



## **2017-2018 and 2018-2019 Report on Response to Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence**

The University of Virginia (University) is an institution built on honor, integrity, trust, and respect. Consistent with these values, the University is committed to providing a safe and non-discriminatory learning, living, and working environment for all members of the University community. The University does not discriminate on the basis of sex or gender in any of its education or employment programs and activities.

The University's [Policy on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence \(Title IX Policy\)](#), went into effect in July 2015 and prohibits Sexual Assault, Sexual Exploitation, Intimate Partner Violence, Stalking, Sexual or Gender-Based Harassment, Complicity in the commission of any act prohibited by this policy, and Retaliation against a person for the good faith reporting of any of these forms of conduct or participation in any investigation or proceeding under this policy (collectively, "Prohibited Conduct"). These forms of Prohibited Conduct are unlawful, undermine the character and purpose of the University, and will not be tolerated. The ([Procedures for Reports Against Students - Appendix A](#)) and the ([Procedures for Reports Against Employees - Appendix B](#)) (collectively, the Procedures), provide further detail on the applicable procedures for responding to reports of Prohibited Conduct.

The Office for Equal Opportunity and Civil Rights (EOCR) Title IX team is responsible for responding to and resolving reports of Prohibited Conduct made pursuant to the Title IX Policy and Procedures. This report presents data on the number of reports of Prohibited Conduct resolved during the 2017-2018 and 2018-2019 academic years.<sup>1</sup> Reports made in one academic year may be resolved in a subsequent academic year due to the timing of when the report is made to the University, the length of the investigation, and other factors. EOCR is publishing a report combining the previous two academic years due to the volume of investigations that were initiated in the prior academic year and resolved in the subsequent year.

The Procedures provide for two types of resolution under the Title IX Policy – Alternative Resolution and Formal Resolution. This report details the University's responses to reports pursuant to Formal Resolution. While the University received additional reports of Prohibited Conduct during these academic years, those reports either were resolved through Alternative Resolution, which is discussed in more detail below, or, due to the lack of information about the identity of or lack of authority over the alleged perpetrator (Respondent) (i.e., not affiliated with the University), or to honor the preference of the impacted individual (Complainant) for anonymity or no action, University action may have been unavailable or not pursued where the University deemed it possible to honor the Complainant's preference.

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<sup>1</sup> For purposes of this report, the 2017-2018 academic year began on the day courses began, August 21, 2017, and the day courses concluded on August 27, 2018; the 2018-2019 academic year began on August 28, 2018 and concluded on August 26, 2019.

## **Formal Resolution**

Formal Resolution is a formal investigation by an assigned, trained, neutral investigator pursuant to the University’s Title IX Policy and Procedures. EOCR employs four full-time Title IX Investigators whose primary responsibility is to investigate reports of Prohibited Conduct and a Deputy Title IX Coordinator, who assists the Title IX Coordinator with managing reports of Prohibited Conduct involving employees and also investigates reports of Prohibited Conduct involving students. EOCR also employs two Equal Opportunity and Civil Rights Specialists and maintains a pool of external investigators, who are trained on the University’s Title IX Policy and Procedures, and are available to investigate reports of Prohibited Conduct.

### **2017-2018 Academic Year**

During the 2017-2018 academic year, the Title IX Office resolved 18 reports of Prohibited Conduct through Formal Resolution under the University’s Title IX Policy. A report that is opened for Formal Resolution may implicate one or more policy violations under the Title IX Policy or other relevant University policies. For example, a single report of Intimate Partner Violence may also include additional Prohibited Conduct under the Title IX Policy, such as Sexual or Gender-Based Harassment, or policy violations under the University’s Standards of Conduct or Preventing and Addressing Discrimination and Harassment policy (PADH Policy). There were a total of 46 alleged policy violations in 18 Formal Resolutions. The incident type/alleged policy violations investigated in these reports are identified below in Figure 1.

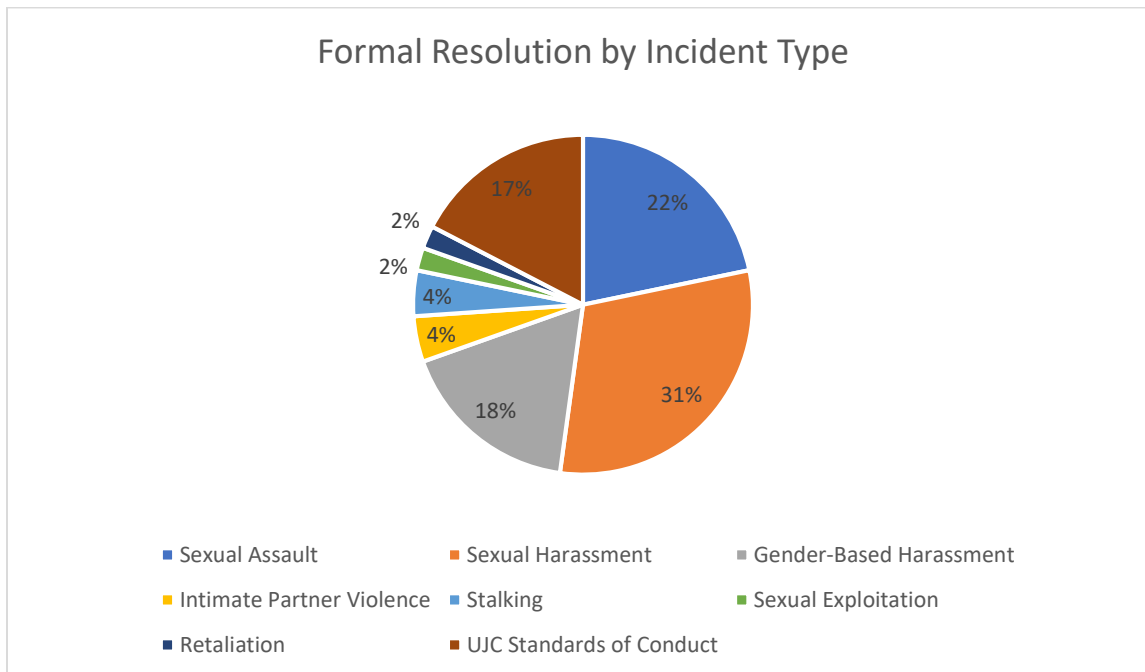


Figure 1. Formal Resolution by Incident Type (2017-2018).

Of the 18 Formal Resolutions, 14 resulted in findings of No Responsibility and 4 in findings of Responsibility. Review Panel Hearings were convened pursuant to the Title IX Policy in three

matters. Sanctions for students with findings of Responsibility for violating the Title IX Policy included the following sanctions: placing a degree hold, limiting access to facilities or events, written reprimand, coaching and training by the Title IX staff, participation in substance abuse training, suspension, suspension in abeyance, and/or No Contact Directives. Findings of Responsibility or No Responsibility by policy violation are outlined in Figure 2.

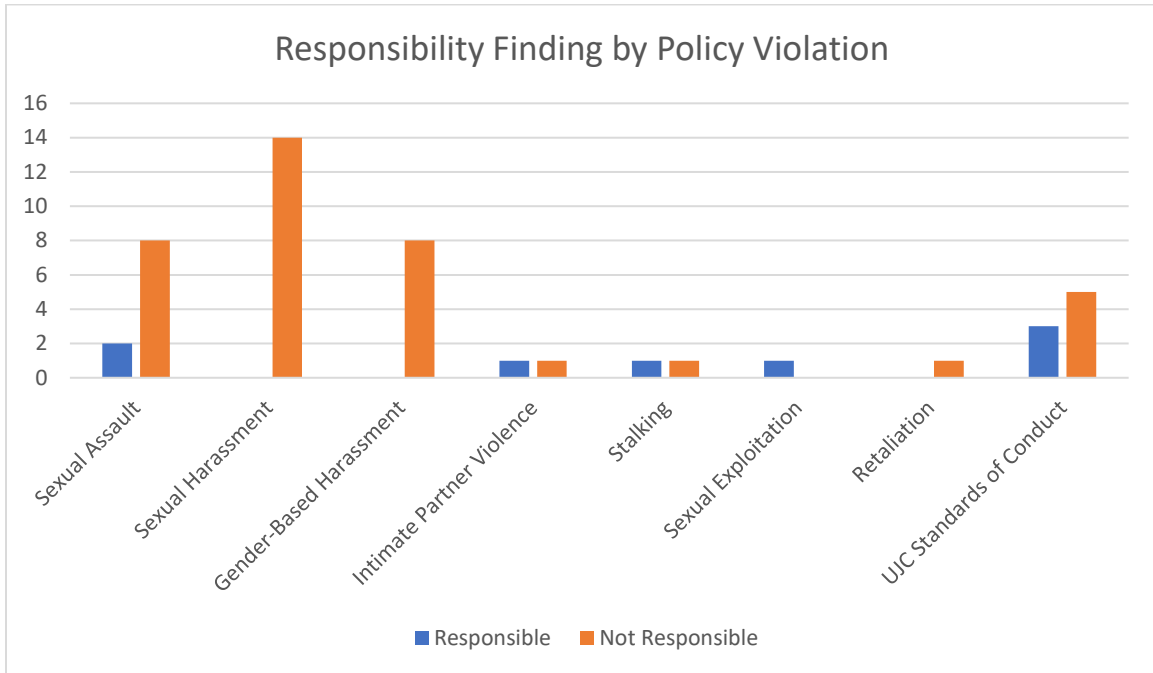


Figure 2. Responsibility Finding by Policy Violation (2017-2018).

The demographics of the Complainants and Respondents, based upon information reported to the University, are outlined in Figures 3 - 8. Information about the primary location reported concerning the Prohibited Conduct is outlined in Figure 9.

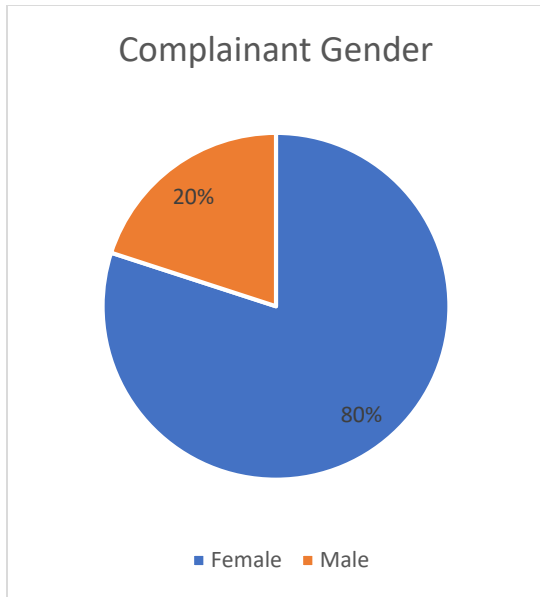


Figure 3. Complainant Gender (2017-2018).

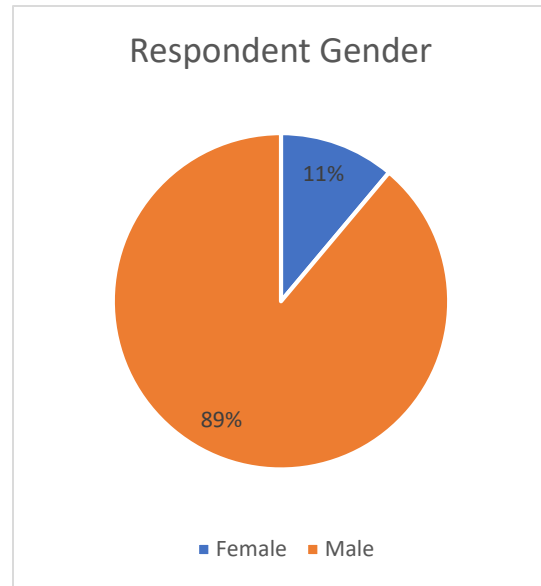


Figure 4. Respondent Gender (2017-2018).

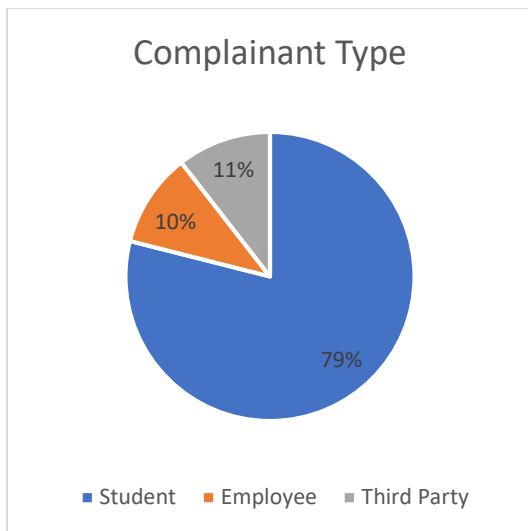


Figure 5. Complainant Type (2017-2018).<sup>2</sup>

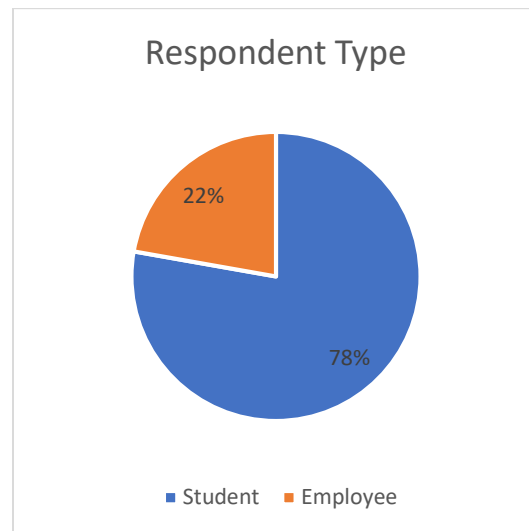


Figure 6. Respondent Type (2017-2018).

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<sup>2</sup> A third party is defined as an individual who does not currently have an affiliation with the University as either a student or employee. Examples of third parties include former employees, alumni, visitors, and other unaffiliated individuals.

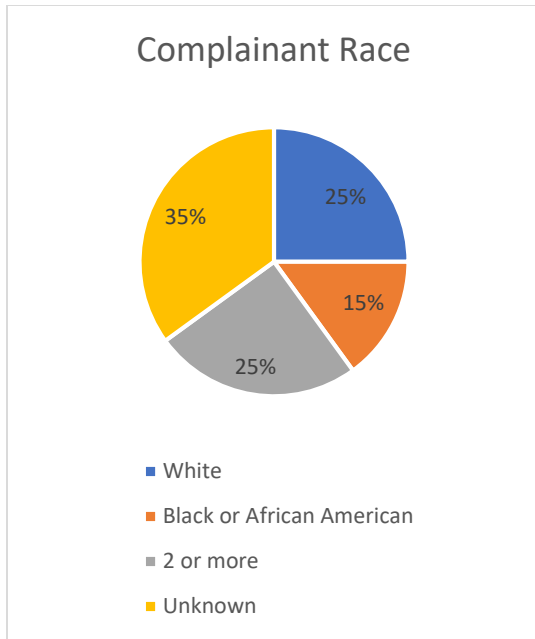


Figure 7. Complainant Race (2017-2018).

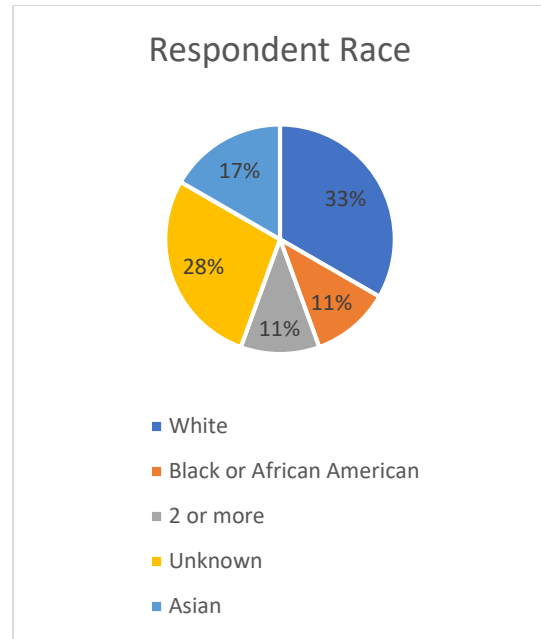


Figure 8. Respondent Race (2017-2018).

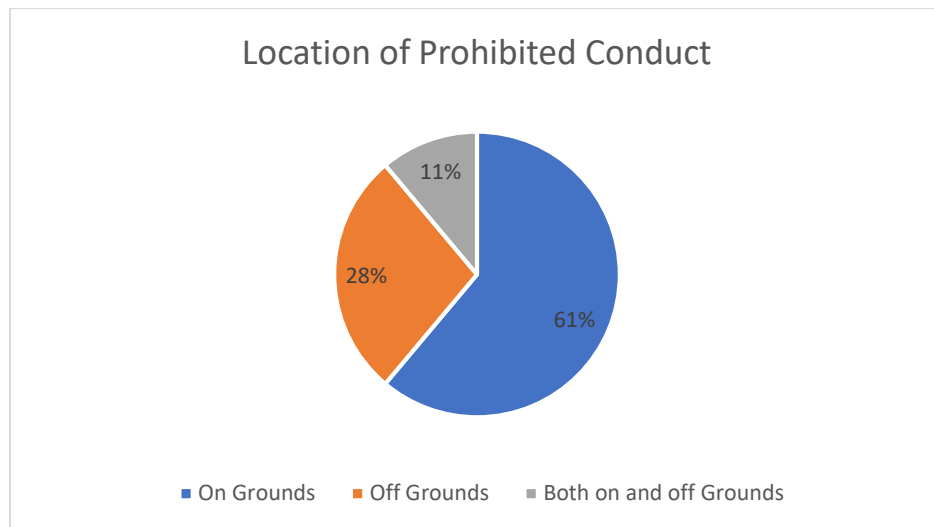


Figure 9. Location of Prohibited Conduct (2017-2018).

A Formal Resolution is initiated by a written Notice of Investigation to Complainant and Respondent. Such a written Notice of Investigation explains the conduct reported to the University, identifies potential Title IX Policy violations, and notifies the parties of the identity of the assigned investigator with an opportunity to challenge the assigned investigator for an actual conflict of interest. In addition, the parties are provide an explanation of the Procedures and the rights and responsibilities during a Formal Resolution. Subsequent to the issuance of the Notice of Investigation, during a Formal Resolution, the assigned investigator conducts an investigation into the reported conduct, prepares a Draft Investigation Report, which is shared with both parties who are provided an opportunity to respond, and drafts a Final Investigation Report with

a recommended finding of Responsibility or No Responsibility for each potential policy violation. Either party may contest the recommended finding to a Review Panel Hearing/Meeting<sup>3</sup>. If contested, a Review Panel, which consists of three trained faculty or staff members, first determines whether there is substantial doubt as to the fairness, thoroughness, or impartiality of the investigation; and, if not, next determines whether the recommended findings are supported by a preponderance of the evidence (i.e., what more likely than not occurred). The Review Panel is guided by a non-voting Hearing Chair, whose role is to ensure adherence to the Procedures. In Review Panel Hearings involving student Respondents, the Review Panel determines the sanction; while in Review Panel Meetings involving employee Respondents, the Review Panel provides recommended findings and sanctions to the Senior Executive, who renders the final decision.

During the 2017-2018 academic year, a Formal Resolution was completed, on average, in 137 calendar days. Figure 10 displays the average days between each critical step in the Formal Resolution process.

<b>Notice of Investigation to Draft Investigation Report</b>	<b>Draft Investigation Report to Final Investigation Report</b>	<b>Final Investigation Report to Notice of Hearing</b>	<b>Notice of Hearing to Review Panel Hearing</b>	<b>Review Panel Hearing/Meeting to Final Outcome Letter</b>
89 days	33 days	14 days	17 days	4 days

Figure 10. Average time related to key case processing stages (2017-2018).

The Procedures provide for extensions of time for good cause, which may occur for a variety of reasons, including but not limited to the availability of parties or witnesses, availability of a party’s advisor or support person, additional investigative steps, opportunity to review additional information gathered during an investigation, voluminous evidence, and law enforcement requested pause.

**2018-2019 Academic Year**

During the 2018-2019 academic year, the Title IX Office resolved 50 reports of Prohibited Conduct through Formal Resolution under the University’s Title IX Policy. As noted above, a report that is opened for Formal Resolution may implicate one or more policy violations under the Title IX Policy or other relevant University policies. There were a total of 142 alleged policy violations in 50 Formal Resolutions. The incident type/alleged policy violations investigated in these reports are identified below in Figure 11.

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<sup>3</sup> Under the Procedures, Review Panel Hearings are held in matters involving student Respondents and Review Panel Meetings are held in matters involving employee (faculty or staff) Respondents.

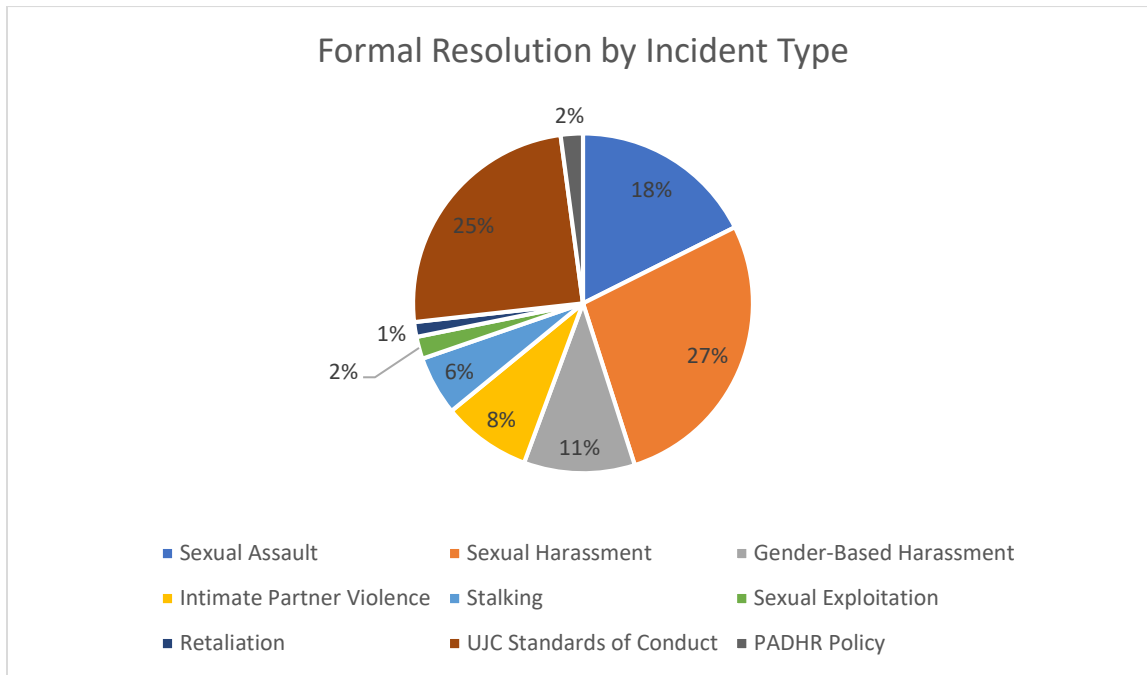


Figure 11. Formal Resolution by Incident Type (2018-2019).

Of the 50 Formal Resolutions, 29 resulted in findings of No Responsibility and 21 in findings of Responsibility. Review Panel Hearings were convened in 27 matters involving student Respondents and Review Panel Meetings were convened in four matters involving employee Respondents pursuant to the Title IX Policy and Procedures. The Review Panel may impose more than one sanction in a matter. The sanctions imposed by the Review Panel or the Senior Executive following a Review Panel Meeting are outlined in Figure 12. Findings of Responsibility or No Responsibility by policy violation are outlined in Figure 13.

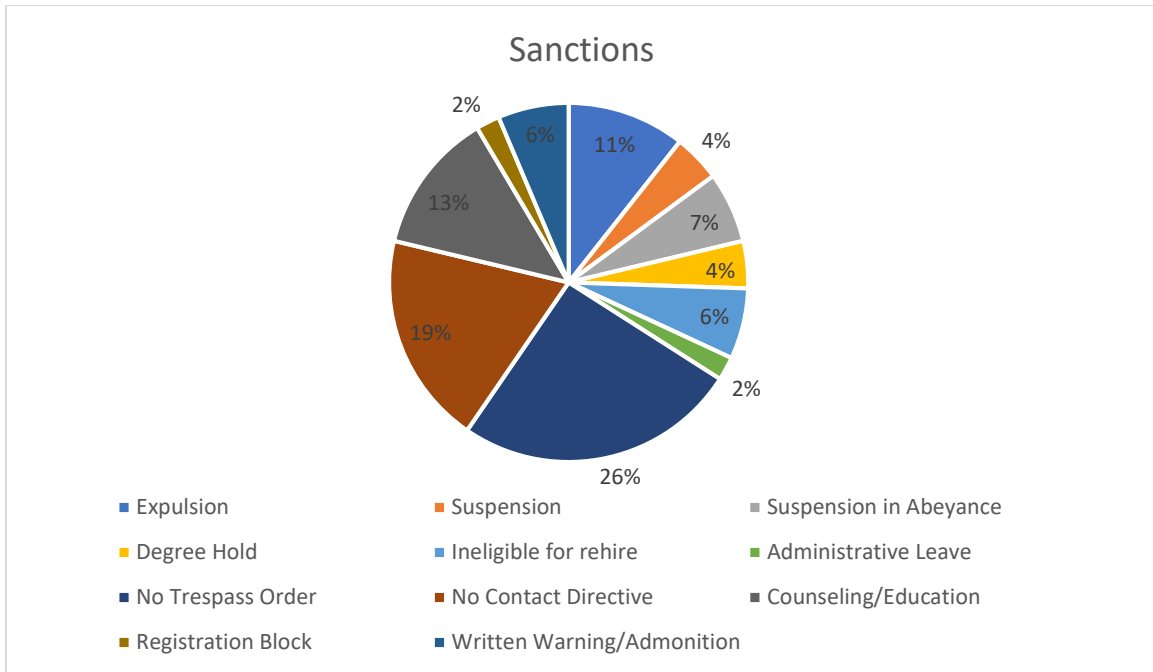


Figure 12. Sanctions (2018-2019).

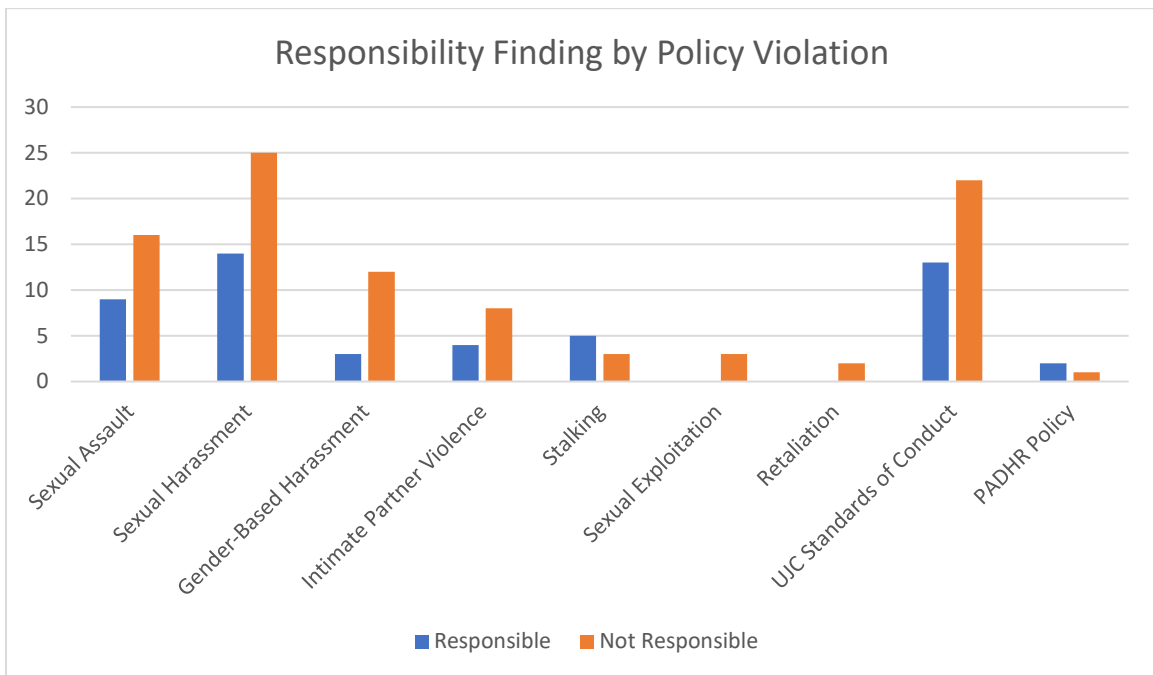


Figure 13. Responsibility Finding by Title IX Policy Violation (2018-2019).

The demographics of Complainants and Respondents, based upon self-reported information to the University, are outlined in Figures 14 - 17. Information about the primary location reported concerning the Prohibited Conduct is outlined in Figure 18.



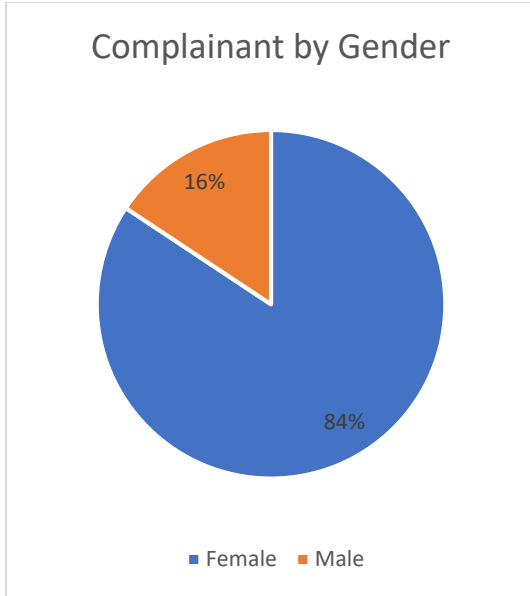


Figure 14. Complainant Gender (2018-2019).

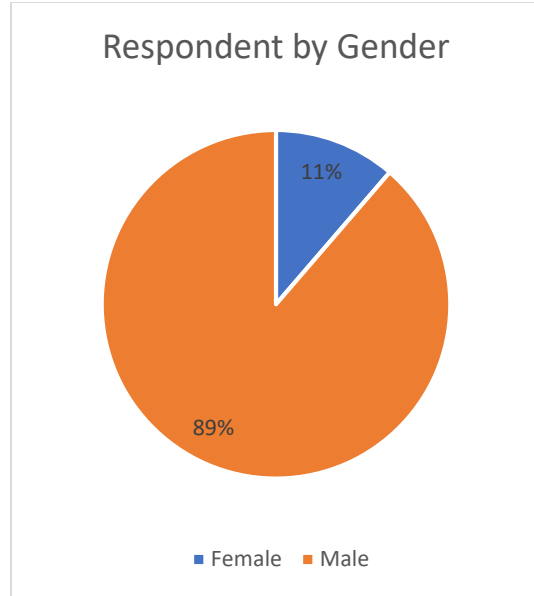


Figure 15. Respondent Gender (2018-2019).

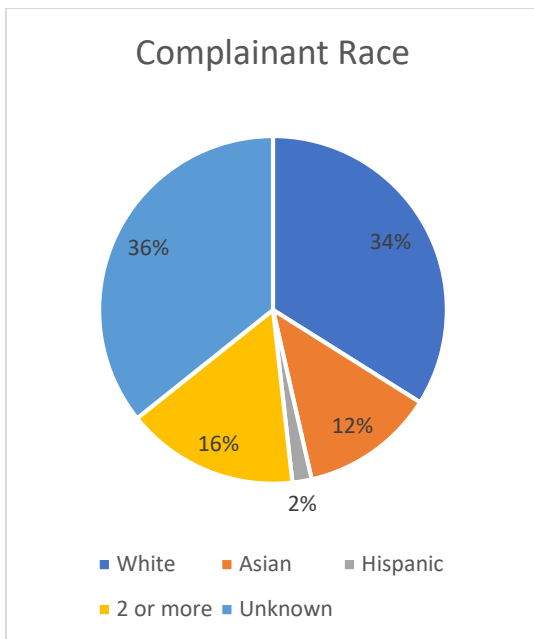


Figure 16. Complainant Race (2018-2019).

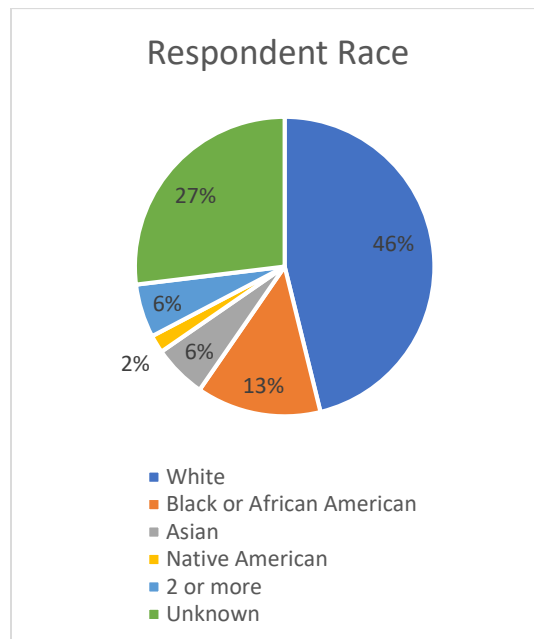


Figure 17. Respondent Race (2018-2019).

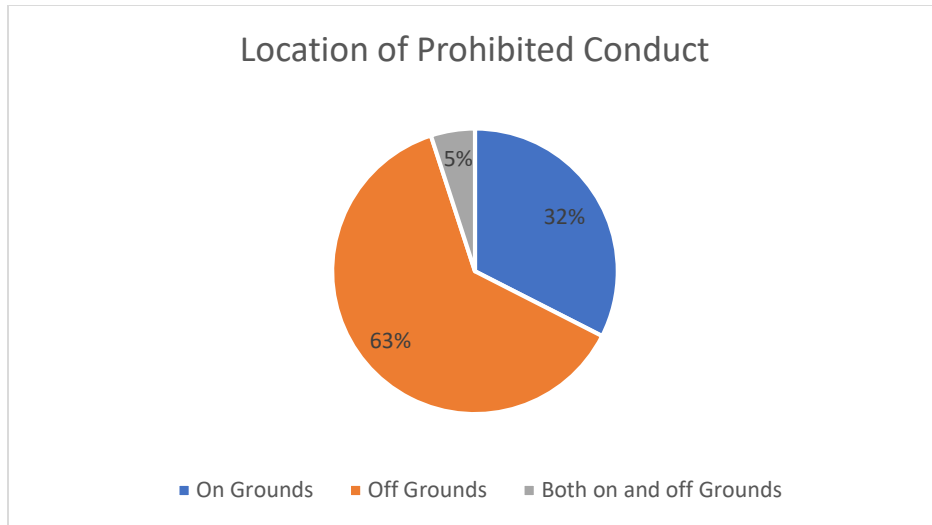


Figure 18. Location of Prohibited Conduct (2018-2019).

During the 2018-2019 academic year, a Formal Resolution was completed, on average, in 175 days.<sup>4</sup> Figure 19 displays the average days between each critical step in the Formal Resolution Process.

Notice of Investigation to Draft Investigation Report	Draft Investigation Report to Final Investigation Report	Final Investigation Report to Notice of Hearing	Notice of Hearing to Review Panel Hearing	Review Panel Hearing/Meeting to Final Outcome Letter
91 days	50 days	25 days	16 days	5 days

Figure 19. Average time related to key case processing stages (2018-2019).

### **Alternative Resolution**

Alternative Resolution is a voluntary process, which may include, but is not limited to, resolution with the assistance of a third party, coaching, intervention and remedies, or training. The Title IX team initiated 71 Alternative Resolutions during the 2017-2018 academic year and 61 Alternative Resolutions during the 2018-2019 academic year. The Alternative Resolutions involved a variety of responses and actions by the University’s Title IX office. For example, members of the Title IX team provided “coaching” (i.e., one-on-one, in-person education) sessions to Respondents regarding the University’s Title IX Policy and Procedures, provided targeted Title IX training sessions to identified groups, issued no Contact Directives, and collaborated with the Office of the Dean of Students, Employee Relations, and other University partners to provide appropriate interventions and remedies to students and employees.

<sup>4</sup> This average was impacted by some matters during this time frame that spanned a number of years, involved multiple complainants, and/or multiple alleged policy violations.

## **Training and Outreach**

In addition to responding to reports of Prohibited Conduct through Alternative Resolution and Formal Resolution, the EOCR/Title IX team coordinate comprehensive the University's training and education regarding the Title IX Policy. During the 2017-2018 academic year, 11,415 undergraduate students and 5,284 graduate and professional students completed the University's online training module, *Not on Our Grounds*, which is designed to educate students on conduct prohibited by the Title IX Policy and inform students of ways in which we all can serve as upstanders and community leaders in preventing harassment and violence in our community. During the 2018-2019 academic year, 8,553 undergraduate students and 4,079 graduate and professional students completed the training module. Since its launch in 2015, 18,487 University employees have completed *Not on Our Grounds: Responsible Employee*, which is designed to educate employees in a similar manner to students on conduct prohibited by the Title IX Policy, the reporting requirements for employees, and ways in which we all can serve as upstanders and community leaders in preventing harassment and violence in our community.

The Title IX team, in partnership with EOCR staff, responsible for the University's Preventing and Addressing Discrimination and Harassment and Preventing and Addressing Retaliation Policies (collectively, PADHR Policies), periodically and upon request, conduct in-person training sessions with students, faculty, staff, and third parties. During the 2017-2018 academic year, EOCR conducted 72 in-person trainings. Fifty of the training sessions were to faculty or staff, including five focused on the University's compliance with National Collegiate Athletics Association (NCAA) requirements regarding sexual violence education and prevention, in partnership with the Athletics Department, and 22 were to students or student groups. During the 2018-2019 academic year, EOCR again conducted 72 in-person trainings. Fifty-three of the training sessions were to faculty or staff, including five focused on the NCAA requirements noted above, and 19 were to students or student groups. General topics for these training sessions include the Title IX Policy, the PADHR Policy, identifying Prohibited Conduct, ways to respond to and report Prohibited Conduct, responsibilities of responsible employees and confidential employees, Review Panels, and resources available on and off Grounds. Each year EOCR provides in-person training to over 750 faculty and staff, over 500 students, and over 900 members of the athletics community (both students and employees).

## **Conclusion**

For more information about the EOCR/Title IX team or the University's Title IX Policy and Procedures, please contact Emily Babb, Assistant Vice President for Title IX Compliance/Title IX Coordinator at [titleixcoordinator@virginia.edu](mailto:titleixcoordinator@virginia.edu) or (434) 297-9788. For more information about the entire EOCR team, please contact Catherine Spear, Associate Vice President for Equal Opportunity and Civil Rights, at [ccs9a@virginia.edu](mailto:ccs9a@virginia.edu) or (434) 924-7179. For more information about the University's PADHR Policies, please contact Nic Thompson, Compliance Director for Equal Opportunity and Civil Rights, at [uvaecr@virginia.edu](mailto:uvaecr@virginia.edu) or (434) 924-3200.