

Informal Complaint Process

Notice of Report

- Initial Meeting with Complainant to discuss allegation, EO process, and availability of interim measures.
- Interim measures may be provided at this time depending on the nature of the allegation.
- Referral to Resource Offices

Complaint Filed

- Written notice of complainant provided to Respondent along with resources. Notice also provided to Respondent's supervisor, chair or department head.
- Interim measures may be imposed

Investigation

- EO investigator meets with complainant, respondent, witnesses; receives documentation, and monitors interim measures.

Resolution

- EO attempts to resolve the matter between the parties, usually with supervisor participation.
- **Not an Option with Sexual Violence as it is addressed through the formal procedure**
- Complainant can still file a formal complaint if these efforts are not successful.

Post-Resolution

- EO will monitor to ensure both parties meet their obligations under any facilitated agreement.

Formal Sexual Harassment Complaint Procedure: Investigation and Report

Notice of Report

- Initial Meeting with Complainant to discuss allegation, EO process, and availability of interim measures.
- Interim measures may be provided at this time depending on the nature of the allegation.
- Referral to Resource Offices

Complaint Filed

- Complainant submits a written complaint to the EO Executive Director who is the chair of the Sexual Harassment Hearing Board (“Board”).
- EO provides a copy of the complaint to the Respondent and the Respondent’s Vice Chancellor or Provost.
- Interim measures may be imposed.
- Respondent has 10 working days to submit a written response to the complaint to EO.

Investigation

- EO investigates complaint; interviews (in order) Complainant, Respondent, and witnesses. EO will review documentation provided by parties as well as documentation requested by EO during the investigation. EO will monitor any interim measures during this time.

Investigative Report

- EO Investigator will draft investigative report summarizing complaint, response, interview summaries and will attach relevant documentation. Report is provided to EO Executive Director

Review by EO Exec. Director

- EO Executive Director will review investigative report to determine whether or not prohibited sexual harassment may have occurred. If yes, then Executive Director refers the complaint to the Board for a hearing. If the answer is no, the complaint is dismissed, and this decision is final.

Sexual Harassment Hearing Board Hearing and Decision

Pre-Hearing

- EO Executive Director selects three (3) Person Hearing Panel which includes a presiding officer.
- Panelists review the investigative report and the names of witnesses are provided to the panelists prior to the hearing.
- Accommodations available for parties and witnesses to participate electronically or to limit interaction between Complainant and Respondent.

Hearing Procedure

- Panel questions parties and witnesses. A party may present questions to the panel for approval and for the opposing party to answer (panelists ask these questions).
- Each party may be accompanied by two support persons (union representative/advocate / attorney) to the hearing. The support persons may not answer questions posed to the party or otherwise participate in the hearing.
- EO will monitor and record (audio) the hearing. Recordings may be reviewed at the EO office under EO supervision.

Deliberations and Decisions

- Each party may submit a final written argument within ten days of the hearing.
- Panel reviews the record and any post hearing argument(s) before making its determination and issuing its report. The Panel may recommend discipline or other measures to the EO Executive Director if a policy violation is found.

Review by EO Executive Director

- EO Executive Director reviews the report and adds commentary if Respondent has prior disciplinary history.
- Panel's report with Executive Director's commentary is sent to the Vice Chancellor or Provost of the Respondent's area.

Decision and Appeal Rights

- The Vice Chancellor or Provost will review the report and may accept, modify or reject the panel's determination and recommendation.
- The Vice Chancellor or Provost then notifies the parties of its determination.
- The Complainant, Respondent or the Chair may request a review of the Vice Chancellor's or Provost's decision to the Chancellor within thirty days of the hearing. The Chancellor may affirm or revise the decision, request specific findings for the panel or remand the case for a new hearing.

Standard for Formal Investigations of Anonymous Complaints of Sexual Misconduct

Implemented May 2018

- 1
 - An anonymous complaint or report will not be formally investigated unless it contains a sufficient level of detail to indicate a probability that the sexual misconduct occurred and reasonably identifies the respondent and the victim.
- 2
 - If the complaint does not satisfy this standard, the Equal Opportunity Office or Dean of Students Office, as appropriate, will take such steps as necessary or feasible, in their discretion, to address the matters in an informal manner. An informal resolution can include an inquiry to develop information leading to a formal investigation
- 3
 - If the complaint does satisfy the standard, it will be assigned to EO or the Dean of Students Office for prompt investigation and written findings and recommendations.