

Washington and Lee University
Procedures for Complaints Against Students
University Policy on Prohibited Discrimination, Harassment, Sexual
Misconduct and Retaliation

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

Confidential and Impartial Resolution ("CAIR") Resources

At the beginning of the academic year, the Provost or designee will appoint individuals from a diverse range of University faculty and staff to serve as CAIR Resources for students concerning allegations of prohibited discrimination, harassment, retaliation, and sexual misconduct by or against students. CAIR Resources can inform individuals of the various University judicial, criminal, and civil options for formal complaints, including the availability of student Advocates. CAIR Resources can also inform individuals of various strategies for informal resolution, and are trained to conduct, assist, or oversee such efforts. Informal resolution strategies may include, but are not limited to: hearing a complaint without taking further action; speaking to a respondent on behalf of a complainant; performing shuttle diplomacy between a complainant and respondent; guiding a mediated discussion; and handling direct resolution between a complainant and accused. CAIR Resources are also available to meet with students accused of prohibited discrimination/harassment, retaliation, or sexual misconduct to inform them of the various strategies for informal resolution, as well as the judicial procedures, and provide the names of the head and assistant head honor advocates, who assign advocates to each case. If desired, separate CAIR Resources will inform and advise the complainant and respondent in a given incident. CAIR Resources will provide information and advice, and may assist, oversee, or directly handle informal resolution efforts, including mediation, but will not be involved in University judicial procedures (beyond assisting a complainant with filing a written complaint if requested).

Mediators

The Vice-President for Student Affairs and Dean of Students and the Associate Dean for Student Services of the School of Law serve as University Mediators for cases of prohibited discrimination or harassment on the basis of any protected category, as well as retaliation, or sexual misconduct involving students. The Mediator's role is to discuss the complaint with the individuals involved and to explore the possibility of resolving the problem to the satisfaction of the individuals. The Mediator does not impose sanctions.

Formal Complaint

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

The SFHB is authorized to hear and adjudicate formal complaints of prohibited student discrimination, harassment, retaliation, and sexual misconduct. To initiate the process for an SFHB hearing, the complainant can file a formal written complaint with a CAIR Resource or the Vice-President for Student Affairs and Dean of Students or provide either of them with enough detailed information to warrant an investigation of the complaint. Upon receiving a formal written complaint for which SFHB adjudication is requested, a CAIR Resource will inform the Vice-President for Student Affairs and Dean of Students, who shall notify the Chair or Vice-Chair of the SFHB of the complaint so that a closed hearing of the SFHB may be scheduled. The respondent will be provided with a written statement of the complaint.

Investigation

The Dean of Student Affairs will charge the Director of Public Safety (or designee) to investigate the complaint. The investigation will include discussions with the complainant and respondent, other relevant individuals, and review of other relevant information. The investigator's report, including the statements by the complainant and respondent, will be presented to the Chair of the SFHB. Further proceedings in such cases will be conducted in accordance with SFHB and University Board of Appeals (UBA) procedures. See 2009-2010 Student Handbook for those procedures.