

TAP 30
APPENDIX A: COMPLAINT RESOLUTION PROCESS

I. PROCESS

Generally, alleged violations of TAP 30 are addressed in accordance with the Complaint Resolution Process described herein. All phases of the Complaint Resolution Process are subject to the timelines described below.

1. Step One

- a. As more fully set forth in the main text of TAP 30, a Complainant who believes that he or she has experienced a violation of this policy should raise his or her concern to the Director of Anti-Discrimination Compliance. The Director of Anti-Discrimination Compliance shall complete an intake form based on the information provided by the Complainant. The matter may then be referred to mediation, following the process set forth in Step One, or a Complainant may choose to bypass mediation and move directly to Step Two.
- b. Unless a Complainant has elected to bypass Step One, within five (5) business days of receiving a formal complaint of discrimination, the Director of Anti-Discrimination Compliance shall send the complaint, including the intake form, to the University Mediator.
- c. Within five (5) business days of receiving such referral, the University Mediator shall contact the Complainant for the purpose of understanding the details of the complaint. This meeting between the Complainant and the University Mediator shall occur within ten (10) business days of the initial referral from the Director of Anti-Discrimination Compliance.
- d. Within five (5) business days of the meeting with the Complainant, the University Mediator shall contact the Respondent. The University Mediator shall take all necessary steps to attempt to resolve the complaint through mediation. If, however, within fifteen (15) business days from the initial contact with the Respondent it becomes clear to the University Mediator that the matter cannot be resolved through mediation, the University Mediator shall refer the matter back to the Director of Anti-Discrimination Compliance to begin Step Two of the Complaint Resolution Process.
- e. The University Mediator shall maintain a log of all matters referred and a timeline of meetings but shall not produce any written report.

2. Step Two

- a. Within five (5) business days of receipt of notification of failure of Step One (mediation), or in the event that a Complainant chooses to skip Step One, the Director of Anti-Discrimination Compliance shall explain, in an in-person meeting, the Step Two process.
- b. Step Two begins with the Complainant submitting a written complaint. The Complainant shall have ten (10) business days from the date of his or her meeting regarding Step Two to submit his or her written complaint to the Director of Anti-Discrimination Compliance.
- c. Within five (5) business days of receipt of the Complainant's written complaint, the Director of Anti-Discrimination Compliance shall forward the complaint to the Respondent, who shall have ten (10) business days to submit a written response to the Director of Anti-Discrimination Compliance. If the Respondent does not submit a

written response, the Complaint Resolution Process will proceed without the Respondent's written response. The Director of Anti-Discrimination Compliance shall have five (5) business days to forward the response to the Complainant.

- d. The Director of Anti-Discrimination Compliance shall then convene a Review Panel. The Director of Anti-Discrimination Compliance shall appoint one member of the Review Panel to serve as its chair.
- e. The Review Panel shall interview the Complainant and Respondent, as well as any witnesses identified by either party. The Review Panel shall also review all written material submitted by either party, and may, in its discretion, request to review additional documentation.
- f. The Review Panel shall have twenty (20) business days to complete its interviews and document review and make a finding of responsibility or non-responsibility. The Review Panel shall then have five (5) additional business days to submit a report setting forth findings and recommended sanctions to the Director of Anti-Discrimination Compliance. The Director of Anti-Discrimination Compliance shall then have five (5) business days to share the report with both parties, except as otherwise described in f.i. below.
 - i. Where a faculty member is a Respondent, the Hearing Panel's findings and assigned sanctions shall constitute a recommendation for the Provost. Within (5) business days of receipt, the Director of Anti-Discrimination Compliance shall forward the report to the Provost. Following a review of the Review Panel's recommended findings and sanctions, the Provost shall issue a final finding and assign sanctions. The Provost may re-interview parties and witnesses, and may review material submitted by the parties in his or her discretion.

3. Appeals

- a. Faculty Respondents: The Provost's findings and sanctions may be appealed to the Faculty Grievance Committee in accordance with the process set forth in the Faculty Handbook. If the Provost is a party to the matter, the Review Panel's findings and sanctions shall constitute a recommendation for a different appropriate Vice President, as determined by the University's Associate Legal Counsel.
- b. Staff Respondents: Where a staff member is a Respondent, the Hearing Panel's findings and assigned sanctions shall be final and appealable to the appropriate Vice President. A Complainant or Respondent may appeal to the appropriate Vice President within five (5) business days of receipt of the Panel's decision, but only on the basis of material procedural error. The Vice President may review all material and re-interview any or all parties in his/her discretion. Following this review, the Vice President may, in his/her discretion, uphold the findings and sanctions; uphold the finding but revise sanctions; reverse the findings and sanctions; or return the matter to a new Review Panel or to the same Review Panel with directions for further review. The decision of the Vice President is not subject to further appeal. In the event the matter is returned to the Review Panel level, the Panel's decision is not subject to a second appeal.
 - i. If the appropriate Vice President is a party to the matter, it will be appealable to a different appropriate Vice President, as determined by the University's Associate Legal Counsel.

4. Sanctions

- a. Disciplinary sanctions for employee violations of this Policy may range from a disciplinary warning to termination from the University. Disciplinary sanctions may

include, but are not limited to, one or more of the following measures: termination from the University, unpaid suspension, change in working facility, mandated enrollment in an Employee Assistance Program, written reprimand in personnel file, and/or withholding of salary increase. Additional sanctions may be imposed as appropriate in response to the specific circumstances of a violation of TAP 30.