



Discrimination, Harassment, and Retaliation

Procedures for Responding to Reported Conduct by Students

To report discrimination, harassment, or retaliation (Prohibited Conduct), use the Office for Civil Rights Compliance and Prevention Education's [electronic reporting form](#) or email CRCPE at civilrights@vt.edu. To request a reasonable accommodation or other assistance in making a report or complaint of Prohibited Conduct, contact the Office for Civil Rights Compliance and Prevention Education at civilrights@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 Civil Rights Compliance and Prevention Education (CRCPE) coordinates the university's response to all reports of Prohibited Conduct. CRCPE 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.

CRCPE 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).

CRCPE, 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 CRCPE. CRCPE 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, CRCPE will explain the departure to the parties as soon as possible.

a. Filing a Complaint

A complaint may be filed with CRCPE 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.

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

- (1) clearly requests consideration of the allegations under these formal procedures to an CRCPE 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 CRCPE investigator or the Director of Compliance and Conflict Resolution or designee, that CRCPE 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 CRCPE.

b. Complaint Evaluation

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

CRCPE 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 CRCPE's efforts to obtain the information, CRCPE 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 CRCPE closes one or more allegations, CRCPE will communicate its decision to the complainant. CRCPE may also communicate its decision to the respondent when CRCPE knows or has reason to believe the respondent has awareness of the pending complaint. CRCPE 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 CRCPE closes a complaint under Policy 1025, CRCPE may still refer the complaint to Student Conduct for additional consideration under the Student Code of Conduct.

c. Investigation

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

i. Notice of Investigation

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

ii. Investigation Overview

CRCPE 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.

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

When referring a matter to Student Conduct, CRCPE will provide relevant evidence collected during the investigation to Student Conduct for consideration. CRCPE 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, CRCPE will communicate its decision to the parties, including a rationale for the decision to close the matter.

III. Administrative Review

CRCPE 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, CRCPE 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 CRCPE conducts an administrative review, CRCPE 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](#)