



Office of Compliance and Policy
The College of William & Mary
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Discrimination Grievance/Complaint Procedure Summary of Investigation Process

This document explains how complaint or reports of discrimination are handled under the university Discrimination Grievance/Complaint Procedure. It summarizes steps explained in more detail in the Procedure. The full procedure is available online at http://www.wm.edu/offices/compliance/concerns_violations/reportingdiscrimination/discrimcomplaintprocedure/index.php

Investigations are usually conducted by the Compliance and Policy Office. The investigator defines the allegations to be investigated and makes findings as to whether or not specific allegations are substantiated. The investigator gives these findings to the Provost who decides whether or not discrimination (including harassment or retaliation) happened.

Investigations usually are initiated by a complaint, and that is what this summary document assumes. The process is slightly different for investigations initiated by the Office, without a complaint.

1. **Initial Processing.** An investigator meets with the reporting party to understand the complaints and decide whether the matter should be investigated. The investigator will develop the allegations based on the written complaint and any other information. The allegations will be the basis for the investigation. The investigator will also discuss confidentiality and provide information about other resources that may be useful, such as the ombuds.
2. **Confidentiality.** Generally, everyone involved in investigations – including the reporting party – needs to keep everything about the investigation confidential. If confidentiality is not maintained, this can violate employee rights. It can also prevent the investigator from finding out the truth of the matter.

The investigator will determine who needs to be aware of the investigation and will notify them. The Provost and University Counsel are almost always notified. The investigator usually will also notify the reporting party's supervisor and the respondent's supervisor(s), but will give them only the information that they need to know.

If you want to tell someone about the investigation, please ask the investigator.

3. **Investigation Process.** The investigator plans the investigation based on the allegations, the information provided, his/her knowledge of the university and investigation techniques.
 - The investigation includes interviews with the respondent and any other witnesses whom the investigator believes may offer relevant information. The investigator will decide when to



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interview the respondent; it is often more effective to interview the respondent later in the process.

- If the investigation uncovers significant, relevant evidence, the investigator will share this information with the reporting party before completing the investigation.
- The investigator will keep both the reporting party and respondent(s) updated.
- Either party can have a lawyer, but a lawyer representing a party cannot participate in the process.

4. Timing. Investigations typically are completed within 45 days of a complaint being filed. Extensions can be made.
5. Provost Decision. The Provost makes a decision as to whether university policy was violated. His decision is based on the preponderance of the evidence – more likely than not. The Compliance & Policy Office will inform both parties of his decision.
 - If he finds that a violation occurred, before the reporting party is notified the respondent will be given the opportunity to respond in writing to the Provost’s findings. If the Provost’s final decision is that there was a violation, the reporting party will then be notified.
 - i. If specific disciplinary action is to be taken, this information usually is not shared with the reporting party.
 - If he finds no violation, he will provide the reporting party with an explanation of the key findings on which his decision was based.
 - Sometimes an investigation finds evidence of other misconduct – problems other than discrimination. The investigator will present these findings to the appropriate supervisor or manager. Typically we cannot inform any party of these findings, because of employee rights.
6. Appeal. The reporting party can appeal the Provost’s decision within 10 working days. The Office of Compliance and Policy will explain the available grounds for appeal. For the respondent, there is no right of appeal or grievance afforded under these procedures or university discrimination policy. Employees may, however, have a grievance right under separate state or university policy. Please contact Human Resources for the applicable grievance policy based on employee classification. <http://www.wm.edu/offices/hr/policies/index.php>
7. Retaliation. The reporting party, all witnesses, and anyone else who participates in the investigation are protected from retaliation. The investigation will respond immediately to any indication of retaliation and take appropriate action.

Questions? Contact the Office of Compliance and Policy at reportconcern@wm.edu



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