APPENDIX I: EQUAL OPPORTUNITY/AFFIRMATIVE ACTION POLICY
STATEMENT AND PROCEDURES FOR COMPLAINTS OF
DISCRIMINATION OR HARASSMENT

I-5 PROCEDURES

A. Filing a Complaint
The appropriate “Reporting Office” or administrative authority, as noted above, shall take the complainant’s information, obtain the signature of the complainant with the information, notify the Affirmative Action Officer of the pending complaint and any other designated or appropriate administrative officers, and shall begin an investigation of the complaint. The investigation should commence within one week of receiving the complaint. This can be extended if individuals involved in the investigation are not immediately available. Notification of the accused should be given at the time the investigation commences. Complaints are to be handled at the lowest possible level to ensure a quick and effective response.

Complaints filed with the Affirmative Action Officer shall include the Complainant’s information, the signature of the complainant, and any other relevant information. If appropriate, the Affirmative Action Officer will notify the appropriate administrative officer in whose area the complaint is alleged to have occurred and will either refer the complaint to one of the appropriate offices above for handling or work cooperatively with the appropriate office or administrator to investigate and to make a finding based on the facts.

The initial complaint may be in oral or written form. The complainant will be asked to sign a completed Complaint Form or sign a letter of complaint detailing the alleged charges. In order to fully investigate a complaint, it is best if the Complainant write an account of the alleged occurrences in his or her own words. This helps the Complainant to be clear as to events and gives the interviewer/investigator the best understanding of what was alleged to have occurred. If the Complainant does not choose to or cannot write an account, the Complainant may review and sign the written account taken by the interviewer/investigator. This review by the Complainant is necessary to make sure that all issues are included and understood. Failure to sign a statement may impede the University’s ability to effectively resolve the complaint.

B. Investigation and Time Lines
The Affirmative Action Officer may investigate, assist, advise, or accept a lead role in investigating any complaint of discrimination or harassment. Other trained University personnel, including those that serve as human resources professionals or administrators, judicial officers, crisis team members, or members of the specially trained investigative pool may investigate or assist in investigations or in fact finding.

If, after an initial investigation is completed, it is determined that an allegation cannot be resolved without a more comprehensive investigation, a three-member team will be selected from a specially trained pool to do a thorough investigation of the allegation.

Most fact-finding investigations and results should be concluded as expediently as possible, preferably within 60 working days of the complaint’s filing with the University official. However, investigations may be extended due to difficulty in obtaining documentation or unforeseen circumstances. In those situations, complaint investigations should be concluded in 120 working days. Reasons for exceptions shall be noted for the file. The Complainant and the accused party shall be informed as to the progress or status of the investigation at the following stages: when it begins, if a determination is made to convene a three-member investigative panel, if an extension is given beyond 60 working days, and when the investigation is completed. These notifications should be within three days of the status change. The Affirmative Action Officer, or the office or administrator conducting the investigation, or the investigative team; if one has been established; will be responsible for these notifications.
C. Findings and Actions
Following the conclusion of the investigation, a finding will be made. The parties will be notified in writing as to the disposition of the complaint. If the finding determines that discrimination or harassment occurred, then corrections are to be instituted by the appropriately authorized administrator, administrative department, or division on behalf of the University. Disciplinary action against a student, faculty/academic staff member, or staff employee shall follow the established University procedures and due process requirements respective to the individual’s status with the University. These procedures and due process requirements are found in the University of North Dakota Code of Student Life, the University of North Dakota Faculty Handbook, the North Dakota State Board of Higher Education Policies and Procedures, and the North Dakota State Board of Higher Education Human Resources Manual. Other institutional actions may include, but are not limited to, changing procedures, processes, aids, benefits, or services applicable to the circumstances. Contractors with the University may be found in default of the contractual agreement(s) not to discriminate.

A record arising from a disciplinary action against an individual based on his or her employment status shall be a part of the individual’s permanent and official employment file. This includes all faculty and staff and students in their capacity as student employees and graduate students employed as teaching, research, or service assistants. Disciplinary action that is taken against a student in relation to academic or other campus-related behaviors shall be managed by the Dean of Students Office, the Graduate School, the School of Law, and the School of Medicine and Health Sciences according to their processes and records retention, as is appropriate to the student’s standing.

Disciplinary action may include, but is not limited to, a verbal warning, written reprimand, suspension, probation, demotion, and up to and including termination of employment or privileges to remain as a student. Progressive disciplinary action is not required for either employment or student-conduct issues arising from a finding of discrimination or harassment.

D. Appeals
An appeal by the Complainant may occur only when a finding does not support the complainant’s allegations. A Complainant may appeal the finding in writing to the appropriate Vice President in whose area the complaint occurred. The appeal must be in writing and filed with the Vice President within 10 working days after the complainant receives notice of the findings. The Vice President shall review the documentation and make a determination to accept, reject, or modify the results of the findings. The Vice President shall have 30 working days to complete the appeal review. A written decision shall be sent to the Complainant, the person or persons against whom the complaint was made, and appropriate administrative officers. An appeal to the Vice President completes the appeal process. No other appeal is available through the University. The President will handle an appeal of a complaint against a Vice President. In that instance, the President’s review is final.

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