**Policy 1324: Discrimination & Harassment Complaint Procedures:**

**FORMAL COMPLAINT PROCESS**

Although the University recommends attempting informal resolution first, the complainant may file a complaint at any time during the 60 days following the last date of objectionable behavior.

The complainant must file the complaint with the Affirmative Action Officer (AAO) within 60 days of the last behavior date. The AAO may extend this period up to 30 days if informal resolution is in progress.

The AAO will confirm the complaint commencement date with the complainant in writing.

If AAO decides that the policy applies, an investigation will ensue. **No later than 15 days** after the complaint commencement date, the AAO will issue a written report including a preliminary finding of whether the respondent violated this policy.

If the AAO’s preliminary finding is that the respondent may be in violation, or if the v.p. upholds the complainant’s appeal, the AAO will appoint a University Complaint Officer (UCO) to organize a Hearing Panel.

If the v.p. upholds the respondent’s appeal, the complaint is dismissed.

The UCO selects Hearing Panel members and the complaint proceeds to a hearing.

If no appeal is filed or if the v.p. denies the appeal, the complaint is dismissed.

The respondent may appeal the decision to conduct a hearing to the appropriate university vice president (v.p.) within 5 days of the AAO’s decision.

If the v.p. upholds the respondent’s appeal, the complaint is dismissed.

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If AAO decides that the policy applies, an investigation will ensue. **No later than 15 days** after the complaint commencement date, the AAO will issue a written report including a preliminary finding of whether the respondent violated this policy.

If the AAO’s preliminary finding is that the respondent may be in violation, or if the v.p. upholds the complainant’s appeal, the AAO will appoint a University Complaint Officer (UCO) to organize a Hearing Panel.

If the v.p. denies the appeal, the complaint is dismissed.
Policy 1324: Discrimination & Harassment Complaint Procedures:

THE HEARING

- The Hearing Panel is appointed to hear a specific complaint and must include at least one voting member from the complainant's classification and at least one from the respondent's classification.

- Both the complainant and respondent may have a member of the Hearing Panel removed without having to provide a reason by giving written notice to the UCO four days prior to the hearing date.

- The Hearing should occur within 45 days of the complaint commencement date. Circumstances may cause a delay, however, and such delays do not constitute grounds for appeal.

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- The UCO/AAO may require pre-hearing statements from the complainant, respondent, and AAO, naming any witnesses and describing the nature of their anticipated testimony.

- Testimony that facilitates understanding of the facts may be presented various ways, including sworn affidavit, telephone, or video. Attorneys may not participate in the hearing but may be present and advise either party during the hearing.

- Hearing Panel will prepare written findings and recommendations within 10 days after the hearing. The report will be provided to complainant, respondent, UCO/AAO, and the appropriate vice president.

- If a majority of Hearing Panel members do determine that evidence justifies a finding that the respondent has violated Policy 1324, they will then recommend sanctions. Recommended sanctions must be approved unanimously by the Hearing Panel.

- If a majority of Hearing Panel members do not determine that evidence justifies a finding that the respondent has violated this policy, the complaint shall be terminated.

- Within 10 days of being sent the Hearing Panel’s written report, the respondent may appeal the decision.

- The Hearing Panel’s decision to terminate the complaint is final and may not be appealed.
Policy 1324: Discrimination & Harassment Complaint Procedures:

RESPONDENT’S APPEAL OPTIONS

The v.p. will receive the respondent’s appeal and provide a copy to the complainant who shall have 5 days to respond.

The v.p. shall review the appeal and may, at the v.p.’s discretion, also review evidence, speak to any of the participants in the complaint process as well as any outside persons.

If and only if the v.p. imposes a sanction of dismissal or expulsion, the respondent may make a request to the university president for modification of the sanction. Request must be made no later than 10 days after notification by the respondent.

The president shall issue a decision within 20 days or receiving a written request from the respondent.

The president’s decision is final and may not be appealed.

Within 20 days of receipt of the appeal, the v.p. shall render one of the following decisions:

- Affirm the finding of the Hearing Panel in its entirety.
- Affirm the finding of the Hearing Panel that harassment or discrimination occurred, but modify the sanction.
- Direct that a new hearing take place with a new Hearing Panel.
- Reverse the Hearing Panel’s finding that harassment or discrimination occurred, in which case the complaint shall be terminated.

Respondent may appeal the Hearing Panel’s finding or the sanction to the appropriate vice president (v.p.).

However, grounds for appeal are limited to the following:

- New evidence that was not reasonably available to the respondent until after the hearing.
- The respondent was denied due process because of failure to follow the procedures set forth in this policy, and such failure affected the outcome in a manner detrimental to the respondent.

The vice president’s decision to terminate the complaint is final and may not be appealed.