WASHINGTON UNIVERSITY
DISCRIMINATION AND HARASSMENT HEARING COMMITTEE PROCEDURES

Washington University has established the Discrimination and Harassment Hearing Committee (DHHC), a standing administrative hearing committee to hear complaints of discrimination or harassment brought against faculty members pursuant to the University’s Policy on Discrimination and Harassment. Complaints to this committee must involve allegations of discrimination or harassment based on race, color, age, religion, sex, sexual orientation, gender identity or expression, national origin, veteran status, disability or genetic information.

**DHHC Composition and Panel Selection**

1. The DHHC is a standing committee comprised of faculty, staff, and students. The DHHC conducts investigative hearings, makes factual findings, renders advisory opinions to the University administration regarding whether the Policy on Discrimination and Harassment has been violated, and may recommend imposition of sanctions or remedial measures to the administration. The University will conduct periodic training for the DHHC.

2. The DHHC shall consist of at least 20 members, approximately half of whom will be faculty members, appointed by the Chancellor. Inaugural appointments will consist of roughly equal numbers of two- and one-year terms. Thereafter, DHHC members will ordinarily serve a term of two years, except that student members may be appointed to shorter terms. If a committee member cannot serve a full term, the Chancellor will appoint a replacement member for the duration of that term.

3. In the event of a hearing, a Panel of three DHHC members will be selected by the appropriate Discrimination and Harassment Response/Title IX Coordinator (the “Coordinator”). The Panel shall consist of at least two faculty members, one of whom will be appointed by the Coordinator to serve as Chairperson. The remaining composition of the Panel will vary depending on the status of the parties. If the complainant is a student, the Panel ordinarily will include one student. If the complainant is a staff member, the Panel ordinarily will include one staff member. If the complainant is a faculty member, all members of the Panel will be faculty members.

**Filing a Complaint**

4. The person complaining of discrimination or harassment (the “Complainant”) shall submit a written factual complaint with the Coordinator. The Coordinator will notify the
accused (the “Respondent”) that a complaint has been filed and will provide him/her with a copy of the complaint and these procedures.

5. Ordinarily within five calendar days following receipt of the complaint, the Coordinator will determine whether the complaint presents a reasonable basis to believe that an act of discrimination or harassment in violation of University policy may have occurred. In making this determination, the Coordinator may seek to obtain additional relevant information, including from the Complainant or Respondent. If the Coordinator determines that the complaint lacks a reasonable basis, the complaint will be dismissed and the parties will be notified in writing. That decision shall be final.

6. If the Coordinator determines that the complaint presents a reasonable basis, s/he will notify in writing the parties and the Dean of the school in which the Respondent holds a primary appointment of the need for DHHC review and will invite the Respondent to submit a written response to the complaint ordinarily within 10 calendar days. The response shall be submitted to the Panel c/o the Coordinator, who shall ensure that copies are forwarded to the Complainant and the Dean. The Coordinator will also convene a Panel of the DHHC and provide the Panel with copies of the complaint and response.

**The Investigative Hearing**

7. The Panel shall schedule its investigative hearing as soon as practicable. The hearing ordinarily will take place within 28 calendar days following receipt of the complaint. The parties and Panel members shall be given reasonable advance written notice of the time and place for the hearing.

8. At least five calendar days prior to the hearing, each party shall submit to the Coordinator a list of witnesses and copies of any documents or evidence each party expects to present in support or defense of the complaint. The Coordinator will forward copies to the Panel and to the other party.

9. Investigative hearings shall be conducted informally in the sense that legal rules of evidence shall not govern the testimony or evidence received.

10. The Panel shall limit its inquiry and recommendations to matters determined by the Panel to be relevant to the particular issues in dispute. The Panel shall exercise prudent judgment to avoid unnecessary intrusion into the privacy of any party or into matters not relevant to the complaint.

11. Parties shall have the right to be present during all presentations of evidence and argument. However, the Panel may determine that it is appropriate to arrange for the
parties and/or witnesses to be separated during the hearing using various means, including but not limited to privacy screens or use of closed circuit broadcasting in another room. Parties may not be present during Panel deliberations.

12. Each party may have one advisor (at the party’s expense) of his/her choice present during the hearing to provide support, but such advisor shall have no right to participate in proceedings except at the specific request or permission of the Panel, and the advisor must agree to abide by the confidentiality restrictions set forth in these procedures. The advisor may not contact anyone on the Panel or DHHC.

13. The Chairperson of the Panel shall preside at the hearing. Parties will be afforded an opportunity to present evidence that is relevant to the issues raised. Determinations as to relevance and what evidence will be considered will be made by the Chairperson, in consultation with the other Panel members as needed. The parties may call relevant witnesses that they previously identified to the Panel; upon a showing of good cause, the Panel may allow parties to call witnesses not previously identified to the Panel. The Panel may also call witnesses on its own initiative. A party may not call the other party as a witness. Only Panel members may question witnesses. Once the Panel has completed its questioning, the parties may suggest additional questions for the Panel, in its discretion, to ask the witness. Witnesses and other evidence will be presented in the order determined by the Panel in its discretion. The Panel retains discretion to preclude or restrict the presentation of evidence or testimony of witnesses (e.g., duplicative, character or expert witnesses) not deemed relevant to the Panel’s investigation, and to modify the sequence of evidence depending on witness availability, etc.

14. The proceedings of the Panel are confidential and closed to the public. Only the parties, the parties’ advisors, representatives from the Office of the Executive Vice Chancellor and General Counsel, and witnesses (during their own testimony) may be present when evidence is being presented or arguments are being heard. No one else may attend without the express invitation of the Panel.

15. The hearing, but not the Panel deliberations, shall be sound recorded by the University. Neither the parties nor any other attendee may record the proceedings.

16. Violations of the Policy on Discrimination and Harassment must be proven by a preponderance of the evidence. In other words, the evidence must support a conclusion that Respondent more likely than not violated the Policy.

Panel Report and Dean’s Decision

17. Based on its post-hearing deliberations, the Panel shall, by majority agreement, make
factual findings, render an advisory opinion regarding whether Respondent violated the Policy on Discrimination and Harassment, and recommend any appropriate sanctions or remedial measures to the Dean of the school in which the Respondent holds a primary appointment. Findings of fact, advisory opinions and recommendations shall be limited to the relevant issues in dispute before the Panel.

18. The Panel shall submit a written report of its findings, advisory opinion and recommendations to the Dean, with a copy to the parties and the Coordinator, ordinarily within 14 calendar days following the completion of the investigative hearing. Any Panel member may include a written dissent or concurrence with the report.

19. Ordinarily within seven calendar days following receipt of the Panel’s report, the Dean shall notify the parties and the Coordinator in writing of his/her decision regarding whether a violation of the Policy on Discrimination and Harassment occurred and imposing any sanctions or remedial measures. The Dean’s decision will be based on the Panel’s report. Upon request, the Dean will be given access to the complete hearing record. The Dean may request clarification or further fact-finding from the Panel prior to rendering a decision. If the Dean does not accept the opinions or recommendations of the Panel majority, he/she will provide the parties, Panel and coordinator with a concise written explanation of the reasons for that decision.

20. The Dean’s decision ordinarily will be rendered within 60 calendar days of the initial submission of the complaint.

Review

21. Within 14 calendar days following receipt of the Dean’s written decision, a party may seek review by the Advisory Committee on Academic Freedom and Tenure of the decision by submitting to the Coordinator a written request, which shall state in detail the basis for the requested review. The Coordinator shall ensure that the Advisory Committee and the other party promptly receive a copy of the request. In preparing the request and any response, the parties will be permitted to listen to the recording of the hearing at the office of the Coordinator, but will not be provided a copy.

22. The Advisory Committee shall review the party’s written request for review and allow the other party an opportunity to respond in writing. Ordinarily within 14 calendar days following receipt of the written request for review, the Advisory Committee shall by majority vote issue written recommendations to the Provost, with copies to the parties,
23. The scope of such review by the Advisory Committee shall be limited to determining (i) whether the procedures set forth herein were fairly implemented, (ii) whether the facts established by the Panel constitute a violation of the Policy on Discrimination and Harassment, and/or (iii) whether any sanctions are insufficient or excessive. The Advisory Committee may not reconsider factual findings.

24. Ordinarily within 10 calendar days following receipt of the Advisory Committee’s written recommendations, the Provost shall issue a written decision, with copies to the parties, the Dean and the Coordinator. The scope of the Provost’s review shall be the same as for the Advisory Committee. The Provost’s decision shall be final and nonreviewable, except that a decision to initiate tenure revocation or termination for cause proceedings shall trigger the procedures set out in Sections VIII and IX of the Washington University Policy on Academic Freedom, Responsibility, and Tenure.

**Interim Measures**

25. At any point before or during any of the proceedings described above, the University may determine that interim or remedial measures, directed at the parties, witnesses, or a broader University population, are necessary and appropriate to prevent and/or respond to discrimination or discriminatory harassment. Depending on the specific nature of the allegation, such measures may include but are not limited to: implementation of a no-contact order or temporary leave of absence, course/classroom assignment changes, medical or counseling services, academic support services and accommodations, and additional training and education. Such measures will be taken in accordance with applicable University policies.

**Retaliation**

26. As described in greater detail in the Policy on Discrimination and Harassment, the University will not tolerate retaliation against persons who report discrimination or harassment or against those who testify, assist or participate in any investigation, proceeding or hearing involving a complaint of discrimination or harassment.