



Discrimination, Harassment, and Retaliation

OEA's Procedures for Responding to Reported Conduct by Students

To report discrimination, harassment, or retaliation (Prohibited Conduct), use the [Office for Equity and Accessibility's electronic reporting form](#) or email OEA at equityandaccess@vt.edu. To request a reasonable accommodation or other assistance in making a report or complaint of Prohibited Conduct, contact OEA at equityandaccess@vt.edu or (540) 231-2010.

I. Introduction

To provide living, learning, and working environments free from discrimination, Virginia Tech prohibits discrimination and harassment on the basis of age, color, disability, sex (including pregnancy), gender, gender identity, gender expression, genetic information, national origin, political affiliation, race, religion, sexual orientation, military status, or any other basis protected by law. The university also prohibits retaliation against a person for reporting discrimination or harassment or participating in a process related to a report of prohibited discrimination or harassment. Discrimination, harassment, and retaliation (collectively referred to as Prohibited Conduct) are defined by the university's [Policy on Harassment, Discrimination, and Sexual Assault \(Policy 1025\)](#).

Virginia Tech's Office for Equity and Accessibility (OEA) coordinates the university's response to all reports of Prohibited Conduct. OEA uses these procedures to coordinate the response to reports and complaints that a Virginia Tech student, graduate or undergraduate, engaged in Prohibited Conduct within the scope of Policy 1025, which covers both on-campus incidents and incidents that occur off-campus and cause continuing effects on campus.

OEA does not use these procedures to respond to allegations of sex- or gender-based harassment or violence, including sexual harassment, sexual exploitation, sexual violence, dating violence or domestic violence, as those terms are defined in Policy 1025 or the [Student Code of Conduct](#), or Title IX Sexual Harassment as defined in the university's [Policy on Title IX Sexual Harassment and Responsible Employee Reporting \(Policy 1026\)](#). (See the [university's SAFE at VT site](#) for more information about reporting sex- or gender-based harassment or violence).

OEA, and through it, the university, cannot and does not use these procedures to restrict, chill, or punish constitutionally protected speech or expression.

II. Formal Procedures

Complainants may initiate these formal procedures by filing a complaint with OEA. OEA responds to complaints in accordance with the procedures outlined below. There may be exceptional circumstances that justify a departure from the procedures outlined below. If a departure is warranted, OEA will explain the departure to the parties as soon as possible.

a. Filing a Complaint

A complaint may be filed with OEA by any current or former participant in the university's programs or activities who believe that they have been subject to Prohibited Conduct by a university student, graduate or undergraduate.

OEA strongly encourages the use of its [online Formal Complaint Form](#). OEA will also accept complaints verbally or in writing where the complainant:

- (1) clearly requests consideration of the allegations under these formal procedures to an OEA investigator or the Director of Compliance and Conflict Resolution or designee; and
- (2) Provides, at a minimum (to the extent known), the complainant's name and contact information, the name of the respondent, a description of the conduct believed to constitute Prohibited Conduct, and a brief description of why the complainant believes that the alleged conduct at issue is based on one or more protected characteristics under Policy 1025.

Where a complaint is made verbally to an OEA investigator or the Director of Compliance and Conflict Resolution or designee, that OEA official will reduce the complaint to writing and confirm the allegations in the written complaint with the Complainant before the complaint is considered received by OEA.

b. Complaint Evaluation

When OEA receives a complaint that may include an allegation of Prohibited Conduct, OEA will evaluate the complaint and any relevant supplemental information to determine whether the complaint states a potential violation of Policy 1025. If OEA lacks sufficient information to move forward with a decision, OEA will attempt to contact the complainant to give the complainant an opportunity to provide additional information.

OEA may close a complaint or any complaint allegations for any of the following reasons:

- The allegation does not state a violation of Policy 1025;
- The allegation falls outside of the scope of Policy 1025;
- Despite OEA's efforts to obtain the information, OEA lacks sufficient information to infer that alleged conduct was based on a protected class, trait, or characteristic;
- The respondent has left the university and is no longer subject to either Policy 1025 or the Student Code of Conduct;
- The complainant requests to withdraw the complaint; or
- The most recent incident of alleged Prohibited Conduct occurred more than 300 days prior to the date the complaint was filed.

If OEA closes one or more allegations, OEA will communicate its decision to the complainant. OEA may also communicate its decision to the respondent when OEA knows or has reason to believe the respondent has awareness of the pending complaint. OEA will also communicate the reason(s) for its decision and may inform the complainant of other possible avenues of redress or support, such as the Dean of Students Office or the University Ombuds.

Even when OEA closes a complaint under Policy 1025, OEA may still refer the complaint to Student Conduct for additional consideration under the Student Code of Conduct.

c. Investigation

If OEA determines that a complaint contains an allegation of Prohibited Conduct and a complainant requests an investigation, then OEA will investigate using the procedures below.

i. Notice of Investigation

As soon as practicable, OEA will communicate notice to both the complaining and responding parties of the commencement of its investigation. OEA will provide all parties with sufficient notice to allow the parties an equal opportunity to participate in the investigation.

ii. Investigation Overview

OEA will take steps to ensure that parties have an equal opportunity to be heard, to submit information and corroborating evidence, and to identify witnesses who may have relevant information.

OEA will normally conclude its investigation within thirty (30) days of communicating notice of the investigation to parties. This timeframe is dependent on the availability of witnesses, the timing of

the investigation around scheduled university breaks, complexity of a particular case, requests from law enforcement to delay an investigation, requests to allow other pending internal investigations to proceed first, or other legitimate reasons.

d. Referral to Student Conduct or Closure

Once OEA has provided parties with an opportunity to participate in the investigative process, OEA will either refer the matter to the Office of Student Conduct or provide notice to parties of OEA's decision to close the matter under Policy 1025.

When referring a matter to Student Conduct, OEA will provide relevant evidence collected during the investigation to Student Conduct for consideration. OEA will ensure that parties also receive relevant information shared with Student Conduct to provide an equal opportunity for parties to participate in any conduct process.

When closing the complaint after investigation, OEA will communicate its decision to the parties, including a rationale for the decision to close the matter.

III. Administrative Review

OEA retains discretion to conduct an administrative review into allegations of Prohibited Conduct, even in absence of a complaint. In determining whether to initiate an administrative review of allegations of Prohibited Conduct, OEA will consider all known information, including: (1) the nature and the severity of the allegations; (2) whether the allegations are amenable to resolution through other channels; (3) the history of prior complaints regarding the same students or student group; (4) the expressed wishes, if known, of any parties who may have lost access, whether partially or completely, to a university program or activity due to the alleged Prohibited Conduct; and (5) any other pertinent information.

When OEA conducts an administrative review, OEA will follow the procedures described above.

IV. External Complaints

Individuals also have the right to file complaints with one or more of the following federal or state agencies. These agencies may have separate deadlines and time limitations for filing complaints. Contact the following agencies to learn more about the process for filing complaints or making reports and any applicable filing deadlines:

- [U.S. Department of Education, Office for Civil Rights](#)

- [U.S. Department of Justice, Civil Rights Division](#)