

**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”), 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, 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 criminal, civil, and University judicial options for formal complaints, including the availability of Honor and Advisory Advocates¹ in formal University judicial proceedings.

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, 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.

If desired (or deemed advisable by the Head CAIR), 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, but generally will not be involved in University judicial procedures

¹ 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 a CAIR (except in the circumstances where a CAIR has previously been involved in informal resolution efforts in the same case), or 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.*

(beyond assisting a complainant with filing a written complaint if requested). If CAIRs have been involved in informal resolution efforts in a particular matter, they may not serve as Advisory Advocates in a formal judicial proceeding on the same matter.

NOTE: cases of sexual assault/sexual violence are not appropriate for mediation.

Formal Complaint to Student-Faculty Hearing Board

If a CAIR Resource 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 designee, 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 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. **SEE [SFHB Procedures](#).**

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 may file a complaint with the SFHB Chair or provide the Chair with enough detailed information to warrant an investigation of the complaint. The respondent will be provided with written/electronic notice of the subject matter of the complaint and, if it goes to hearing, with the specific factual allegations.

Investigation

The SFHB Chair will charge the Director of Public Safety (who will then designate specially trained officers) 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 [SFHB Procedures](#).**