

Policy No. 607.1
Area: Human Resources

Adopted: May 14, 1999

Certified by _____

Dr. Adolphus Andrews
Vice President
Administration and Finance

Revisions Approved:

SUBJECT: ADA and Equal Opportunity Discrimination
Sexual Harassment Complaint

Use of Procedure

Complaints by employees, students and the general public alleging violations of the Americans with Disability Act, applicable Equal Opportunity and Discrimination laws, ordinances and policies follow this complaint procedure. (Note: This complaint procedure is not followed for employee grievances or for student complaints about scholastic issues or general conduct regulations).

University Contacts and Representation

This complaint procedure is administered by the Human Resources Department. Complaints are received by the Director of Human Resources or designee.

The complainant and respondent may be accompanied by a support person, except an attorney, at any stage of the procedure. Time spent in filing complaints or participating in the investigation of complaints, etc., is considered University business and, therefore, is considered time worked.

Filing an Internal Complaint

Resolving disputes in an equitable and timely manner and at the lowest supervisory level is beneficial to the University, its employees and students. Thus, individuals are encouraged to use the internal complaint procedure to accomplish this goal.

A charge shall be filed with the University within 30 calendar days after the alleged act occurred.

Filing an External Complaint

Although use of the internal procedure is encouraged, individuals also have the right to file complaints with appropriate external agencies. It should be noted, however, that the University will not process any discrimination complaint once an external agency has begun an investigation of the same complaint.

SECTION 1 - INTAKE INTERVIEW AND REFERRAL

The Human Resources Department receives the complaint and determines the appropriate process to be used. The referral process takes up to two work days to complete.

- 1.1 Within 30 calendar days of the alleged incident, the complainant contacts the Human Resources Department to discuss the incident and the complaint procedure. The complainant will be required to submit a written statement of the allegations and provide other documentation and/or information needed to substantiate his or her complaint, such as protected status under law or medical proof of disability with a signed medical release form.
- 1.2 Based on review of the complaint statement/documentation, the Human Resources Department determines whether this or another procedure is appropriate for processing the complaint.
- 1.3 Human Resources may reject the complaint as not being covered by this complaint procedure.
- 1.4 If the complaint is identified as an ADA or EEO issue, Human Resources will refer the complaint (referred to as the Reviewer) for review and fact finding.

SECTION 2 - REVIEW AND FACT FINDING

This section is used to review, fact find, and where practicable, resolve a complaint at the lowest level possible.

Human Resources may request more information to verify facts and allegations, such as medical documentation, proof of protected status or proof of disability any time during review and fact finding. Human Resources will make one of the following finds:

- Probable cause finding that the allegation(s) is/are true.
- No probable cause finding that the allegation(s) is/are true.
- Not founded (No facts to support or deny allegations.)

Human Resources will make a written resolution/recommendation to the Vice President for Administration and Finance. The Complaint Procedure concludes with the final decision of the President/Vice President for Administration and Finance or designee.

