

Filing a Complaint

If a problem cannot be resolved informally or the individual elects not to handle the matter informally, the individual may initiate a complaint by submitting a written complaint to the Office for Institutional Diversity. The individual should be as specific as possible regarding the circumstances that prompted the complaint (including the dates and places of the incidents at issue, the individuals involved, and the names of any witnesses) and should include a description of any efforts to resolve the matter informally and the results, and any other relevant information. The complaint should be brought in as soon as possible after the action giving rise to it, but in no case later than forty-five (45) days after the action. The time period may be extended for complaints involving an ongoing academic course, or other extenuating circumstances as determined by the Executive Director of the Office for Institutional Diversity.

Investigation and Resolution of Complaints

The University has designated specific offices and individuals to investigate complaints of unlawful discrimination. Depending on whether the individual accused of engaging in discrimination is a student, a member of the faculty, or a member of the staff, the investigation will be conducted by the designated office as set forth below, provided that in any particular case, the Provost or the Executive Vice President may designate which office or individual will investigate a complaint. In any case, the Office for Institutional Diversity may recommend and approve the use of an outside investigator to conduct some or all of the investigation. In no event will a person who is the subject of a complaint be assigned to investigate or make a determination about the complaint. The Office for Institutional Diversity (if not investigating the complaint) and the Office of the General Counsel will provide advice or assistance to the investigation process.

The investigation may involve meeting with the parties, interviewing witnesses, requesting written statements from the parties, informing the person whose actions are the subject of the complaint of the allegations and/or providing that person a copy of the complainant's statement, and making any other appropriate inquiries. The investigation may also involve the establishment of a fact-finding committee to perform one or more of the above tasks. Both the complainant and subject will have an equal opportunity to present facts and witnesses to the designated investigator(s) and/or factfinder(s). Before any adverse determination is made, the individual or individuals whose actions are the subject of the complaint will be informed of the complaint and have an opportunity to respond. Complaints alleging sex discrimination under this policy will be addressed in accordance with the requirements of Title IX of the Education Amendments of 1972.

The University will conduct an investigation in a timely manner so that a decision can be reached promptly, within sixty (60) days of the receipt of the complaint whenever possible. The outcome of a complaint may include a finding that the allegations are unwarranted or could not be substantiated; a negotiated settlement; or a finding that unlawful discrimination has occurred. The standard of proof for a finding of discrimination is a "preponderance of evidence," meaning that the evidence indicates that it was more likely than not that the discrimination occurred. Whether or not a finding of unlawful discrimination is made, nothing in this policy should be construed to limit the University's ability to take measures, including disciplinary measures, regarding behavior identified for, informing(t)10u pocy should

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