the Steering Committee, the A&S Senators, and the Dean shall meet to resolve such disagreements. The Steering Committee shall inform the A&S faculty of the nature of the disagreement and the steps taken to bring this section into agreement with the University faculty governing documents. In those occasions where agreement cannot be reached, the disagreement shall be referred to the Provost for resolution. Once the Provost, in consultation with the Dean, the Steering Committee, and the A&S Senators, has resolved the disagreement, the faculty shall be informed of the resolution, which shall be recorded in the minutes of an A&S faculty meeting.

If this section requires amending, the changes will be proposed by the Steering Committee and brought to the A&S faculty for approval.

### **B. Interpretation of this Section**

The Steering Committee, including the Dean, shall, in collaboration with University legal counsel when needed, rule on any question of interpretation of any policy in this section (Section VII.B). Any such rulings shall be reported to the A&S faculty at its next meeting. If this section requires amending, the changes will be proposed by the Steering Committee and brought to A&S faculty for approval.

## **VII.C School of Arts and Sciences Academic Approvals**

Subject to the Board's ultimate authority, responsibility for curriculum and methods of instruction has been delegated to the faculty. This section outlines the policies and procedures in A&S for creating, modifying, and eliminating academic programs (majors, minors, and concentrations), as well as creating and modifying courses, including content, quality, and appropriate credit.

### **A. Creating, Modifying and Eliminating Educational Programs in A&S**

Educational programs include majors and minors, as well as degree and certificate programs. New educational programs or revisions to or elimination of existing educational programs in A&S are approved using the process below and subject to the University policies and SACS-COC rules related to the creation, modification, and elimination of academic programs.

1. A faculty committee, department, or program creates the proposal.
2. The proposal is submitted to the Dean, who brings it to A&S Academic Council for its recommendation.
3. If recommended by A&S Academic Council, the proposal goes before the A&S faculty at its meeting for action.
4. If the change is approved by the A&S faculty, the proposal is then presented as a recommendation to the Provost.
5. If approved by the Provost, the proposal is then routed through all subsequent review and approval steps as outlined in the University Policy on Creating, Suspending, or Eliminating Academic Programs.

#### **B. Creating and Modifying Courses in A&S**

New courses and revisions to existing courses in A&S are proposed using a standard form and approved using the process below.

1. Courses are proposed by A&S faculty members and approved by the relevant department and/or interdisciplinary program.
2. The proposal is submitted to the Dean, who brings it to the A&S Academic Council for its recommendation.
3. If recommended by A&S Academic Council, the proposal goes before the A&S faculty at its meeting for action.
4. Once approved by the A&S faculty, the course becomes part of the regular offerings.

## **VII.D Robins School of Business Academic Organization**

*Passed by the RSB Faculty on May 2, 2019*

---

### **1. Chairs of Departments**

Chairpersons of academic departments are vitally important in guaranteeing and enhancing the quality of teaching, scholarship, and service in the E. Claiborne Robins School of Business. They are responsible to the Dean for the normal operations of their respective departments, and they are expected to represent their departments in the School's Academic Council. Department Chairs are responsible for managing their departmental budget, scheduling, facilitating student advising, conducting annual reviews of departmental faculty and staff, making merit salary

recommendations, managing faculty searches, and coordinating the departmental process of promotion and tenure of departmental faculty.

All Department Chairs are appointed and removed by the President of the University. In practice, however, and in the spirit of shared governance, the President delegates to the Provost, Deans, and departments the responsibility of appointing and removing chairs in the manner prescribed below.

Department Chairs (and their interim replacements) are nominated by the tenure-track/tenured faculty within their department. The nomination occurs by secret ballot, with the nominated individual requiring the approval of more than 50% of the department's tenure-track/tenured faculty members. In cases where no candidate has the approval of more than 50% of the department's tenure-track/tenured faculty members, a run-off ballot occurs. In case of ties, the department meets to discuss and revote to resolve the tie.

Once determined, the department's nomination is forwarded to the Dean for her/his support. In cases where the Dean supports the nomination, she/he forwards the nomination to the Provost and then to the President as a recommendation for appointment. While in cases where the Dean chooses to not support the department's nomination, the Dean meets with the department to explain his or her reasons for not supporting the nomination. The department then reevaluates its nomination and considers the Dean's objections. The Dean and the department will then remain in consultation until a mutually agreeable candidate has been selected. A mutually agreeable candidate is a person who has the support of both the Dean and more than 50% of the tenure-track/tenured faculty as determined by secret ballot. The consensus candidate's name is forwarded to the Provost and then to the President as a recommendation for appointment. In rare instances where a consensus cannot be attained in a timely manner, either within the department or between the Dean and the department, the record of consultations and reasoning on all sides are communicated to the Provost for resolution and recommendation to the President. Chairs are appointed for a term of three years and are normally eligible for reappointment for additional terms.

The Dean, or the tenured/tenure-track faculty members of the department by a majority vote of no-confidence (via secret ballot), may recommend removing the department chair before the end of her/his term. Before such a step is taken by either the Dean and/or tenured/tenure-track faculty members they must first consult with each other. Furthermore, in all cases the department chair should be given the opportunity to give their opinion in writing and should also always be given the option to resign in place of being removed, except when these options are not allowed by law.

## 2. Robins School of Business Academic Council

There is an Academic Council in the E. Claiborne Robins School of Business. The main function of the Academic Council is to provide an avenue for faculty expression and influence. The duties of the Academic Council may include: (1) advising the Dean; (2) interpreting faculty policy and considering any variations from requirements as listed in the Catalog; (3) recommending approval of new courses, majors, minors, and programs to the faculty; (4) considering certain recommendations of the Deans before they are presented to the faculty; (5) serving as a line of

communication (each faculty member may request that a matter be brought to the attention of the Council); (6) recommending changes in academic policy to the faculty.

The Academic Council is composed of the Dean, the chairs of the departments, the Associate Deans, and the Director of Assessment and Accreditation. Others are invited to meet with the Academic Council as non-voting ex officio members at the Dean's discretion. The Dean presides as chair of the Academic Council. The meetings are held monthly.

### 3. Robins School of Business Graduate Council

The Graduate Council functions for the Richard S. Reynolds Graduate School of The Robins School of Business in a manner similar to the Academic Council. The Council studies and recommends actions related to the establishment of new graduate courses, new degree programs, any exceptions to be made to the policies stated in the Graduate School Catalog, and rules on suspended and terminated students.

The Graduate Council is composed of a faculty member from each department, the Associate Dean for International Business Programs, the Associate Dean for Graduate Programs, and the Dean of the Robins School of Business. The Associate Deans and Dean have voice but no vote. The Associate Dean for Graduate Programs presides as the chair of the Graduate Council.

# VII.E Robins School of Business Academic Approvals<sup>2</sup>

## 1. Undergraduate Catalog Changes

Any individual or group of faculty members, including the Dean, may propose changes to the Undergraduate Catalog.<sup>3</sup> All changes to the Undergraduate Catalog, even if they are considered minor, must be approved using the procedures outlined below.<sup>4</sup> Once approved, these changes are forwarded to the Office of the Dean to seek any further required approvals from the Faculty Senate, Board of Trustees, Provost, President, etc. and for forwarding to the Registrar's office for incorporation into the Undergraduate Catalog. Furthermore, the Undergraduate Curriculum Committee is required to maintain a list of all changes to the Undergraduate Catalog that is accessible to the faculty.

Approving a proposal to change the Undergraduate Catalog is a three-step procedure:

1. **Initial Review:** Submission of the appropriate new course proposal, new program proposal, and/or undergraduate catalog change form(s) and an initial review of the proposal by the Undergraduate Curriculum Committee to ensure that the proposal is complete, understandable, and sufficiently addresses required faculty and facility resource needs that may arise if the proposal is approved. The Undergraduate Curriculum Committee may require additional documentation before accepting the proposal as complete and understandable.
2. **Comments & Recommendations:** Once a proposal is deemed to be complete, understandable, and one that sufficiently addresses required faculty and facility resource needs, the Undergraduate Curriculum Committee should gather comments and recommendations from individuals and groups that will be affected by the proposed change and should have the right to comment on the proposal. The group(s) asked for comments and recommendations at a minimum should include those with primary responsibility over the curriculum that is being proposed to be changed.

Next, if a proposal includes adding (or significantly altering) a new major, minor, concentration or degree/certificate program, then both the Undergraduate Curriculum Committee and Academic Council must be allowed an opportunity to provide in writing their comments and recommendations on the proposal. Also, in such cases, the Academic Council or the Undergraduate Curriculum Committee, if they believe a more thorough

---

<sup>2</sup> The committees, the Academic Council, and the Graduate Council referred to in subsections 1 & 2 of this section are those within the Robins School of Business.

<sup>3</sup> Whereas a faculty member can propose changes to any part of the Undergraduate Catalog, it should be understood that the Robins School of Business does not retain the sole right to propose changes to certain parts of the University Undergraduate Catalog, such as those containing general university policies or information about courses and programs in other schools. This is most relevant with respect to the Economics A&S Major and Minor, both of which reside in the School of Arts and Sciences.

<sup>4</sup> This includes changes to course pre-requisites.

review of the proposal is warranted, may require that a Curriculum Review Task Force also provide in writing their comments and recommendations on the proposal.

Finally, in all cases the Associate Dean of Undergraduate Programs has the right to provide in writing their own comments and recommendations on the proposal.

All recommendations and comments must include a vote count, which includes the number of members that agreed, dissented, and abstained. Dissenting members may provide in writing their own recommendation and comments on the proposal. Furthermore, in case a group fails to provide comments and recommendations in a timely fashion, the Undergraduate Curriculum Committee can decide to inform the proposer and the faculty of the delay and suspend the requirement for asking for that group's comments and recommendations before proceeding.

In cases where primary responsibility for a course, curricular requirement, major, minor, concentration, or degree/certificate program has not yet been defined, such responsibility must be assigned before progressing with the catalog change.

3. Approval: Once all comments and recommendations have been received, if the proposal does not have a significant impact on the general business school student body and/or alter faculty resource allocations across departments, and no recommendations solicited in the previous step were negative, then the Undergraduate Curriculum Committee should request that the Office of the Dean put the proposal on the consent agenda for approval at the following faculty meeting. In all other cases, the Undergraduate Curriculum Committee should make a request to the Office of the Dean for a place on the agenda at the next faculty meeting so that the proposer can present the proposal to the faculty for discussion and a vote of approval.

Proposals that involve changes to the required undergraduate curriculum (i.e. Pre-Business courses, Core courses, and curricular requirements), adding a new course, or adding/altering a major, minor, concentration or degree/certificate program may not be placed on the consent agenda and must be brought before the faculty for discussion and a vote of approval. Furthermore, a vote on major proposals, such as changing the required undergraduate curriculum (i.e. Pre-Business courses, Core courses, and curricular requirements) or adding a new major, minor, concentration or degree/certificate program, may only occur after the faculty has been given a chance to thoroughly discuss it across at least two different faculty meetings that occur at least two weeks apart from each other.

Also, before any faculty vote on the proposal, including via the consent agenda, the Undergraduate Curriculum Committee must, in a timely fashion, provide the faculty with all comments and recommendations received in the previous step and the completed Undergraduate Catalog Change Checklist form.

For consideration during the Fall semester, catalog change requests should be submitted to the Undergraduate Curriculum Committee by the end of September. For consideration during the Spring semester, they should be submitted by the end of February. The Undergraduate

Curriculum Committee is not required to, but can choose to, accept requests outside of these deadlines.

## 2. Graduate Catalog Changes

Any individual or group of faculty members, including the Dean, may propose changes to the Graduate Catalog. All changes to the Graduate Catalog, even if they are considered minor, must be approved using the procedures outlined below.<sup>5</sup> Once approved, these changes are forwarded to the Office of the Dean to seek any further required approvals from the Faculty Senate, Board of Trustees, Provost, President, etc., and for forwarding to the Registrar's office for incorporation into the Graduate Catalog. Furthermore, the Graduate Council is required to maintain a list of all changes to the Graduate Catalog that is accessible to the faculty.

Approving a proposal to change the Graduate Catalog is a three-step procedure that includes:

1. **Initial Review:** Submission of the appropriate new course proposal, new program proposal, and/or graduate catalog change form(s) and an initial review of the proposal by the Graduate Council to ensure that the proposal is complete, understandable, and sufficiently addresses required faculty and facility resource needs that may arise if the proposal is approved. The Graduate Council may require additional documentation before accepting the proposal as complete and understandable.
2. **Comments & Recommendations:** Once a proposal is deemed to be complete, understandable, and one that sufficiently addresses required faculty and facility resource needs, Graduate Council should gather comments and recommendations from individuals and groups that will be affected by the proposed change and should have the right to comment on the proposal. The group(s) asked for comments and recommendations at a minimum should include those with primary responsibility over the curriculum that is being proposed to be changed.

Next, if a proposal includes adding (or significantly altering) a degree/certificate program, then the Academic Council must be provided an opportunity to provide in writing their comments and recommendation on the proposal. Also, in such cases, the Academic Council, if they believe a more thorough review of the proposal is warranted, may require that a Curriculum Review Task Force also provide in writing their comments and recommendations on the proposal.

Finally, in all cases, both the Graduate Council and the Associate Dean of Graduate Programs have the right to provide in writing their own comments and recommendations on the proposal. However, before providing comments and recommendations on any proposal, faculty representatives on the Graduate Council should work to gather faculty input. Moreover, before the Graduate Council votes on any proposal that involves changes to the MBA program, voting members of the faculty who typically teach in the MBA program should be forwarded the proposal so that they can provide feedback to their Graduate Council faculty representatives.

---

<sup>5</sup> This includes changes to course pre-requisites.

All recommendations and comments must include a vote count, which includes the number of members that agreed, dissented, and abstained. Dissenting members may provide in writing their own recommendation and comments on the proposal. Furthermore, in case a group fails to provide comments and recommendations in a timely fashion, the Graduate Council can decide to inform the proposer and the faculty of the delay and suspend the requirement for asking for that group's comments and recommendation before proceeding.

In cases where primary responsibility for a course or degree/certificate program has not yet been defined, such responsibility must be assigned before progressing with the catalog change.

3. **Approval:** Once all comments and recommendations have been received, if the proposal does not have a significant impact on the graduate student body, the general business school student body, alter faculty resource allocations across departments, and no recommendations solicited in the previous step were negative, then the Graduate Council should request that the Office of the Dean put the proposal on the consent agenda for approval at the following faculty meeting. In all other cases, the Graduate Council should make a request to the Office of the Dean for a place on the agenda at the next faculty meeting so that the proposer can present the proposal to the faculty for discussion and a vote of approval.

Proposals that involve adding a new course or adding/altering a degree/certificate program may not be placed on the consent agenda and must be brought before the faculty for discussion and a vote of approval. Furthermore, a vote on major proposals, such as adding (or significantly altering) a degree/certificate program, may only occur after the faculty has been given a chance to thoroughly discuss the proposal across at least two different faculty meetings that occur at least two weeks apart from each other.

Also, before any faculty vote on the proposal, including via the consent agenda, the Graduate Council must, in a timely fashion, provide the faculty with all comments and recommendations received in the previous step and the completed Graduate Catalog Change Checklist form.

### **3. University-Level Approvals:**

Once approved by the Robins School of Business Faculty, catalog changes that involve new programs (minors, majors, degrees, or certificates), or changes to existing programs, must further be approved at the University-Level as follows:

1. If the catalog change impacts other schools at the University, then the University Faculty Senate must approve the change.
2. Once approved by the Robins School of Business Faculty and, if required, the University Faculty Senate, the catalog change must be presented as a recommendation to the Provost for final approval, except in the case of proposals involving degree programs which also require the approval of the Board of Trustees.

Finally, the Provost is responsible for notifying the Academic and Enrollment Management Committee of the Board of Trustees of the creation of new programs and of modifications to requirements of an existing program.

## **VII.F. School of Professional and Continuing Studies Academic Organization**

The University of Richmond Faculty Handbook provides the definitions of faculty roles and responsibilities. These guidelines may be referenced at: <https://facultyhandbook.richmond.edu/>. In addition, the University Faculty Senate Charter addresses the faculty's role in shared governance within the institution: <https://facultysenate.richmond.edu/charter/index.html>.

The faculty of the University have a significant role in the governance of the institution. In keeping with the approach of the AAUP, the faculty of School of Professional and Continuing Studies embrace the importance of faculty's role in shared governance of the institution, the school, individual programs and the curriculum within the school. As stated in the University of Richmond Faculty Handbook:

*Faculty members play a special role in the life of the University as teachers, mentors, scholars, and participants in academic governance. The terms of their appointments and duties are different from those of other University employees.*

The purpose of this document is to describe the specific application of these overarching guidelines in the School of Professional and Continuing Studies, (hereafter "SPCS").

### Membership in the SPCS Faculty

In the SPCS, the faculty is composed of full-time SPCS faculty (traditional and clinical), plus staff who hold faculty status within SPCS.

The full-time SPCS faculty includes the following types of faculty, all of whom are faculty on Continuing Appointment with Fixed Term as defined in the University faculty handbook.

Traditional track faculty: Instructor, Assistant, Associate, Professor  
Clinical track faculty: Instructor, Assistant, Associate, Professor

The full-time faculty in SPCS may grant faculty status at the school level to SPCS staff members. In accordance with the University's Faculty Handbook, these individuals shall not be deemed to have faculty status at the University level unless granted such status by the Faculty Status and Faculty Credentials Committee of the Faculty Senate.

### Responsibilities of the SPCS Faculty - Shared Governance

As stated in the preamble to the University Faculty Senate Charter, the role of governance is crucial in the academic mission of a university. When matters relate to the SPCS, the Dean and the faculty shall work collaboratively in the spirit of shared governance according to the provisions laid out in the Faculty Senate Charter. The SPCS faculty have primary responsibility for determining the SPCS majors and curriculum as well as the methods of instruction; showing excellence in scholarship and creative work; and for ensuring the quality of the SPCS faculty (selection and promotion). It has a consultative role in the governance and operation of the school, and in the development and welfare of its faculty and students. When matters relate to two or more schools, the faculty's role in shared governance is exercised by the University Faculty Senate according to the provisions laid out in its documents, including the University Faculty Senate Charter.

### The SPCS Governance Structure

SPCS is one of the five academic schools at the University of Richmond. Reporting to the Provost, the Dean of the SPCS is a member of the school's faculty, serves as the chief executive officer of the school and is responsible for the overall management of the instructional program. Associate Deans are members of the school's faculty and part of the governance structure. Each program in the school is overseen by a Program Chair, who reports to the Dean. Program Chairs are responsible for the academic program under their direction, including curricula and faculty.

The following groups have defined responsibilities in faculty governance in SPCS.

1. The SPCS Faculty

Full-time SPCS faculty members (traditional and clinical) and staff members that have been granted faculty status in the school comprise the SPCS faculty. Full-time SPCS faculty members (traditional and clinical) and staff members that have been granted faculty status in the school have voice and vote in SPCS faculty meetings. Full-time SPCS faculty members are also expected to participate in the governance of the University. (Adjunct faculty members do not have voice and vote but do have a role in academic programs and in some school activities as described below.)

Using guidance from the University Faculty Senate Charter, "The University of Richmond is committed to the principle and practice of shared governance, defined as the ethic that all members of the university community should work to align priorities in the governance of the university." To this end, the SPCS faculty meets monthly during the academic year, and as needed.

2. Associate Deans

Associate Deans serve as school administrators and part of the SPCS governance structure. The Associate Dean's titles are constituted by the Dean in consultation with

the SPCS faculty. Any Associate Dean over the academic affairs area of the school is required to be a full-time faculty member of the school.

3. The SPCS Academic Council

Voting membership of the SPCS Academic Council shall be comprised of: all full-time SPCS faculty (traditional and clinical) members, including those with administrative roles; SPCS staff with faculty status; and the SPCS Accreditation and Assessment Specialist. In addition, the Academic Council will also have non-voting membership from the tenured faculty at the associate professor or professor rank from the School of Arts and Sciences (up to 3), the E. Claiborne Robins School of Business (1), the Jepson School of Leadership Studies (1), and the T.C. Williams School of Law (1), a representative from the Office of Institutional Effectiveness, a representative of the Registrar's Office, and the Provost. The SPCS Dean is both a member and the Chair of the Council.

The SPCS Academic Council has responsibility for review and oversight of SPCS academic policies, SPCS admission policies, and the SPCS curriculum. Upon review and recommendation of the SPCS Faculty, the full SPCS Academic Council will discuss and advise on courses, curriculum and degree requirements, and admission policies. It is only the voting membership that approves courses, curriculum and degree requirements, and admission policies. The full Academic Council will also discuss and advise on the creation, suspension, modification or elimination of an academic program. Only the voting membership of the Academic Council can create, suspend, modify, or eliminate an academic program (See Appendix II, Section G for further information on creating, modifying, suspending or eliminating academic programs in SPCS).

The Academic Council shall meet at least once per fall and spring semester.

4. The Leadership Team

The SPCS Leadership Team is tasked with providing general administrative oversight of the day- to-day management of the operations of the school. The Leadership Team has an advisory role and does not independently make decisions on SPCS curriculum or other matters that are the primary responsibility of the faculty as detailed in the Faculty Handbook and University Faculty Senate Charter. The membership and responsibilities of the Leadership Team are determined by the Dean.

5. Program Chairs and Assistant Chairs

Each academic program in the SPCS is headed by a Program Chair who is a full-time, traditional track member of the SPCS Faculty. Program Chairs have primary

responsibility for adjunct faculty selection, adjunct faculty promotion, adjunct faculty evaluation, curriculum and course learning outcomes, course scheduling, and methods of instruction. Program Chairs also review and recommend the program budget in collaboration with the Dean's Office. Program

Chairs also mentor and develop other full-time faculty and adjunct faculty in their program, with input from the Dean and Associate Dean for Academic and Student Affairs of the SPCS. Assistant Chairs serve in support of the Program Chair and can serve as Program Chair on a temporary basis. Clinical faculty may serve as Assistant Chairs but not as Program Chairs. Program Chairs will not typically hold an interim status nor be a part-time adjunct faculty member.

#### 6. Council of Chairs

The Council of Chairs consists of the Chairs of all of the academic programs in SPCS and the Associate Dean responsible for academics. The Council considers issues that arise with regard to the operation and management of major/academic programs in SPCS when the decisions affect all programs. Meetings of the Council of Chairs and the Dean will occur throughout the academic year.

When students seek an exception to SPCS admission or degree requirements, the Council of Chairs divides into Undergraduate and Graduate Councils to review the exceptions. The Undergraduate and Graduate Councils consist of the chairs who have oversight of undergraduate or graduate programs respectively, programs plus the Associate Dean responsible for academics. The Academic Appeals Committee consists of a minimum of three program chairs plus the Associate Dean responsible for academics. This group is convened by the Dean as needed to review academic suspensions and other exceptions to graduation requirements.

#### 7. Adjunct Faculty

SPCS adjunct faculty members are critical to the success of the SPCS, and thus their input is valued and sought by their respective chair and by the Office of the Dean. The views of the adjunct faculty are represented by the Adjunct Faculty Advisory Committee (AFAC), which typically includes at least one representative from each program. The Associate Dean for Academic and Student Affairs provides support for the AFAC and serves as liaison between the SPCS faculty and the AFAC. In addition, there are two general meetings of the full-time and adjunct faculty each year, one in the fall and one in the spring. These meetings include breakout sessions by program where adjunct faculty are updated on the status of programs, and are consulted on curriculum, scheduling issues, and other relevant program matters.

#### 8. Promotion Committee

The Promotion Committee makes recommendations to the Dean for the promotion of full-time faculty (traditional and clinical) in the SPCS as outlined in Appendix I. The Promotion Committee is comprised of the full-time SPCS faculty (traditional and clinical) who have achieved the rank being sought by the candidate under consideration and may include Academic Council representatives chosen by the Dean from Arts & Sciences, the Jepson School of Leadership Studies, the Robins School of Business, and the School of Law who have achieved the rank being sought by the candidate under consideration.

9. Ad hoc Committees

The Dean may from time to time create ad hoc committees to address issues in the SPCS. These are committees that serve a specific purpose and complete their work within a specific time frame within the governance framework. These are not part of the long-term governance structure in the SPCS.

Faculty Role in Strategic Direction

The SPCS faculty play an important role in strategic planning which occurs at the school. In addition to the specific oversight in areas of curriculum and academic policy, the SPCS faculty should also be involved in the development of school strategic plans.

Resource Allocation at the Program Level

As the Dean's office prepares the school budget, each Program Chair should collaborate in the preparation of the budget for their program and be informed about the school's budget, including the allocation of new or vacant faculty lines. Each Program Chair makes recommendations about program needs and sets projections for enrollments (revenues) and expenses with the Dean.

Procedures for Discontinuance and Suspension of Academic Programs in the SPCS

Because of the need for coordination among multiple groups within the school, University, and accrediting organizations, the decision to create, modify or discontinue an academic program must follow careful planning, communications, and adherence to timetables (for further information, please see Appendix II, Section G.) The earliest possible collaboration with the Office of Institutional Effectiveness is advised to ensure SACSCOC compliance. Once review and approval processes within SPCS are complete, the creation, suspension, modification or discontinuance of an academic program in SPCS must follow the University Policy on Creating, Modifying, Suspending or Eliminating Academic Programs.

## **VII.G School of Professional and Continuing Studies Academic Approvals**

## Academic Program Approvals

Academic programs include majors, minors, and concentrations, as well as degree and certificate programs. Changes to requirements for existing programs and the suspension or elimination of existing programs are handled the same way as new programs. After consultation with appropriate individuals (Dean, Associate Dean, key faculty), a proposal is submitted to the Academic Council of the school using a standard form available in the Dean's Office.

- a. The Academic Council acts on the proposal.
- b. If approved by the Academic Council, the Dean must consider and then submit a recommendation to the Provost.
- c. Once the SPCS recommendation is submitted to the Provost, the remaining notification and approval processes are followed per the University Policy for Creating, Modifying, Suspending or Eliminating Academic Programs, including review by the Faculty Senate and/or the Board of Trustees, if required.

## New Course Approvals

- a. After consultation with appropriate individuals (Dean, Associate Dean, key faculty), a proposal is submitted to the Academic Council of the school using a standard form available in the Dean's Office.
- b. The Academic Council acts on the proposal.
- c. If approved by the Academic Council, the school must notify the University Registrar for inclusion in the catalog and the course becomes part of the school's curriculum.

# VII.H Jepson School of Leadership Studies

## Academic Approvals

### Educational Program Approvals

Educational program is taken to include majors as well as degree and certificate programs. Changes to requirements for existing programs are handled the same way as new programs. *New majors that impact only a single school need not go to the Senate for action.*

- a. Proposals are submitted to the Academic Affairs Committee of the school. This committee has many of the functions of the academic councils in Arts and Sciences, Continuing Studies, and Business.
- b. Upon the recommendation of the Academic Affairs Committee, the entire faculty acts on the proposal.
- c. If approved by the Leadership Studies faculty, the Dean must endorse the program and then submit it to the Provost for final approval, except in the case of new degree

programs, which require approval by the Board of Trustees. The Provost also notifies the Academic and Enrollment Management Committee of the Board of Trustees of the creation of new majors and certificate programs and the modification to requirements for an existing program. <sup>6</sup>

#### New Course Approvals

- a. A new course proposal is presented to the Academic Affairs Committee for approval.
- b. If approved by the Academic Affairs Committee, the proposal goes to the entire faculty for approval.
- c. If approved by the faculty, the course becomes part of the curriculum of the school.

## VII.I School of Law Academic Approvals

### **Creating, Modifying and Eliminating Educational Programs including creating or eliminating degrees or modifying degree requirements.**

- a. Any proposal to create, modify or eliminate an educational program in the Law School is initially discussed by the proposing party with both the Associate Dean of Academic Affairs and the Dean.
- b. The Dean then refers the proposal to the appropriate faculty committee which makes a recommendation to the faculty.
- c. Approval of the proposal requires the affirmative vote of a simple majority of the faculty voting at the faculty meeting.
- d. If the change is approved by the faculty, the proposal is then presented as a recommendation to the Provost.
- e. Once submitted to the Provost, the proposal is then routed through all necessary review and approval steps, if any, as outlined in the University Policy on Creating, Suspending, Modifying or Eliminating Academic Programs.



# UNIVERSITY OF RICHMOND

## Policy Manual

---

|                               |            |   |   |
|-------------------------------|------------|---|---|
| <b>Policy #:</b>              | ACD-2004   | <b>Policy Title:</b>                    | Privacy of Education Records (FERPA) Policy |
| <b>Effective:</b>             | 07/01/2019 | <b>Responsible Office:</b>              | University Registrar                        |
| <b>Date Approved:</b>         | 06/21/2019 | <b>Approval:</b>                        | Vice President and General Counsel          |
| <b>Replaces Policy Dated:</b> | 02/23/2019 | <b>Responsible University Official:</b> | Registrar                                   |

---

**PURPOSE:**

The University of Richmond is committed to maintaining the privacy and confidentiality of education records, to providing students with appropriate access to their education records and to compliance with the Family Educational Rights and Privacy Act of 1974 (“FERPA”), its implementing regulations, and applicable Virginia law. The purpose of this policy is to set forth the University’s policies and procedures regarding the privacy of and access to education records.

---

**SCOPE:**

This policy applies to the education records of all students and former students of the University of Richmond. Faculty, staff and students of the University are expected to comply with this policy.

---

**INDEX:**

- ACD-2004.1.....Definitions
- ACD-2004.2.....Policy
- ACD-2004.3.....Applicable Regulations & Accreditation Standards

---

**POLICY STATEMENT:**

*ACD-2004.1 – Definitions*

Student

Any person who attends or has attended the University of Richmond whether physically present on a campus or online and regarding whom the University maintains Education Records.

# ACD-2004– Privacy of Education Records (FERPA) Policy

---

## Education Records

Any record (in handwriting, print, electronic form, tapes, film, or other medium) maintained by the University of Richmond or an agent of the University that is directly related to a student. The following records are not considered Education Records subject to this policy.

- Records kept in the sole possession of the maker that are not accessible or revealed to any other person except a temporary substitute for the maker of the record.
- An employment record of an individual, maintained in the ordinary course of business and used solely in connection with such employment, provided the individual's employment is not contingent on the fact that he or she is a student. If the individual's employment is contingent upon his or her status as a student, then the records are Education Records.
- Records created and maintained by the University of Richmond Police Department ("URPD") for law enforcement purposes. Records created by URPD that are maintained by another component of the University and records created and maintained by the URPD exclusively for a non-law enforcement purpose, such as a disciplinary action or proceeding conducted by the educational institution, are considered Education Records subject to this policy.
- Clinical records relating to a student who is 18 years of age or older that are made by a physician, psychiatrist, psychologist or other recognized health care professional or paraprofessional, provided those records are made, maintained or used only in connection with treatment of the student and are disclosed only to individuals providing treatment.
- Post-attendance records created or received by the University after an individual is no longer a student in attendance and that were not directly related to his or her attendance as a student.
- Grades on peer-graded papers before they are collected and recorded by a professor or instructor.

## Parent

A biological or adoptive parent, a guardian or an individual legally authorized to act as a parent in the absence of a parent or guardian.

## School Official

The University defines School Officials for purposes of this policy as:

- A person employed by the University in an administrative, supervisory, academic or research or support staff position, including but not limited to employees of URPD, Student Health Service, or CAPS;
- A member of the Board of Trustees or a committee of the Board of Trustees;
- A person, including a student, serving on an institutional governing body, council or committee (such as Honor Councils, Student Government Associations, etc.);
- A person or entity engaged by or under contract to the University to provide services to or otherwise act on behalf of the University (e.g., an attorney, auditor, consultant);
- A volunteer providing services to or otherwise acting on behalf of the University;
- A student conducting University business (e.g. serving on an official committee, working for the University, or assisting another school official in fulfilling his or her professional responsibility); and
- Any other person determined by the Office of the Provost or Office of the Vice President of Student Development to have a need to know the information in order to perform his or her administrative tasks, to provide a service or benefit for a student, or to fulfill a legitimate educational interest of the University.

# ACD-2004– Privacy of Education Records (FERPA) Policy

---

## Legitimate Educational Interest

A School Official is determined to have Legitimate Educational Interest in personally identifiable information in an Education Record if the School Official requires such information to:

- Fulfill his or her responsibility or duty to the University;
- Perform tasks within the scope of his or her employment or within the scope of a contract with the University;
- Perform a task related to a student’s education;
- Perform a task related to the discipline of a student;
- Provide a service or benefit relating to the student or student’s family, such as health care, counseling, job placement, pastoral counseling, or financial aid; or
- Maintain the safety and security of the campus.

## *ACD-2004.2 – Policy*

### **Annual Notice to Students**

On an annual basis, the Registrar of the University shall notify Students currently in attendance at the University of their rights under FERPA. That notice shall contain the following information:

- The right of the Student to inspect and review his or her Education Records and the procedure for inspecting and reviewing such records;
- The right of the Student to seek an amendment of his or her Education Records that the Student believes to be inaccurate, misleading, or otherwise in violation of the Student’s privacy rights and the procedure for request such an amendment;
- The right of the Student to consent to the disclosure of his or her Education Records, except to the extent the disclosure is permitted under FERPA or its implementing regulations without Student consent;
- The right of the Student to file with the United States Department of Education a complaint concerning alleged failure by the University to comply with FERPA and its implementing regulations; and
- The University’s criteria for determining who constitutes a School Official and what constitutes a Legitimate Educational Interest.

**A sample of the University’s FERPA notice, which may be amended from time to time, is attached to this policy as Appendix A.**

### **Types, Locations, and Custodians of Educational Records**

The following is a list of the type of records that the University maintains, their locations, and custodians.

| <b>Type</b>                  | <b>Location</b>                   | <b>Custodian</b>   |
|------------------------------|-----------------------------------|--|
| <i>Admissions Records</i>    | Academic or College Dean's Office | Academic or College Dean;<br>Law School Associate Dean for Admission |
| <i>Financial Aid Records</i> | Financial Aid Office              | Director of Financial Aid  |

## ACD-2004– Privacy of Education Records (FERPA) Policy

---

| <b>Type</b>   | <b>Location</b>  | <b>Custodian</b>   |
|---|--|--|
| <i>Cumulative Academic Records</i>  | Office of the University Registrar   | University Registrar   |
| <i>Health Records</i>   | Student Health Center  | Director, University Health Services   |
| <i>Counseling Records</i>   | CAPS   | Director, CAPS   |
| <i>Financial Records</i>  | Office of Student Accounts   | Bursar   |
| <i>Placement Records</i>  | Career Development Center  | Director of Career Development; Associate Dean for Career Development (Law School) |
| <i>Progress Records</i>   | Office of the University Registrar   | University Registrar   |
| <i>Disciplinary Records</i>   | Academic or College Dean's Office  | Academic or College Dean   |
| <i>Student Employment Records</i>   | Financial Aid Office or Payroll Office   | Student Employment Coordinator; Payroll Supervisor                                 |
| <i>Occasional Records (Student Education Records such as minutes of faculty committee meetings, copies of correspondence in offices not listed, etc.)</i> | The appropriate official will collect such records, direct the student to their location, or otherwise make them available for inspection and review | The University staff person who maintains such occasional records                  |

### **Student Access to Inspect and Review Educational Records**

Students may inspect and review their Education Records upon written request to the University Registrar, dean, or other appropriate official records custodian, stating as precisely as possible the Education Record or Records he or she wishes to inspect.

The University official will make the needed arrangements for access as promptly as possible and notify the student of the time and place where the Education Records may be inspected. The University will provide access to the requested Education Records within 45 days of receipt of the request.

The University will respond to reasonable written requests from Students for an explanation or interpretation of the Student's Education Record.

If circumstances effectively prevent a Student from exercising the right to inspect and review his or her Education Records, the University, in its sole discretion, shall either provide the Student with a copy of the requested Education Record or make other arrangements for the Student to inspect and review the requested Education Record.

The University does not charge a fee for the first copy of an Education Record or an official transcript, but the University reserves the right to charge for multiple copies, if requested.

Notwithstanding the provisions of the University's Record Retention Policy, the University shall not destroy any Education Record if there is an outstanding, written request to review such records in accordance with this policy.

## **Limitations on a Students Right to Inspect and Review Educational Records**

Consistent with FERPA and its implementing regulations, the right of a Student to inspect and review Education Records is limited as follows:

- When a record contains information about more than one Student, the Student requesting access may inspect and review only the records which relate to the requesting student, unless access to other parts of the records is permitted under FERPA or other applicable law.
- A Student is not entitled to review and inspect financial records of the Student's Parents.
- A Student is not entitled to review and inspect confidential letters and statements of recommendation for which the student has waived, in a signed document, his or her right of access, or which were placed in the Student's Education Records before January 1, 1975. If the Student has waived his or right of access and subsequently requests such access, the University shall, upon request, give the Student the names of the individuals who provided the letters or statements of recommendation and shall use the letters or statements only for the purpose for which they were intended.
- A Student is not entitled to review and inspect records connected with an application to attend the University of Richmond or a component unit of the University of Richmond if that application was denied or the student never attended the University.
- A Student is not entitled to review and inspect any record that does not meet the definition of an Education Record.

## **Requests for Amendments to Educational Records**

Students have the right to request amendment of records that they believe to be inaccurate, misleading, or in violation of their privacy rights. Following are the procedures for the request for amendment of records:

1. A student must submit a request in writing to the appropriate official records custodian of the record in question, identifying the Education Record to be amended, specifying how the Education Record is believed to be inaccurate, misleading, or in violation of privacy rights.
2. The University of Richmond may comply with the request or it may elect not to comply. If the University elects not to comply, the student will be notified in writing of the decision and advised of the right to a hearing to challenge the information believed to be inaccurate, misleading, or in violation of privacy rights.

3. Upon written request by the student made within thirty (30) days of receipt of the University's decision not to amend the Education Record, the University of Richmond will arrange for a hearing, and notify the student, reasonably in advance, of the date, place and time of the hearing.
4. The hearing will be conducted by a hearing officer or committee appointed by the Executive Vice President for Academic Affairs. The hearing will be held before an officer or committee with no direct interest in the outcome of the hearing. However, the hearing officer or committee may be employed by or exist at the University. The student shall be accorded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student's education records. The student may be assisted by one or more individuals, including an attorney. The University document custodian or his or her designee shall also be afforded the opportunity to present evidence relevant to the issues raised in the request to amend the record.
5. The University of Richmond will prepare a written decision based solely on the evidence presented at the hearing. The decision will include a summary of the evidence presented and the reasons for the decision.
6. If the University of Richmond decides the challenged information is inaccurate, misleading, or in violation of privacy rights, it will amend the Education Record and notify the student, in writing, that the Education Record has been amended.
7. If the University of Richmond decides that the challenged information is not inaccurate, misleading, or in violation of privacy rights, the Education Record will stand unchanged. However, the student will be advised of his/her right to place in the Education Record a statement regarding the challenged information and/or a statement setting forth reasons for disagreeing with the decision not to change the Education Record.
8. This statement will be maintained as part of the student's Education Record as long as the contested portion is maintained. If the contested portion of the Education Record is disclosed, the statement must be disclosed with it.

### **Disclosure of Educational Records**

The University of Richmond will disclose personally identifiable information from a student's Education Records only with the written consent of the student, except to the extent that such disclosure is permitted by FERPA. FERPA permits the University to disclose personally identifiable information from a student's Education Record, without Student consent, under the following circumstances:

1. To School Officials determined by the University to have a Legitimate Educational Interest.
2. To agents acting on behalf of the institution (e.g. clearinghouses, degree/enrollment verifiers).
3. To officials at other schools at which the student seeks or intends to enroll, or where the student is already enrolled as long as the disclosure is for purposes related to the student's enrollment or transfer.
4. To the apparent creator of a record to verify authenticity (e.g. transcript or letter)
5. To authorized representatives of the following government entities if the disclosure is in connection with an audit or evaluation of federal or state supported education programs, or for the enforcement of or compliance with federal legal requirements that relation to those programs: Comptroller General of the United States, Secretary of Education, U.S. Attorney General and state and local educational authorities.
6. In connection with a student's request for or receipt of financial aid, as necessary to determine the eligibility, amount or conditions of the financial aid, or to enforce the terms and conditions of the aid.

7. To organizations conducting studies for or on behalf of the University to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction.
8. To accrediting organizations, including individuals or visiting committees, to carry out their accrediting functions.
9. To parents of a Student who claim the Student as a dependent for income tax purposes, provided dependency is appropriately documented.
10. To comply with a judicial order or a lawfully issued subpoena.
11. To appropriate parties, including parents, in connection with a health or safety emergency if the University determines that there is an articulable and significant threat to the health or safety of a student or other individual(s).
12. If the information constitutes Directory Information, as defined below, the Student has not requested that his or her directory information not be disclosed, and such disclosure is permitted by Virginia Code §23.1-405.
13. Upon written request from an alleged victim of any crime of violence or a non-forcible sex offense, the final results of the institutional disciplinary proceeding regarding the alleged crime or offense. If the alleged victim is deceased as a result of the crime or offense, the next of kin of the victim shall be treated as the victim for purposes of this disclosure. This disclosure shall be limited to the name of the accused student, the violation found to have been committed or the finding that no violation was committed, and any sanction imposed against such student
14. Subject to limitations set forth in FERPA and to other applicable law or regulations, the disclosure is in connection with disciplinary proceedings at the University.
15. To a Student's Parent(s), information regarding any violation of any Federal, State or local law or of University rule or policy as the use or possession of alcohol or controlled substances, if the Student is under age 21 at the time of the disclosure and the University determines that such alcohol/drug use or possession constitutes a disciplinary violation.
16. The disclosure concerns sex offenders and other individuals required to register under section 170101 of the Violent Crime Control and Law Enforcement Act of 1993, 42 USC 14071 and the information was provided to the University under 42 USC 14071 and applicable Federal guidelines.
17. To Veteran's Administration officials pursuant to 38 U.S.C. 3690(c).
18. As required or permitted by any other Federal law or any state law that has not been pre-empted by FERPA.

The University also may release Education Records without consent after the removal of all personally identifiable information and after the University makes a reasonable determination that a Student's identity is not personally identifiable in such records, whether through single or multiple disclosures, and taking into account other reasonably available information.

### **Consent for the Disclosure**

Consent for the disclosure of a Student's Education Record must be in writing, signed, and dated by the Student, specifying the records to be released, the reasons for such release, and to whom the records are to be disclosed.

## Record of Disclosures

Except where not required under FERPA regulations (34 CFR 99.33) (e.g. disclosures of directory information, disclosures pursuant to court order under the USA PATRIOT Act), the University will inform all third parties to whom personal information from a Student's Education Record is released that such third party may not further release such information without written consent of the Student. The University of Richmond will maintain a record of third parties who have requested or obtained access to Educational Records and/or disclosure of such information from a Student's Education Records (not including parties seeking directory information, parties having student consent, circumstances involving certain grand jury subpoenas, and disclosures pursuant to court order under the USA PATRIOT Act). The record will indicate the name of the party making the request, any additional party to whom it may be redisclosed, and the legitimate interest the party had in requesting or obtaining the information. This record of access, to be kept with the Education Records, is available only to the student and the custodian(s) of the Education Record.

If the University discloses an Education Record without consent in connection with a health or safety emergency, the University will record and maintain the following:

- The articulable and significant threat to the health or safety of a Student or other individuals that formed the basis for the disclosure; and
- The parties to whom the University made the disclosure.

## Directory Information

The University of Richmond has designated the following categories of Student information as public or Directory Information:

- Name
- Addresses: permanent, campus, local (off-campus), email and campus computer network (IP) address, net id
- Associated telephone numbers
- Date and place of birth
- School or college
- Major and/or minor fields of study
- Degree sought
- Expected date of completion of degree requirements and graduation
- Degrees conferred (including dates of conferral)
- Awards and Honors (e.g. Dean's list)
- Full or part time enrollment status
- Dates of attendance
- Previous institutions attended
- Participation in officially recognized activities and sports
- Weight and height of members of athletic team members
- Photographic or videotaped images of the student

Except as specified below, the University may disclose any of these items at its discretion, without prior written consent, unless the Student requests "Confidentiality." A student can request "Confidentiality" by

# ACD-2004– Privacy of Education Records (FERPA) Policy

---

notifying the Registrar in writing that he or she does not wish to permit disclosure of their directory information. Requests for non-disclosure by the Student are in effect from the date received in writing from the Student until rescinded in writing by the Student. For practical purposes, requests should be received in the Office of the University Registrar no later than August 1 to ensure that the student's Directory Information is not published in the Campus Directory.

The University shall not disclose, as Directory Information, the physical address, email address, or telephone number of a Student to third parties without the prior written consent of the Student, except to the extent permitted by Virginia Code §23.1-405. The University may disclose the physical address, email address, or telephone number of a Student to other University Students provided: (i) the Student has not chosen "Confidentiality," notifying the Registrar in writing that he or she does not wish to permit disclosure; and (ii) such disclosure is for educational purposes or University business and operations (including the activities of registered student organizations).

## **Compliance**

Students are encouraged to contact the University Registrar, Queally Center, ext. 8639, e-mail address registrar@richmond.edu with questions or complaints about this Policy. If they have questions or concerns about this policy, under FERPA, students have the right to contact the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Ave., S.W., Washington, DC 20202-4605, e-mail address: ferpa@ed.gov, with a complaint about the University's compliance with FERPA.

### *ACD-2004.3 – Applicable Regulations & Accreditation Standards*

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99)

Code of Virginia: § 23.1-405. Student records and personal information; social media

## **RELATED POLICIES:**

---

## **POLICY BACKGROUND:**

---

Policy dated December 14, 2010

Revised policy dated August 22, 2016

Current policy reviewed by Deans and President's Cabinet prior to approval on February 23, 2019

Non-substantive changes made to change Dean titles on November 13, 2019

## **POLICY CONTACTS:**

---

University Registrar, Registrar's Office

## **Appendix A**

### **Annual FERPA Notice - 2019**

In compliance with its obligations under the 2008 Reauthorization of the Higher Education Act of 1965, as amended, the University of Richmond is committed to providing students and prospective students with information about the University and its financial aid programs. The following is a list of those disclosure obligations and links to the websites where detailed information can be obtained. The University will provide paper copies of the information listed below upon request. If you would like to obtain a paper copy of the information described below, please contact Office of the University Registrar, (804) 289-8639.

\*\*\*FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)\*\*\*

#### **STUDENT RIGHTS UNDER FERPA**

The Family Educational Rights and Privacy Act (commonly referred to as FERPA or the "Buckley Amendment") affords students certain rights with respect to their education records. These rights are:

1. The right to inspect and review the student's education records within 45 days of the day the University receives a request for access. A student should submit a written request to the Office of the University Registrar and specify the record(s) he or she wishes to inspect. The Registrar's Office will make arrangements with the appropriate office for access and notify the student of the time and place where the records may be inspected.
2. The right to request the amendment of the student's education records that the student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA. A student who wishes to ask the University to amend a record should write the University official responsible for the record, clearly identify the part of the record the student wants changed, and specify why it should be changed. If the University decides not to amend the record as requested, the University will notify the student in writing of the decision and the student's right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.
3. The right to provide written consent before the University discloses personally identifiable information from the student's education records, except to the extent that FERPA authorizes disclosure without consent. The University of Richmond discloses education records without a student's prior written consent under the FERPA exception for disclosure to school officials with legitimate education interests.

A school official is defined by the University as:

- A person employed by the University in an administrative, supervisory, academic or research or support staff position, including but not limited to employees of the University Police Department, Student Health Service, or CAPS;
- A member of the Board of Trustees or a committee of the Board of Trustees;
- A person, including a student, serving on an institutional governing body, council or committee (such as Honor Councils, Student Government Associations, etc.);
- A person or entity engaged by or under contract to the University to provide services to or otherwise act on behalf of the University (e.g. an attorney, auditor, consultant);
- A volunteer providing services to or otherwise acting on behalf of the University;

- A student conducting University business (e.g. serving on an official committee, working for the University, or assisting another school official in fulfilling his or her professional responsibility); and
- Any other person determined by the Office of the Provost or Office of the Vice President of Student Development to have a need to know the information in order to perform his or her administrative tasks, to provide a service or benefit for a student, or to fulfill a legitimate educational interest of the University.

A school official is determined to have legitimate educational interest in personally identifiable information in an education record if the school official requires such information to:

- Fulfill his or her responsibility or duty to the University;
- Perform tasks within the scope of his or her employment or within the scope of a contract with the University;
- Perform a task related to a student's education;
- Perform a task related to the discipline of a student;
- Provide a service or benefit relating to the student or student's family, such as health care, counseling, job placement, pastoral counseling, or financial aid; or
- Maintain the safety and security of the campus.

As of January 3, 2012, the U.S. Department of Education's FERPA regulations expand the circumstances under which your education records and personally identifiable information (PII) contained in such records -- including your Social Security Number, grades, or other private information -- may be accessed without your consent. First, the U.S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education, or state and local education authorities ("Federal and State Authorities") may allow access to your records and PII without your consent to any third party designated by a Federal or State Authority to evaluate a federal- or state-supported education program. The evaluation may relate to any program that is "principally engaged in the provision of education," such as early childhood education and job training, as well as any program that is administered by an education agency or institution.

Second, Federal and State Authorities may allow access to your education records and PII without your consent to researchers performing certain types of studies, in certain cases even when we object to or do not request such research. Federal and State Authorities must obtain certain use-restriction and data security promises from the entities that they authorize to receive your PII, but the Authorities need not maintain direct control over such entities. In addition, in connection with Statewide Longitudinal Data Systems, State Authorities may collect, compile, permanently retain, and share without your consent PII from your education records, and they may track your participation in education and other programs by linking such PII to other personal information about you that they obtain from other Federal or State data sources, including workforce development, unemployment insurance, child welfare, juvenile justice, military service, and migrant student records systems.

The University may disclose directory information about a student, without their consent, unless the student has specifically requested in writing to withhold the release of information. Written requests to withhold the release of public information must be submitted to the Office of the University Registrar. The request will be honored (even after the student graduates) until the student specifically directs the University otherwise.

Directory information, as defined by the University of Richmond includes:

- Name
- Addresses: permanent, campus, local (off-campus), email, campus computer network (IP) address, and net ID\*
- Associated telephone numbers
- Date and place of birth

- School or college
- Major and/or minor fields of study
- Degree sought
- Expected date of completion of degree requirements and graduation
- Degrees conferred (including dates of conferral)
- Awards and Honors (e.g. Dean's list)
- Full or part time enrollment status
- Dates of attendance
- Previous institutions attended
- Participation in officially recognized activities and sports
- Weight and height of members of athletic teams
- Photographic or videotaped images of the student

Please note: Because of the access afforded by a University ID, this number should be treated as confidential -- it should be protected and not carelessly shared with others. It will be used for a student's entire time at the University of Richmond, so it should always be treated in a confidential manner.

\*NOTE: Code of Virginia 23.1-405(C) restricts the disclosure of a student's email address, physical address, or telephone number under the exception in the Family Educational Rights and Privacy Act (FERPA) for directory information unless the student has approved the disclosure in writing.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the University to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-5901

The University's complete FERPA Policy statement can be found on the University Registrar's website at <https://registrar.richmond.edu/ferpa/index.html>. For additional questions contact the Registrar's Office at (804) 289-8639 or [registrar@richmond.edu](mailto:registrar@richmond.edu).

# Progressive Discipline

All employees are expected to meet generally accepted standards of performance and behavior. There are occasions, however, when even after counseling, discussion, and opportunities to improve, employees cannot or choose not to meet the required level of performance standards. The focus of performance management is on correcting employee performance.

Listed below are the steps to be followed when disciplinary action is necessary. Disciplinary action imposed against a staff employee is generally imposed due to unsatisfactory job performance or unacceptable personal conduct. However, there may be situations of serious misconduct when the supervisor may move directly to a later step in the process, including termination.

## **Verbal Warning**

In most, but not all, cases, initial counseling or disciplinary action should be in the form of a verbal discussion and warning. Records of all verbal, counseling, and disciplinary actions will be maintained by the employee's immediate supervisor. Copies of written warnings to employees will be forwarded to Human Resource Services for filing with official employee records.

## **Written Warning**

If there are continued problems requiring further action beyond oral warnings, then a formal written warning outlining the extent of the problem, suggested courses of action, and the time period for resolution should be prepared and discussed with the employee. The employee may be required to sign the provided statement, signifying receipt to such communication. Failure to sign for receipt of communication may be cause for immediate dismissal.

## **Suspension**

If a serious incident occurs that may warrant discharge, then the employee may be suspended, pending investigation.

## **Termination**

If it becomes necessary to release employees, then they, in effect, will have released themselves by the record they have established.

Discharge without prior warnings or suspensions may be justified for very serious offenses, including, but not limited to: dishonesty, insubordination, or gross misconduct.

Although no employee shall have the right to any formal University hearings before dismissal or other disciplinary action, he or she shall be entitled to invoke the then existing University grievance procedure after dismissal or other disciplinary action (subject to the conditions of this procedure). However, dismissal or other disciplinary action shall not be suspended pending resolution of the employee's claim pursuant to the grievance procedure.

## **Staff Grievance Procedure**

When necessary, employees are afforded the right to use the grievance procedure (officers and probationary employees are not covered by this policy).

Matters considered under this policy include:

- Counseling and disciplinary actions taken against an employee
- Promotion or transfer decisions
- Matters that have serious implications on an employee's employment

Ratings given during performance appraisals, work assignments, and layoffs are not matters covered by this process. To determine if a matter falls under the grievance procedure, contact Human Resources at [urhr@richmond.edu](mailto:urhr@richmond.edu) or by calling 804.289.8747.

### **Informal Resolution**

The employee must bring forth the grievance to his or her immediate supervisor within one calendar week after the time that he or she first has knowledge of the event or circumstance that is the basis for the grievance.

No grievance may be considered under this procedure after one year from the date of such event or circumstance.

Since most grievances can be settled through a conversation between the employee and his or her immediate supervisor, a formal written grievance will not be considered unless:

- The grievance has first been discussed with the supervisor.
- The supervisor has had three working days to respond to the employee.

### **Informal Discussion with Human Resources Staff Present**

An employee may wish to discuss his or her complaint in a discussion facilitated by a member of the University's Human Resources office. In such case, the complainant should notify the appropriate HR Business Partner of his/her desire to pursue this option. The HR Business Partner will make an independent assessment as to whether informal resolution is appropriate, given the nature of the allegation, and, if it is, will coordinate such a discussion.

### **Formal Resolution**

If the informal attempt at resolution has not resolved the disputed matter to the satisfaction of the aggrieved employee, then:

The employee may submit a letter to his or her immediate supervisor within three working days after receiving the supervisor's response. A copy must also be sent to the associate vice president of Human Resources (AVP HR).

The letter should be signed, dated, and include:

1. Date(s) of the occurrence(s)
2. Statement and basis of the grievance and that the document submitted be treated as a formal complaint
3. A specific description for the conduct or behavior upon which the complaint is based; and
4. Attempts (including dates) made to resolve the grievance

Upon receipt of the letter, AVP HR (or designee) will meet separately with the employee, the supervisor, and with any other person or persons deemed appropriate. The associate vice president will review documents and other materials deemed necessary for a full review of the facts related to the grievance.

The AVP HR will provide the employee with a decision within three (3) working days after the review has been completed. However, the AVP HR may extend or modify the time limits.

### **Appeal Procedure**

If the aggrieved employee is not satisfied by the decision of the associate vice president, then he or she must file a written appeal with the AVP HR. The appeal must be filed within ten (10) working days of learning of the decision.

The appeal must include the following:

- The basis for the appeal, which must be detailed and
- Any factual information supporting the basis for the appeal.

The appeal will be considered by a grievance appeal committee of three or more persons to be appointed by the Vice President for Business and Finance of the University.

The grievance appeal committee will meet with the aggrieved employee at a mutually convenient time. At this meeting, the aggrieved employee may be accompanied, if he or she so desires, by a non-attorney representative or advisor of his or her choosing. The representative or advisor must be a University employee.

The committee may also elect to meet separately with the AVP HR or his/her designee and any other person(s) it deems necessary for a full review of the facts. The committee will make a recommendation to the Vice President for Business and Finance of the University. The decision of the Vice President for Business and Finance to approve, disapprove, or modify the recommendation shall be final.

The decision on a request for an appeal shall be made within thirty (30) days of the receipt of the appeal, unless there is good cause for a reasonable extension of this time period. In which event, the AVP HR or his/her designee shall provide written notice to the aggrieved employee.

Upon reaching a decision on a request for an appeal, the Vice President for Business and Finance shall provide written notification of his/her decision to the aggrieved employee and to the AVP HR.