

Internal Investigations at W&M: Reporting Party's Rights – and their Limitations

This document describes your rights and responsibilities, as someone who has reported a violation or otherwise initiated a matter being investigated by the university. This document summarizes various policies and procedures; if there is any conflict between this document and those policies and procedures, the policies and procedures will govern. Depending on the matter being investigated and who you are (that is, a student, a faculty member, etc.), you may have additional rights.

You have the right to:

1. Have the matter investigated promptly and fairly, by impartial investigators.
2. Be protected from retaliation. If the individual(s) implicated in the report or anyone else does or says anything that negatively affects you, because you reported a violation, notify the investigator **immediately**. They will immediately look into the matter, and, if they determine it is retaliatory, make sure that appropriate action is taken to stop it and remedy any harm done.
3. Provide any and all information you believe relevant to the investigators.
4. If you have alleged a violation of your rights, have the opportunity to respond to information provided by the implicated party or others in the process, if such information is considered to be relevant.
5. Be updated regularly on the status of the investigation.
6. Seek legal advice from your own lawyer. But your lawyer cannot actively participate in the process; you need to speak for yourself. Your lawyer will need to interact with University Counsel.
7. If you believe the investigation is being handled improperly, take your concern to the Chief Compliance Officer or the supervisor of the individual you believe to be behaving improperly.
8. Have appropriate remedial action taken, if a violation is determined to have occurred.

You do NOT have the right to:

1. Direct the investigation. The investigator(s) plan and conduct the investigation.
2. Know everything about the investigation. You have the right to be updated on progress, but not to be told everything the investigators have done or to review all information collected, for example.
3. Tell co-workers or others about the investigation. Your investigator can provide you with more detail as to what information you can share with whom.
4. Complete confidentiality or anonymity. We handle complaints as discretely as possible. But to fully investigate a matter, information about the complaint can and, in some situations, must be shared with others.
5. Be free from any discipline or performance management or termination actions. Although you are protected from retaliation, your supervisor or administrators can still discipline you for misconduct, for example. Such actions must be based on valid, non-discriminatory factors.
6. If the investigation results in a decision that a violation occurred, know everything the university will do. For example, W&M may discipline the implicated party, but typically cannot tell you about it.
7. Record meetings or interviews or have third parties present.