UAP Purpose

In accordance with System Policy 08.01 Civil Rights Protections and Compliance and System Regulation 08.01.01 Civil Rights Compliance, this University Administrative Procedure (UAP) is intended to create a process for filing, investigating and resolving complaints pertaining to discrimination, sexual harassment or related retaliation filed against faculty, non-faculty and students.

Official Procedures and Responsibilities

1. REPORTING DISCRIMINATION, SEXUAL HARASSMENT AND/OR RELATED RETALIATION

1.1 The President designates the Equal Opportunity Compliance Officer (EOCO) to be responsible for overseeing the University's civil rights protection program in accordance with System Regulation 08.01.01.

1.1.1 The EOCO will conduct the investigations and the appropriate vice president will be the final decision maker in the investigative process.

1.2 In accordance with System Regulation 08.01.01, a University employee or student who believes he or she has been subjected to discrimination, sexual harassment and/or related retaliation should promptly report the incident in writing to the EOCO. Complaints against students may also be filed with the Associate Vice President for Student Affairs (AVPSA). The complaint must be delivered to one of these official contacts. Complaints received by the AVPSA will be forwarded to the EOCO, who also serves as the investigative authority for all complaints under this procedure, within five (5) business days of receipt.

1.3 Any individual who believes they have been subjected to discrimination, sexual harassment and/or related retaliation in connection with discipline and/or dismissal must submit a complaint within seven (7) business days of the action which caused the complaint, or it may be deemed untimely and dismissed.

1.4 Any individual's complaint alleging discrimination, sexual harassment and/or related retaliation unrelated to discipline and/or dismissal must be submitted within sixty (60) calendar days of the most recent incident or it may be deemed untimely and dismissed.

2. ACKNOWLEDGEMENT OF A COMPLAINT
2.1 The Office of Equal Opportunity will send the person who filed the complaint an acknowledgement letter informing the complainant that the EOCO has received the complaint and will contact the complainant for further information. This acknowledgement will be sent within five (5) business days of receipt of the complaint.

3. **INVESTIGATION PROCESS**

3.1 The EOCO will conduct separate interviews of both the complainant and the respondent and may interview any persons identified as having knowledge of relevant facts or information related to or mentioned in the complaint. If any of the parties cannot be interviewed, the EOCO will document all attempts to schedule an interview.

4. **FINDINGS REPORT AND FINAL RECOMMENDATIONS**

4.1 The EOCO will conduct the investigation and complete a report on the merits of the complaint within fifteen (15) business days.

4.1.1 The report must contain the following elements:

   4.1.1.1 Listing of the complainant's allegations;
   4.1.1.2 The complainant's requested relief;
   4.1.1.3 Description of all documentation reviewed;
   4.1.1.4 Analysis of each allegation; and,
   4.1.1.5 A conclusion (e.g. the complainant's allegation(s) are substantiated; are not substantiated; or, there is insufficient evidence to make a determination).

4.2 When a complaint involves the vice president who has responsibility for imposing sanctions or disciplinary actions as a result of the report, that responsibility will be transferred to another administrator designated by the President.

4.3 When a complaint involves the EOCO, the investigation of such a complaint will be transferred to another administrator designated by the President.

4.4 In the event of unusual circumstances that require an extension of time to thoroughly investigate a complaint and produce a written report of the investigation results, the EOCO will promptly advise the claimant and the respondent of those circumstances in writing and provide a timeframe for completion of the investigation and report. The EOCO may have an extension of time not to exceed fifteen (15) additional business days. Further extensions of time require the approval of the President.

4.5 The EOCO will submit a final investigative report with appropriate findings to the appropriate vice president who will render a decision on the merits of the complaint within five (5) days of receipt of the finalized report unless unusual circumstances require additional time.
4.6 The vice president’s decision will be the final decision regarding the merits of the complaint. The vice president will provide written notice of the decision to the complainant(s) and respondent(s), and the complainant(s)’ and respondent(s)’ supervisor(s)/department heads.

4.7 The vice presidents’ decision regarding the merits of the complaint cannot be appealed. However, sanctions resulting from such decisions may be appealed in accordance with System Regulation 08.01.01.

4.8 Attempts will be made to maintain the confidentiality of the complaint. Only parties with a need to know will have access to the information. However, there is no guarantee of confidentiality.

4.9 The EOCO will follow up with the complainant in those instances where the complaint was found to be valid in order to verify that the discriminatory or harassing behavior has ceased. This will take place on or about the anniversary of the final decision at six-months and one-year time frames.

Related Statutes, Policies, Regulations and Rules

System Policy 08.01 Civil Rights Protections and Compliance

System Regulation 08.01.01 Civil Rights Compliance

Appendix

Complaint Form

Contact Office

Office of Equal Opportunity 936-261-2123