

**VIRGINIA TECH VICTIM ASSISTANCE PROGRAM
FINAL PROTOCOL**

AUGUST 15, 2007

FUNDING

The Hokie Spirit Memorial Fund (HSMF) was established by the Virginia Tech Foundation, Inc. on April 17, 2007, to provide a vehicle for donors seeking to make donations to assist families, victims, and the Virginia Tech Community in the wake of the tragic events of April 16. The payments from the HSMF are intended to promote the general welfare, support the needs of the community, and are apportioned in accordance with the severity of the injury to the victims arising from the disaster at Virginia Tech on April 16, 2007. The HSMF will be closed to new donations on December 31, 2007.

There are six classifications of eligible claimants under the Virginia Tech Victim Assistance Program (VT Program). The classifications and the respective distribution payments are outlined below:

A. Death Claims (The 32 families who lost a loved one as a result of the shootings.)

Eligible claimants should file a claim form to participate in the Program. The claimants may select one of the options below:

1. Cash payment of \$180,000.
2. Cash payment of an amount equal to \$80,000 or less with a request that the balance be used by the University to fund an endowed scholarship at Virginia Tech in the name of the victim.¹
3. Cash payment of an amount between \$80,000 and \$130,000 with a request that the difference between \$180,000, and the cash payment be used by the University to fund a partially endowed scholarship at Virginia Tech in the name of the victim.
4. Claimant(s) may propose, for consideration, an alternative distribution of their cash payment.

B. Physical Injury Claims with Hospitalization of 10 days and nights or more.

For those hospitalized for 10 days and nights (or more) between April 16, 2007 and August 15, 2007 due to physical injuries resulting from the shootings, a cash payment

¹ Note that any private donations which have been made to named scholarships are not included in this Program.

plus tuition and mandatory fees will be offered. Days and nights of hospitalization need not be immediate or contiguous, but documentation is required. All eligible claimants should file a claim form to participate in the Program. Claimant will receive the following:

1. Cash payment of \$90,000.
2. Tuition and mandatory fees at Virginia Tech for the remainder of the claimant's current program of study at Virginia Tech (i.e. undergraduate or graduate degree program enrolled in on August 20, 2007) as long as the claimant remains a student in good standing making satisfactory progress toward that degree and the enrollment in the program of study is continuous. (The value of the tuition and fees may not be converted to a cash payout.)
3. Claimant may propose, for consideration, an alternative distribution of his/her cash payment.

C. Physical Injury Claims with Hospitalization of 3 - 9 days and nights.

For those hospitalized for 3-9 days and nights between April 16, 2007 and August 15, 2007 due to physical injuries resulting from the shootings, a cash payment plus tuition and mandatory fees will be offered. Days and nights of hospitalization need not be immediate or contiguous, but documentation is required. All eligible claimants should file a claim form to participate in the Program. Claimants will receive the following:

1. A cash payment of \$40,000.
2. Tuition and mandatory fees at Virginia Tech for the remainder of the claimant's current program of study at Virginia Tech (i.e. undergraduate or graduate degree program enrolled in on August 20, 2007) as long as the claimant remains a student in good standing making satisfactory progress toward that degree and the enrollment in the program of study is continuous. (The value of the tuition and fees may not be converted to a cash payout.)
3. Claimant may propose, for consideration, an alternative distribution of his/her cash payment.

D. Other Physical Injury Claims Not Addressed in A, B, or C above.

Each of these individuals will be eligible for tuition and mandatory fees for the remainder of the claimant's current program of study at Virginia Tech (i.e. undergraduate or graduate degree program enrolled in on August 20, 2007) as long as the claimant remains a student in good standing making satisfactory progress toward that degree and the enrollment in the program of study is continuous. (The value of the tuition and fees may not be converted to a cash payment.) In lieu of the tuition and mandatory fees, the claimant may select a cash payment of \$10,000. This applies to both in-state and out-of state claimants. These eligible claimants should file a claim form to participate in the program.

E. Other Claims

This category of claimants includes all individuals who were present in Norris Hall Classroom Nos. 204, 205, 206, 207, and 211 where the shootings occurred on April 16, 2007, and are not covered under any of the categories listed above. Each of these claimants will be eligible for tuition and mandatory fees for the remainder of the claimant's current program of study at Virginia Tech (i.e. undergraduate or graduate degree program enrolled in on August 20, 2007) as long as the claimant remains a student in good standing making satisfactory progress toward that degree and the enrollment in the program of study is continuous. (The value of the tuition and fees may not be converted to a cash payment.) In lieu of the tuition and fees, the claimant may select a cash payment of \$10,000. (This applies to both in-state and out-of-state claimants.) These eligible claimants should file a claim form to participate in the Program.

F. Psychological Trauma

Families of the deceased are eligible for reimbursement of psychological health/psychiatric counseling expenses through the Virginia Criminal Injuries Compensation Fund, in accordance with the rules of CICF. These families are required to file a CICF claim within deadlines specified by CICF in order to receive these benefits. Psychologically injured students who were enrolled as students at Virginia Tech on April 16, 2007, are eligible for free psychological counseling as part of the existing Virginia Tech counseling program. These individuals may seek assistance directly from the Cook Counseling Center. No claim form is required. Employees are eligible for counseling services through Value Options. Information on this benefit is available from the Human Resource office at Virginia Tech, Southgate Center.

PROCESS AND PROCEDURES

The process and procedures for consideration of eligible claims will be as follows:

- A. A uniform claim form will be provided to claimants (attached to a copy of the Final Protocol) on August 15, 2007. The claim form should be completed and submitted (along with all necessary attachments) no later than September 15, 2007. Claim forms should be mailed to the HSMF Fund Administrator c/o Kathy Sanders, 321 Burruss Hall (0191), Virginia Tech, Blacksburg, VA 24061.
- B. The Fund Administrator has met privately with many individual claimants during the past few weeks. Individual claimants may continue to request a face-to-face personal meeting (or telephonic meeting) with the Fund Administrator before the final processing of the claims is completed. These meetings will be scheduled before the individual claim is processed and will not serve to alter this Final Protocol or any allocation set forth in this Protocol. Requests to meet with the Fund Administrator should be sent by email request to Kathy Sanders of VT (kathys@vt.edu) or by telephone (540-231-4142).

- C. In the event that a claimant submits an incomplete or deficient claim, e.g. the claimant failed to sign the claim form, the Fund Administrator will informally, and on a case-by-case basis, work with the claimant to cure any such deficiencies.
- D. If cash payments are to be issued, they will be issued immediately following the rendering of a final payment determination. The University will wire funds to the account provided by the claimant. If wire transfer is not possible due to personal circumstances, a check will be processed and mailed.
- E. The claim form will require the signature of both parents of an unmarried deceased individual (if both parents are living), or one parent (if only one parent is living). If the deceased individual was married, only the spouse's signature will be required. In cases where the victim was not married and does not have living parents, the personal representative designated by the court administering the estate must sign the claim form. Forms lacking required signatures will not be honored, and funds will be transferred to the Hokie Spirit Scholarship Fund.
- F. In the event that an eligible claimant does not file a claim, such allocated funds will be transferred to the Hokie Spirit Scholarship Fund.
- G. Individuals should contact their tax advisor for any questions regarding tax liability for these payments.
- H. The total amount of reimbursements for expenses previously paid to a claimant or on behalf of the claimant or respective victim will be deducted from the amount allocated to the claimant under the Protocol (including expenses received for travel to Virginia Tech for the Memorial dedication).
- I. If any funds remain in the Hokie Spirit Memorial Fund on December 31, 2007 (see attached accounting), those remaining funds will be transferred into the Hokie Spirit Scholarship Fund.
- J. Attached to this Protocol is an accounting of all contributions to and distributions from the Fund. The Virginia Tech Foundation, Inc. has advised that after December 31, 2007, a full audit of the Hokie Spirit Memorial Fund and the Hokie Spirit Scholarship Fund will be conducted. Virginia Tech will also have an audit conducted related to disbursements that the University made. The results of these audits will be made available to all claimants.

OUTREACH

The VT Administration and the Fund Administrator have engaged in an intensive outreach effort designed to promote transparency and consistency of claims concerning the VT Program. Outreach efforts include(d):

- A. A draft Protocol dated July 15, 2007 which was circulated to the families on July 16, 2007, and formed the basis of this Final Protocol for distribution of the HSMF.
- B. Town Hall Meetings held beginning on July 12, 2007, up to and including August 3, 2007. The Fund Administrator conducted these "Town Hall" meetings at various convenient locations to explain the interim draft Protocol and to invite comment from victims, families, and any and all interested parties. Consideration was given to comments and other feedback submitted to the Fund Administrator in finalizing this Protocol.
- C. This Final Protocol and attached Claim Form will be disseminated to any and all interested parties on August 15, 2007. The deadline for submission of the Claim Form is September 15, 2007. The Fund Administrator, his staff, and the University will work directly with all claimants as requested to make sure that all claims are submitted by the September 15, 2007 deadline.
- D. Availability of face-to-face Meetings with the Fund Administrator. All claims will be processed during the period September 15, 2007 through October 31, 2007. All claimants requesting face-to-face Meetings with the Fund Administrator before the claim is processed will be afforded such a Meeting during the period from September 15 through October 15, 2007. Meetings will be scheduled at mutually convenient times and locations. In lieu of a face-to-face meeting, the claimant may request a telephonic meeting. To schedule a meeting, contact Kathy Sanders at VT either by email at kathys@vt.edu, with a cc to Kfeinberg@thefeinberggroup.com, or by calling Kathy Sanders at 540-231-4142.

TIMELINE

- July 12 – August 3 – the Fund Administrator and VT conducted "Town Hall" meetings.
- July 16 – Draft Protocol disseminated to victims, families, and all interested parties.
- August 15 – Final Plan and Claim Forms disseminated to all victims, families, and interested parties.
- August 15 – September 15 – Claim forms completed and submitted to the Fund Administrator.
- August 15 – October 15 – All personal meetings with Fund Administrator will be completed.
- September 15 – October 31 – All claims reviewed, and Final Payments rendered.
- Payment Distribution – payments to be issued immediately following rendering of Final Payment determinations.
- November 1, 2007 – December, 31, 2007 – Hokie Spirit Memorial Fund remains open to receive additional contributions.