

April 1989

WASHINGTON UNIVERSITY
Discrimination and Sexual Harassment Hearing Procedures

Administrative Hearing Committees for Grievances

The Washington University community has available to it several standing committees to hear complaints of discrimination or sexual harassment brought by students, faculty members, administrative officers and staff. Complaints to these committees may be based on allegations of discrimination regarding sex, age, race, color, religion, national origin and handicap. The Committees are:

Handicapped, Committee on University Policies and Practice

Title IX Grievance Committee (Students)

Affirmative Action Committee (Faculty and Administration (FAAAC))

Human Resources Advisory Committee (Staff)

The Complaint

The person complaining of discrimination or sexual harassment (Complainant) shall submit a written factual complaint with the chairperson of the Hearing Committee. The Complainant may also meet with the Committee to explain the complaint.

The Committee shall decide whether the complaint indicates that there may have been discrimination or sexual harassment. If it finds such an indication, the Committee shall schedule a hearing, notify the complainant and the person against whom the complaint is made (respondent) of its time and place, and send the respondent a copy of the complaint.

The Hearing

Hearings shall be conducted informally in the sense that legal rules of evidence shall not govern the testimony received. However, the procedures outlined herein shall be followed in the interest of fairness to all parties involved.

- The Committee shall limit its inquiry and recommendations to matters determined by the Committee to be relevant to the particular issues in dispute. The Committee shall exercise prudent judgment to avoid unnecessary intrusion into the privacy of any party or into matters not relevant to the particular dispute in question.
- Any party shall have the right to be present during all presentations of evidence, but not during the deliberations of the Committee.

- Any party may have one advisor (at such party's expense) of his or her choice present at the evidentiary hearings, but such advisor shall have no right to participate in proceedings except at the specific request or permission of the Committee.
- The Chairperson of the Committee shall preside at the hearing. The Committee members may question the parties. All questions and comments by the parties shall be directed to the Committee; adverse parties and witnesses will not generally be permitted to cross-examine or confront each other directly.
- Any party shall be afforded a full and fair opportunity to present evidence relevant (in the Committee's judgment) to the issues raised. Both parties may make opening and closing statements. Each party desiring to call witnesses shall submit a list of such witnesses to the Committee chairperson at least five (5) working days before the hearing. The Committee may also invite witnesses on its own initiative.
- The proceedings of the Committee are not open to the public and except for the right of the parties and the advisor to be present when evidence is being presented, no one may attend the hearings or deliberations without the express invitation of the committee. All proceedings are confidential and the results shall be disclosed only to the parties and to the University officials with a "need to know."
- The evidentiary hearing, but not the Committee deliberations, shall be sound recorded and copies made available to the parties at their expense.
- The Committee shall submit its findings of fact, conclusions, recommendations or sanctions (if appropriate) and other recommendations in writing to all parties and to the appropriate University administrator within ten (10) working days of the last evidentiary hearing. This writing shall set forth the reasons for the decision made by the Committee.
- Findings of fact, conclusions and recommendations shall be limited to the issues in dispute before the Committee. Any Committee member may include written dissent in the written report.
- Unless specifically charged otherwise in writing, the Committee decisions are recommendations to the University administration which will make the final determination on all grievances.

- In the case of faculty, this document spells out the procedures of Administrative Committees referred to in sections XII.3.1 and XII.3.2 of Washington University Policy on Academic Freedom, Responsibility, and Tenure. The appeals procedures of sections XII.3.3 and XII.3.4 of said Policy shall apply.