

PROCEDURE FOR INVESTIGATION AND DISPOSITION OF FORMAL COMPLAINTS OF DISCRIMINATION, HARASSMENT OR RETALIATION

*Please refer to University Policy P-13.00 – 02/09 “Policy Prohibiting Discrimination, Harassment and Retaliation.”*

**I. COMPLAINT PROCESSESSING**

- a. The Office of Human Resources is responsible for administering the complaint and investigation process for complaints by or concerning students, faculty or staff of discrimination and harassment based on race, color, national origin, gender, disability, marital status, religion, veteran status, age, and sexual orientation and for complaints of prohibited retaliation.
- b. Allegations of prohibited discrimination, harassment or retaliation will be processed upon the filing of a written complaint with the Office of Human Resources.
- c. The Office of Human Resources, in consultation with the Office of the General Counsel, will make a threshold determination as to whether, assuming the complete truth of the allegations(s), the allegations(s) constitutes a violation of University policy. This threshold determination will be made within 10 business days of the date the complaint has been filed. Where appropriate, the Office of Human Resources may conduct a preliminary inquiry to determine whether an investigation is required and may take appropriate intervening measures in order to comply with legal requirements.
- d. If the threshold determination indicates that the allegation does not constitute violation of University policy, either with or without a preliminary investigation, both parties shall be notified that no further action will be taken with regard to the complaint.
- e. If the threshold determination indicates that an investigation is required, the University will notify both parties that an investigation will begin. An investigator from the Office of Human Resources will investigate the complaint. The General Counsel’s Office and the Office of Human Resources shall provide advice and counsel to the investigator.
- f. The investigation shall include interviewing the Respondent and the Complainant and may include interviewing other persons who have relevant information and reviewing any pertinent documents.
- g. If an individual who ordinarily would participate in the administration or disposition of a complaint files a complaint or becomes involved in a case as a Respondent or witness, the University will assign alternate individual(s) to participate in the administration and/or disposition of the case.
- h. The investigation shall be concluded within 90 calendar days of the filing of the complaint, if practicable. If additional time is required, the investigator shall notify the Complainant and the Respondent in

writing, prior to the 90<sup>th</sup> day, of the reason an extension is required and the expected length of time needed to conclude the investigation. Extensions may be renewed if necessary.

- i. After the investigation is concluded, the investigator will review and evaluate all the information gathered and shall prepare an investigative Report. The Report shall include a summary of the complaint, a description of the investigation including the information compiled, and a recommendation regarding whether a violation of University policies prohibiting discrimination, harassment or retaliation occurred.
- j. The Report shall be forwarded to the Office of Human Resources who shall send the Report to the Complainant and to the Respondent by certified mail within 10 calendar days from their receipt of the Report.
- k. If desired, the Complainant and/or the Respondent may submit written comments related to the Report to the Office of Human Resources. The comments must be submitted to the Office of Human Resources within 14 calendar days from the date the Report was mailed. The Office of Human Resources shall forward copies of the Report and any comments to the appropriate Dean, Director or Vice President.
- l. The Dean, Director or Vice President shall consider the Report and any written comments submitted by the Complainant and Respondent and, within 21 calendar days after receipt of the materials shall prepare a written Final Determination (“Final Determination”). The Final Determination shall state whether a University policy prohibiting discrimination, harassment or retaliation was violated and shall address whether remedial measures will be taken and/or disciplinary action will be pursued. The Final Determination shall be forwarded to the Office of Human Resources who shall send the Final Determination to the Complainant and Respondent.

## **II. APPEALS**

- a. The Complainant and/or the Respondent may appeal the Report and Final Determination by filing a letter of appeal within 21 calendar days of the date of the Final Determination.
- b. The appeal must be filed with the Office of Human Resources. The following individuals will make determinations on appeals or designate others to do so:
  - i. The Provost if the Respondent is a faculty member,
  - ii. The Vice President supervising the Respondent if the Respondent is a staff member, or
  - iii. The Vice President for Student Affairs if the Respondent is a student.
- c. The bases for appeal are set forth in University Policy No. *P-13.00 – 02/09* “Policy Prohibiting Discrimination, Harassment and Retaliation.”
- d. The Provost, Vice President or designee shall issue a written response to the appeal within 60 days of the date of receipt of the appeal. The

appeal decision shall be sent to the Complainant and the Respondent by certified mail and to the Dean, Director or Vice President who issued the Final Determination.

- e. Disciplinary action will not be taken until any appeal is completed and shall only be taken in accordance with applicable University policies and collective bargaining agreements.