

EQUAL OPPORTUNITY INVESTIGATIVE PROCEDURES AND APPEAL PROCESS

COMPLAINT PROCESSING

- The Equal Opportunity Coordinator is responsible for administering the complaint and investigation process for complaints of unlawful discrimination, harassment, or retaliation. This process applies to complaints against University students, employees, or contractors.
- The process for allegations of unlawful discrimination, harassment, or retaliation begins upon the filing of a written complaint with the Equal Opportunity Coordinator. Complaints must be filed within 180 days of the event or act which is alleged to be discriminatory, harassing, or retaliatory.
- The Equal Opportunity Coordinator will make a threshold determination as to whether—assuming the allegations in the complaint are true—the allegations would constitute a violation of University policy. This threshold determination will be made within 10 business days (excludes University holidays and closures) of the date the complaint has been filed. Where appropriate, the Equal Opportunity Coordinator 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.
- If the threshold determination indicates that the allegation does not constitute violation of University policy, either with or without a preliminary investigation, the Complainant shall be notified that no further action will be taken regarding the complaint.
- If the initial threshold is met, the University will notify the Complainant and the Respondent that an investigation will begin. The Equal Opportunity Coordinator or designee will investigate the complaint.
- The investigation shall include interviewing the Complainant and the Respondent and may include interviewing other persons who have relevant information and reviewing any pertinent documents.
- The University decides whether a policy violation has occurred based upon the “preponderance of the evidence” standard. The University will only make a finding against the Respondent if the weight of the evidence for an alleged policy violation is more likely true than not.
- If a person is involved in or associated with the process of the investigation, then the University will assign an alternate individual to conduct the investigation.
- 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 90th 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.
- After the investigation is concluded, the Equal Opportunity Coordinator will review and evaluate all the information gathered and shall prepare an investigative report (“Report”). The Report shall include a summary of the complaint, a description of the investigation including the information compiled, and a determination regarding whether there was a violation of University policy.

- Upon the completion of the Report, the Report shall be forwarded to the Complainant and to the Respondent by (1) UWF email; (2) certified mail, return receipt requested; or (3) hand delivery with a signed receipt.
- If desired, the Complainant and the Respondent may submit written comments related to the Report to the Equal Opportunity Coordinator. The comments must be submitted to the Equal Opportunity Coordinator within 10 calendar days from the date the Report was delivered.
- The Equal Opportunity Coordinator shall consider any written comments submitted by the Complainant and Respondent and prepare a written Final Determination (“Final Determination”) within 7 calendar days after receipt of the comments. The Final Determination shall state whether the University’s policy was violated. The Final Determination shall be forwarded to the Complainant and Respondent.

APPEALS

- The Complainant or the Respondent may appeal the Report and Final Determination by filing a letter of appeal within 14 calendar days of the date of the Final Determination.
- The appeal must be filed with the Associate Vice President Human Resources if the Respondent is an employee or the Dean of Students if the Respondent is a student.
 - The following individuals will make determinations on appeals or designate others to do so:
 - The Associate Vice President Human Resources for employees
 - The Dean of Students for students
- The bases for an appeal are set forth in University Policy “Prohibition of Discrimination, Harassment and Retaliation.”
- The Associate Vice President Human Resources or the Dean of Students 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 (1) UWF email, (2) certified mail, return receipt requested; or (3) hand delivery with signed receipt.
- If the determination is made that an employee has violated policy, then the Associate Vice President will consult with the appropriate Division Head to issue discipline or separation from employment.
- If the determination is made that the student has violated policy, then the Dean of Students will forward the case to the Student Conduct Board.
- Disciplinary action will not be taken until any appeal is completed and shall only be taken in accordance with applicable University policies and applicable collective bargaining agreements.