

**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 (“the Policy”) or who have complaints of prohibited discrimination, harassment, sexual misconduct or retaliation against students may contact any of the Designated Student Affairs Resources identified in the 2013-2014 Resources Contact Guide for the Policy ([go.wlu.edu/OGC/ResourcesContactInfo](http://go.wlu.edu/OGC/ResourcesContactInfo)), the Title IX Assistant Coordinator for Students, or another Student Affairs resource (e.g., Student Health and Counseling Services, Public Safety, or Residence Life Staff).

Designated Student Affairs Resources can work with students on matters concerning allegations of prohibited discrimination, harassment, retaliation, and sexual misconduct by or against students. They can inform individuals of the various criminal, civil, and University conduct options for formal complaints, including the availability of Honor and Advisory Advocates<sup>1</sup> in University judicial proceedings.

Designated Student Affairs Resources can also inform individuals of various strategies for informal resolution, where appropriate, 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. Designated Student Affairs 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, explain the University judicial procedures and the availability of Honor and Advisory Advocates for such proceedings, and provide the names of the Head and Assistant Head Honor Advocates, who assign Honor Advocates to each case.

***NOTE: cases of sexual assault/sexual violence are not appropriate for mediation, shuttle diplomacy, or other informal resolution options.***

*Conduct Proceeding to Student-Faculty Hearing Board*

If a complaint cannot be resolved otherwise, a complainant may initiate a conduct proceeding to be addressed by the Student-Faculty Hearing Board (SFHB). Alternatively, a conduct proceeding may be initiated without pursuing other resolution

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<sup>1</sup> Advisory Advocates were added as resources by the SFHB Procedures approved by the faculty in May 2011. During a formal SFHB proceeding, the complainant and respondent may each be accompanied by an Advisory Advocate and/or an Honor Advocate of his/her choice. Advisory Advocates must be members of the University community. An Advisory Advocate may be an individual within the W&L community with special training for this role, or may be another faculty or staff member. *Note: Where an Advisory Advocate with no special training for the role is selected by a party, the Chair may designate an Honor Advocate to serve as a resource on procedural matters during the SFHB proceeding.*

options. Any member of the University community, any complainant outside the University community (such as a student from another institution), or the University itself (through the Vice President for Student Affairs and Dean of Students, or designee), may also initiate a conduct proceeding to the SFHB. To bring a matter to the attention of the SFHB Chair for consideration of a conduct proceeding, an individual should contact the SFHB Chair, the Vice President for Student Affairs and Dean of Students, any other Designated Student Affairs Resource ([go.wlu.edu/OGC/ResourcesContactInfo](http://go.wlu.edu/OGC/ResourcesContactInfo)) or the Title IX Coordinator. An individual may also report a complaint through the Silent Witness-Anonymous Online Crime Report website ([go.wlu.edu/ReportCrime](http://go.wlu.edu/ReportCrime)).

Because it is often difficult to determine the facts of an incident long after it has occurred, complaints should be brought as soon as possible after the incident giving rise to the complaint. Designated Student Affairs Resources can provide a complainant and other members of the University community or outside the University community with information concerning Washington and Lee's procedures for dealing with complaints of prohibited discrimination, harassment, sexual misconduct, or retaliation. **SEE [SFHB Procedures](#)**, which are in section VI of the Student Handbook.

The SFHB is authorized to hear and adjudicate University judicial complaints of prohibited student discrimination, harassment, retaliation, and sexual misconduct. The SFHB Chair and the Vice President for Student Affairs and Dean of Students and/or the Title IX Coordinator will decide whether the matter falls within the SFHB's jurisdiction and should be handled under this policy as a formal SFHB conduct proceeding.

#### *Investigation*

If an SFHB conduct process is initiated, the SFHB Chair will charge one or more specially trained investigators to investigate the complaint. The investigation will include conversations with the complainant and respondent, other relevant individuals, and review of other relevant information. A detailed investigation report will be prepared, setting forth undisputed and disputed facts and an assessment of whether, based on the investigation, it is more likely than not that a policy violation occurred. A written summary of the investigator's report will be provided to the parties and explained to them by the investigator(s). Subsequent proceedings, including the decision of whether to formally charge the respondent and proceed with the SFHB process, will be conducted in accordance with SFHB and University Board of Appeals (UBA) procedures. **SEE [SFHB Procedures](#)**, which are in section VI of the Student Handbook.