



Preventing and Addressing Discrimination, Harassment, and Retaliation Complaint Procedures

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I. Introduction

The University of Virginia (“University”) is committed to providing a safe and non-discriminatory learning, living, program/activity, and working environment. The Preventing and Addressing Discrimination, Harassment, and Retaliation Complaint Procedures (“PADHR Procedures”) govern complaints of discrimination, harassment, or retaliation under University policy, [HRM-009: Preventing and Addressing Discrimination and Harassment](#) (“PADH Policy”) or [HRM-010: Preventing and Addressing Retaliation](#) (“PAR Policy”) and outline options seeking resolution of such complaints.

The University [Office for Equal Opportunity and Civil Rights](#) (“EOCR”) is responsible for enforcing the PADH and PAR Policies on behalf of the University through these PADHR Procedures. Under the PADHR Procedures, faculty, staff, students, applicants for admission and employment, and certain third parties may seek resolution of complaints of Prohibited Discriminatory and/or Harassing Conduct or Prohibited Retaliatory Conduct. The PADHR Procedures offer two forms of resolution of complaints under the PADH Policy or PAR Policy for an individual who submits a complaint to EOCR (“Complainant”) against an individual who is alleged to have violated the PADH Policy and/or PAR Policy (“Respondent”): (1) Informal Resolution, which include a variety of informal options and channels for resolving reports, and (2) Formal Resolution, which involves an investigation and a finding as to whether the evidence establishes a violation of the PADH Policy and/or PAR Policy.

Under the PADH Policy, discrimination based on age, color, disability, family medical or genetic information, gender identity or expression marital status, military status (which includes active duty service members, reserve service members, and dependents), national or ethnic origin, political affiliation, pregnancy, race, religion, sex, sexual orientation, veteran status is prohibited and harassment based on age, color, disability, family medical or genetic information, marital status, military status, national or ethnic origin, political affiliation, race, religion, and veteran status (together, “Prohibited Discriminatory and/or Harassing Conduct”). These forms of Prohibited Discriminatory and/or Harassing Conduct are defined in the PADH Policy. Through the PAR Policy, the University prohibits retaliation against any individuals who, in good faith (i.e., holding a genuine belief in the truth of one’s allegations), complain of discrimination and/or harassment prohibited by the PADH Policy or who assist with or participate in an investigation into such reports (“Prohibited Retaliatory Conduct”). Retaliation is also prohibited against individuals who request accommodations for disability, pregnancy, and religion.

Reports of sexual harassment, harassment based on gender identity and expression, pregnancy, sex, and sexual orientation, and other forms of interpersonal violence are governed by a separate University policy, [HRM-041: Policy on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence](#) (“Sexual Misconduct Policy”) and separate procedures for reporting and resolving allegations of prohibited conduct. For more information on the Sexual Misconduct Policy, including definitions and reporting options, or the applicable procedures, please visit the [Title IX & Sexual Misconduct webpage](#) or contact the Title IX office at (434) 297-7988 or titleixoffice@virginia.edu. If you have questions about which policy and procedures apply to your concerns, please contact EOCR at (434) 924-3200 or UVAEOCR@virginia.edu.

II. Filing a Complaint

To request Informal Resolution or Formal Resolution, Complainants must submit a complaint to EOCR. Complainants are not required to attempt Informal Resolution before requesting Formal Resolution.

A complaint may be filed with EOCR by any Academic Division, Medical Center, or the University's College at Wise present or former employee, present or former student, applicant for admission or employment, participants in the University's programs or activities, and other third parties who believe that they have been subject to Prohibited Discriminatory and/or Harassing Conduct and/or Prohibited Retaliatory Conduct ("PADHR Complaint"). Complaints must be in writing.

Complaints must be filed with EOCR within 300 days of the most recent alleged Prohibited Discriminatory and/or Harassing Conduct or Prohibited Retaliatory Conduct. EOCR retains discretion to accept complaints filed outside of the 300-day timeframe for good cause. A Complainant may also file a formal charge of discrimination, harassment, and/or retaliation with a state or federal agency authorized by law to receive such complaints.

When filing a PADHR Complaint, EOCR strongly encourages the use of its [online PADHR Complaint Form](#), which is intentionally structured to assist Complainants in documenting their complaint allegations and providing EOCR with sufficient information to evaluate the complaint. EOCR will also accept complaints in alternate written form, such as email, where the complaint includes, at a minimum: (1) the Complainant's name and contact information; (2) the name of the Respondent(s); (3) a detailed description of the conduct believed to constitute Prohibited Discriminatory and/or Harassing Conduct and/or Prohibited Retaliatory Conduct with approximate date(s) of when these actions occurred; and (4) a detailed explanation about why the Complainant believes that the alleged conduct at issue is based on one or more protected characteristics (if applicable) or a description of the conduct in which the Complainant engaged that caused the Respondent to retaliate against them (if applicable). If a reasonable accommodation or other assistance is needed to file a complaint, please contact EOCR office at (434) 924-3200 or UVAEOCR@virginia.edu. EOCR will not accept complaints that are not in writing or have not been reduced to writing with the assistance of an EOCR employee.

PADHR Complaints may be submitted to EOCR in any one of the following ways:

- online via the PADHR Complaint Form available [here](#);
- email to UVAEOCR@virginia.edu;
- hand delivery to EOCR's main office at O'Neil Hall; or
- mail to the University of Virginia Office for Equal Opportunity and Civil Rights, P.O. Box 400219, Charlottesville, Virginia, 22904-4219.

EOCR also reserves the right to pursue resolution of reports brought to its attention in the absence of a written complaint and based on the specific circumstances and available information.

A. RECEIPT OF COMPLAINT AND INITIAL ASSESSMENT

Upon receipt of a complaint, EOCR will first assess the allegations to determine whether interim measures pending resolution of the matter are appropriate and required immediately or upon commencement of resolution. Interim measures may include, but are not limited to, a safety plan, schedule change, temporary removal of the Respondent from the workplace or academic program, if warranted, and other workplace and/or academic accommodations. In making this assessment, EOCR will consider the totality of the circumstances, the nature and severity of the allegations, and whether the allegations implicate a potential ongoing safety threat to the Complainant or the community. EOCR will consult with University administrators, as appropriate.

B. EVALUATION OF COMPLAINT

Following EOCR's receipt of a complaint, EOCR will evaluate whether the complaint allegations constitute a potential violation of the PADH Policy and/or PAR Policy and will notify the Complainant in writing of its decision.

- If the written complaint lacks sufficient information for EOCR to make this decision, EOCR will contact the Complainant to gather additional information.
- If EOCR determines that the Complainant's allegations, if true, do not constitute a potential violation of the PADH Policy and/or PAR Policy, the written notice of this decision will explain why and may inform the Complainant of other possible avenues of redress within the university.
- If EOCR concludes that the allegations of the complaint, if true, constitute a potential violation, EOCR will notify the Complainant of that determination and will meet with the Complainant to confirm the specific factual allegations upon which the complaint is based, discuss the requested form of resolution, and provide an overview of the PADHR Procedures.

For PADHR Complaints that also include allegations of conduct that fall within the scope of the Sexual Misconduct Policy, EOCR will consult with the Title IX Coordinator. Generally, such complaints or reports will be investigated together under the appropriate Sexual Misconduct Procedures unless the Title IX Coordinator determines that doing so would unduly delay resolution of the allegations under the Sexual Misconduct Policy. In these situations, EOCR will notify the Complainant in writing regarding which policies and procedures their reported allegations will be resolved.

III. Informal Resolution

Some allegations of certain types of Prohibited Discriminatory and/or Harassing Conduct or Prohibited Retaliatory Conduct or concerning behaviors may be efficiently resolved through Informal Resolution. Pursuing Informal Resolution does not preclude subsequent recourse to Formal Resolution if the attempts at Informal Resolution fail to adequately resolve the reported concern. **Complainants are not required to participate in Informal Resolution before requesting Formal Resolution.**

A. TYPES OF RESOLUTION

Informal Resolution may involve individual and/or community remedies that are designed to address a report of Prohibited Discriminatory and/or Harassing Conduct and/or Prohibited Retaliatory Conduct. Below are three examples.

- Resolution with the Assistance of a Third Party. In addition to seeking assistance from EOCR, a Complainant may seek assistance in informally resolving a report of Prohibited Discriminatory and/or Harassing Conduct or Prohibited Retaliatory Conduct from a neutral facilitator, such as a meeting facilitated by a neutral third party.
- Shuttle Diplomacy. A member of the EOCR team serves as an intermediary who speaks to the parties and relays information from the Complainant to the Respondent and vice versa with the goal of reaching a resolution without the Complainant and the Respondent having direct contact with each other during this process.
- Interventions and Remedies. Resolution may also include other interventions and remedies, such as an educational coaching conversation for the Respondent, broad-based educational programming or training for relevant individuals or groups; and/or any other remedial or protective measures that can be tailored to the involved individuals to achieve the goals of the PADH and PAR Policies.

Any combination of the options mentioned above may be utilized in any order. If resolution of the complaint of Prohibited Discriminatory and/or Harassing Conduct and/or Prohibited Retaliatory Conduct is reached through one of these forms of Informal Resolution, the matter will be considered closed. If resolution is not reached, and EOCR determines that further action is necessary, or if a Respondent fails to comply with the terms of any agreed to resolution, the matter will be referred for Formal Resolution.

B. EVALUATION OF RESOLUTION REQUEST

EOCR will evaluate the request for Informal Resolution and will honor the Complainant's request when possible but some complaint allegations, particularly those alleging violence or severe unwelcome conduct, may not be appropriate for Informal Resolution and EOCR reserves the right to deny the Complainant's request and/or proceed with Formal Resolution at any time.

C. PARTICIPATION IN INFORMAL RESOLUTION

Participation in Informal Resolution (including any specific form of Informal Resolution) is voluntary. EOCR will not compel the Complainant or Respondent to engage in Informal Resolution and will allow the Complainant or Respondent to withdraw from Informal Resolution at any time prior to resolution.

Throughout the resolution process, each party has the right to have an advisor attend any meeting. An advisor may be any person the party chooses except that the advisor cannot be any individual who would serve as a potential witness if the matter were referred for formal resolution. While the advisor may provide support and advice, they may not speak on the party's behalf during a meeting, submit written statements not attributed to the party, or otherwise participate in, or in any

manner disrupt the process. In addition, EOCR will not unduly delay the informal resolution process based on the advisor's unavailability.

IV. Formal Resolution

Formal Resolution is an investigation conducted by trained investigator as described below.

A. INVESTIGATION

EOCR investigates complaints in accordance with the procedures outlined below. However, there may be exceptional circumstances that justify a departure from these procedures, and, should such circumstances arise, EOCR will advise the parties to the complaint as soon as possible.

1. Notice of Investigation: As soon as practicable, EOCR will provide notice to the Complainant and the Respondent(s), simultaneously and in writing, of the commencement of the investigation. Such notice will: (a) name the Complainant and the Respondent; (b) specify the nature of the alleged Prohibited Discriminatory and/or Harassing Conduct and/or Prohibited Retaliatory Conduct; (c) explain that the complaint will be investigated in accordance with these PADHR Procedures; (d) identify the Investigator; (e) explain the University's prohibition against Retaliation; and (f) provide a copy of the PADH and PAR Policies and the PADHR Procedures.

Where the Respondent is an employee or faculty member, EOCR will also notify, in writing, the Respondent's supervisor and Human Resources (i.e., University or Health System Employee Relations or College at Wise Human Resources). Such notice will inform these individuals that: (a) a complaint has been filed alleging that the Respondent has engaged in conduct prohibited by the PADH Policy and/or PAR Policy; (b) the report will be investigated in accordance with the PADHR Procedures; (c) the supervisor and the Human Resources professional will need to monitor the relevant environment, depending on the facts of the case, for Retaliation; and (d) information related to the report is confidential and will only be shared as needed to either obtain information pertinent to the investigation or to facilitate fulfillment of the duty of the supervisor and/or Human Resources to address any concerns regarding safety or Retaliation.

2. Investigation Overview: If EOCR has not already done so, EOCR will conduct a formal interview of the Complainant and the Respondent(s). During the investigation, the parties will have an equal opportunity to be heard, to submit information and corroborating evidence, to identify witnesses who may have relevant information, and to submit questions that they believe should be directed by the Investigator to each other or to any witness. The Investigator will notify and request to meet separately with the Complainant, the Respondent, and witnesses, and will gather other relevant and available evidence and information, including electronic or other records of communications between the parties or witnesses (via voicemail, text message, email and social media sites), photographs (including those stored on computers and smartphones), and medical records (subject to the consent of the applicable party). The investigation conducted by EOCR may further include, but is not limited to:

- interviewing material witnesses;
 - reviewing relevant files and records;
 - comparing the treatment of the Complainant to that of others similarly situated in the department or unit;
 - reviewing applicable policies and procedures; and/or
 - following up with the parties as new evidence is collected, as appropriate, and permitting the parties to provide additional information to the record.
3. Advisors: Throughout the resolution process, each party has the right to have an advisor attend any meeting or interview during the course of the investigation. An advisor may be any person the party chooses except that the advisor cannot be any individual who will serve as a potential witness during the investigation. While the advisor may provide support and advice, they may not speak on the party's behalf during an interview, submit written statements not attributed to the party, or otherwise participate in, or in any manner disrupt, such meetings and/or interviews. In addition, EOCR will not unduly delay the scheduling of meetings or proceedings based on the advisor's unavailability.
4. Timeframe for Investigation: The investigation will normally be concluded within 120 business days from the date of the notice of investigation (this does not include weekends or University holidays). This timeframe may be extended for good cause, which may exist if additional time is necessary to ensure the integrity and completeness of the investigation, to comply with a request by external law enforcement for temporary delay to gather evidence for a criminal investigation, to accommodate the availability of witnesses, to account for University breaks or vacations, to account for complexities of a case, including the number of witnesses and volume of information provided by the parties, or for other legitimate reasons. EOCR will notify the parties in writing of any extension of this timeframe.
5. Senior Executive: Upon conclusion of the investigation, EOCR shall issue a written report to the appropriate senior level executive in the Respondent's reporting structure or their designee:
- Vice President and Chief Student Affairs Officer for students or their designee;
 - Executive Vice President and Provost for academic faculty or their designee;
 - Executive Vice President for employees reporting directly to an Executive Vice President or their designee;
 - Senior Vice President or Vice President for other employees or their designee; and
 - Chancellor for the College at Wise or their designee.

In very limited circumstances, EOCR reserves the right to identify an alternative executive who is responsible for reviewing the investigative report.

6. Investigative Report and Recommended Findings: The investigative report will include a summary of the evidence gathered during the investigation and will include a recommendation to the Senior Executive as to whether there is sufficient information, by a preponderance of the evidence, to support a finding that the Respondent(s) engaged in the alleged Prohibited Discriminatory and/or Harassing Conduct or Prohibited Retaliatory Conduct in violation of the PADH Policy and/or PAR Policy.

If EOCR recommends a finding of violation, the report will include recommended action items, which may include, but are not limited to: (a) a directive to stop any ongoing discriminatory, harassing and/or retaliatory behavior/practices; (b) disciplinary or other corrective action be taken against the Respondent and/or others; (c) relief be granted to the Complainant, such as accommodations, reinstatement, hiring, reassignment, promotion, or training (specific remedies shall be fact-specific to each complaint); and/or (d) other proactive measures, such as targeted training or education.

B. EXECUTIVE DECISION AND NOTICE TO THE PARTIES

Upon receipt of the investigative report, the appropriate executive will have ten (10) calendar days to review the Investigative Report, accept or reject the recommended findings and the recommended action items and, if applicable, determine the sanction in accordance with the appropriate disciplinary procedures. Nothing in the PADHR Procedures prevents the executive from implementing disciplinary action against a Respondent where the investigative report demonstrates the Respondent engaged in other conduct prohibited by the University, regardless of whether the Respondent has been found responsible for violating the PADH Policy and/or PAR Policy.

The executive will communicate, in writing, their decision on the finding(s) and each of the recommended action items outlined in the investigative report with supporting reason to EOCR. If the executive requires additional time, the executive may request such an extension from EOCR. EOCR will inform the parties, simultaneously and in writing, of any extension the executive requests.

EOCR will communicate the executive's decision, in writing, simultaneously, to the parties within five (5) calendar days of receipt of the decision. The decision outlined in this notice is final under the Policy and is not subject to further University appeal or grievance. Nothing in these Procedures abrogates post-adjudication rights as provided by state and federal law (e.g., State Grievance Procedure, under Chapter 30 (§2.2-3000 et. seq.) of Title 2.2 of the Code of Virginia; the U.S. Department of Education Office for Civil Rights; U.S. Equal Opportunity Employment Commission).

V. Administrative Review

EOCR retains discretion to conduct an administrative review into allegations of Prohibited Discriminatory and/or Harassing Conduct or Prohibited Retaliatory Conduct, in response to a report or formal complaint or in the absence of a formal complaint. In determining whether to initiate an administrative review of allegations of Prohibited Discriminatory or Retaliatory Conduct, EOCR will consider all known information, including: the nature and the severity of the allegations; whether the allegations are amenable to resolution through other channels, such as human resources intervention; the history of prior complaints regarding the same individuals, department and/or area; the expressed wishes, if known, of the affected individual(s); and any other pertinent information.

Upon initiation of an administrative review, EOCR will notify the head of the department/unit/area and the relevant human resources professionals of the commencement and scope of the review.

Administrative reviews may include the steps described above in Section IV(A)(2), such as:

- interviewing witnesses;
- reviewing relevant files, records, policies, and procedures;
- comparing the treatment of impacted individuals to that of others similarly situated in the department or unit; and
- following up as new evidence is collected.

At the conclusion of the fact-gathering phase, EOCR will draft a report outlining the recommended findings of the Administrative Review and any recommended action items to the executive responsible for the department/unit/area. EOCR may submit the report for review to the appropriate executive as described in the Formal Resolution section above. The same level of confidentiality applicable in investigations will apply to administrative reviews.

EOCR will seek to complete Administrative Reviews within 120 business days (this does not include weekends or University holidays). This timeframe may be extended for good cause, which may exist if additional time is necessary to ensure the integrity and completeness of the investigation, to comply with a request by external law enforcement for temporary delay to gather evidence for a criminal investigation, to accommodate the availability of witnesses, to account for complexities of a case, including the number of witnesses and volume of information provided by the parties, or for other legitimate reasons.

VI. Obligation to Provide Truthful Information

All University community members are expected to provide truthful information in connection with any report made under the PADH Policy and/or PAR Policy. Submitting or providing false or misleading information in bad faith or with a view to personal gain or to intentionally harm another in connection with a complaint under these policies is prohibited and may be subject to disciplinary sanction. This provision does not apply to reports made or information provided in good faith, even if the facts alleged in the report are not later substantiated.

VII. External Complaints

Individuals also have the right to file complaints with one of the federal or state agencies listed below. Please be advised that separate deadlines and time limitations for filing complaints with the external agencies may apply, and EOOCR's resolution process does not toll or otherwise suspend these deadlines or time limitations. Please contact the agency listed below for more information about the applicable deadlines:

- [U.S. Equal Employment Opportunity Commission](#)
- [U.S. Department of Education Office for Civil Rights](#)
- [Commonwealth of Virginia Office of Civil Rights](#)

Revised August 26, 2024