

Appendix C

How Complaints and Reports are Handled - Investigation Procedures

Complaints and reports of gender-based harassment, sexual harassment, and sexual misconduct are processed under one of two procedures: [Student Sexual Misconduct Procedure](#) or [Employee Discrimination, Harassment and Retaliation Grievance/Compliance Procedure](#). The identity of the respondent (e.g. the person(s) accused, suspected, or reported for misconduct) determines which procedure is used. This is because the grievance/complaint procedures may lead to disciplinary action, and the university's relationship with the person potentially being disciplined determines the nature of and process for discipline.

- Both W&M procedures carefully treat concerns of anonymity/confidentiality.
- Both W&M procedures include steps (interim measures) designed to protect reporting parties from retaliation and to provide them with support and protection, such as through no-contact orders and/or changes to academic, living, transportation, and working situations -- if requested by reporting party. These steps can be taken regardless of whether criminal complaint is being made.
- Both W&M procedures involve trained investigators, usually Office Compliance & Equity staff.
- Both procedures provide both (or all) parties the same rights to notification and appeals.
- Both procedures are designed to resolve matters ideally within 60 business days of an investigation being initiated. The actual timeframe for resolution varies on case-by-case basis and in some cases may require more than 60 days to reach a fair and thorough resolution. Appeals fall outside of the 60 day timeframe.
- Both resolve complaints using a preponderance of the evidence standard -- "more likely than not."

Student Discrimination, Harassment and Retaliation and Sexual Misconduct Grievance/Compliant Procedure

Final investigation report is provided to Determination Official and all parties. Determination Official decides whether a policy violation has occurred based on:

1. Administrative Determination—The investigation report, all exhibits included in the report, the parties' statements in response to the investigation report; or
2. Conference Determination—The investigation report and in-person interviews with parties and witnesses and questions of the investigator about the process where necessary;

Employee Discrimination, Harassment and Retaliation and Sexual Misconduct Grievance/Complaint Procedure

The final investigation report is provided to the Provost or a designee and to all parties. Determination whether a policy violation has occurred is made by:

1. Provost decides whether a policy violation has occurred based on the investigation and parties' statements in response to the investigation report; or
2. Provost may submit a matter for hearing before a Faculty Hearing Panel or Staff Hearing Panel, and the three-member panel adjudicates the matter in consideration of the investigation report and well as in-person interviews with parties and witnesses and questions of the investigator about the process where necessary.