

3b. Procedures for Allegations Against Employees and Vendors

Informal Complaint Resolution Procedures for Allegations of Sexual Harassment

If the complainant of an allegation of sexual harassment is reluctant or unwilling to inform the alleged offender that the behavior is unwelcome, the informal complaint resolution procedure requires the complainant to report the complaint, either verbally or in writing, to one of the following: 1) the complainant's immediate management supervisor or academic dean; 2) the alleged offender's management supervisor or academic dean, (hereafter referred to collectively as "informal investigator"); 3) the associate vice president for Human Resources; or 4) the assistant to the president for Social Equity. The trained informal investigator receiving the complaint must report it immediately to the assistant to the president for Social Equity, who will work with the informal investigator to facilitate a resolution of the complaint. The informal complaint procedures are not used for allegations of sexual violence.

The informal complaint resolution process provides an opportunity for the complaint to be resolved by mutual agreement between the complainant and the alleged offender. The implementation of this informal process is the responsibility of the informal investigator. To ensure compliance with the university's legal obligations, and/or as otherwise determined to be appropriate by the complainant or the assistant to the president for Social Equity, the complainant or the assistant to the president for Social Equity may move a complaint from Informal Complaint Resolution to Formal Complaint Resolution at any time.

If the complaint is against the assistant to the president for Social Equity, the informal complaint must be filed with the associate vice president for Human Resources. If the complaint is against the associate vice president for Human Resources, the informal complaint must be filed with the assistant to the president for Social Equity.

The trained informal investigator is expected to review the complaint expeditiously and explore avenues for informal resolution with the complainant. The university recognizes that it must balance the complainant's right of privacy and the need to be fair to the alleged offender by notifying the alleged offender of the allegation. The written complaint or a summary of the complaint will be provided by the informal investigator to the alleged offender. The trained informal investigator has the discretion to determine whether the situation warrants a meeting(s), either jointly with the complainant and the alleged offender or separately. Any person involved in the informal resolution discussion may be accompanied by an individual or appropriate union official if he/she so desires. The complainant may not be compelled to meet with the alleged offender. The trained informal investigator has the discretion to determine whether investigation of the complaint requires

interviewing other persons who may have witnessed the alleged behavior or might have information that would be helpful.

Informal investigators should attempt to resolve complaints expeditiously, but in a manner that is consistent with the severity or complexity of the matter. To the extent possible, it is expected that the informal resolution process will be completed in a timely manner. The informal investigator shall notify the complainant in writing of the results of the investigation and the action taken by the university to resolve the complaint. If informal resolution fails to resolve the matter to the complainant's satisfaction, the complainant may file a formal complaint. At the conclusion of the informal investigation, all records from the informal resolution process will be forwarded to the assistant to the president for Social Equity to be maintained in a confidential file for seven years.

Formal Complaint Resolution Procedures

If the complainant is not satisfied with the outcome of the informal resolution of a sexual harassment complaint or the complainant is filing his or her allegation of sexual violence, including sexual assault, dating violence, domestic violence, or stalking, directly at the formal complaint level, he or she may do so by filing a written complaint with the assistant to the president for Social Equity or the associate vice president for Human Resources (hereafter referred to collectively as "formal investigator"). The written complaint should describe the incident or incidents as completely as possible. The complainant may seek assistance and guidance regarding the formal submission of the complaint from the trained investigator of the formal complaint.

If the complaint is against the assistant to the president for Social Equity, the formal complaint must be filed with the associate vice president for Human Resources. If the complaint is against the associate vice president for Human Resources, the formal complaint must be filed with the assistant to the president for Social Equity. A complaint against the president or a member of the Council of Trustees may be directed to the Office of the Chancellor or to the assistant to the president for Social Equity, who will forward the written complaint to the Office of the Chancellor for investigation.

The trained formal investigator of the formal complaint will conduct the investigation including notifying the alleged offender, providing a copy of the written complaint to the alleged offender, conducting interviews with the complainant and the alleged offender and with anyone who might have witnessed the behavior or who might have information that would be helpful. Any person involved in the formal resolution discussion may be accompanied by an individual or appropriate union official if he/she so desires.

The investigator will conduct the investigation in a timely manner consistent with the complexity and severity of the matter. At the conclusion of the investigation, the formal investigator will prepare a report of findings and submit the report to the president or his or her designee, to the extent possible within a 60-day period, after the filing of the allegation.

The president or designee will determine what appropriate action, if any, will be taken, based upon the preponderance of the evidence. A pre-disciplinary conference will be held if sufficient evidence is found in the report of findings. If disciplinary action is taken as a result of the pre-disciplinary conference, the alleged offender may appeal the decision as provided in the grievance procedures of his or her respective collective bargaining agreement or the Management Merit Principles Policy, whichever is applicable. The complainant also has the right to appeal to the president of the university.

Once the president or designee has rendered a decision and notified the alleged offender in writing, the formal investigator shall notify the complainant in writing, throughout the process, and of the results of the investigation and the action taken by the university to resolve the complaint.

At the conclusion of the formal investigation, all records will be maintained by the assistant to the president for Social Equity in a confidential file for seven years.

Records of investigations will not be maintained in personnel files unless formal disciplinary action is taken. Upon filing of a complaint outside the university, information gathered in the course of the investigation may be disclosed, as appropriate.