

THE ADMINISTRATIVE POLICY

TAP NO. 30: AFFIRMATIVE ACTION, EQUAL EDUCATIONAL AND EMPLOYMENT OPPORTUNITY, AND HUMAN RELATIONS IN THE WORKPLACE AND CLASSROOM

The University is committed to the principles of equal educational and employment opportunity for all qualified persons. The University is further committed to nondiscriminatory human relations in the classroom and workplace, without regard to the person's race, color, gender, sexual orientation, age, religion, national origin, marital status, genetic history, Veteran status, or disability. All of these classes and any other forms of discrimination are totally antithetical to the policy of the University. Moreover, proactive efforts will be taken to develop programs which would extend the general commitment of the University.

Duquesne University is, however, an educational institution operated in affiliation with the Roman Catholic Church in the United States. Nothing in this Policy should be construed as a waiver either of the Constitutional or statutory rights which Duquesne University enjoys as a religiously-affiliated organization. In particular Duquesne University reserves the right to specify as a qualification for employment the ability and willingness to support the values of Catholicism as set forth in the University's Mission Statement.

A. EQUAL EDUCATIONAL OPPORTUNITY

No person seeking to pursue study at the University shall be excluded from participation in, denied the benefits of, or be subjected to discrimination in their educational pursuits or in having access to any program or activity of the University if they have the required academic qualifications.

B. EQUAL EMPLOYMENT OPPORTUNITY

No qualified person seeking employment with, or advancement within, the University shall be excluded from the recruiting process and every effort shall be made to hire and promote women, minorities, and handicapped persons in all position classifications. To ensure compliance with this policy, the employing department and all search committees shall be required to document the recruiting and selection process utilized in filling positions and to forward this documentation to the Office of Human Resource Management. The appropriate form assigned for this documentation is attached.

C. SEXUAL MISCONDUCT

See TAP NO. 31 *University Policy on Gender Discrimination and Sexual Misconduct*.

D. INTERNAL GRIEVANCE PROCEDURE

See Attached Addendum

REV: 2/2014

Anti-Discrimination Policies and Complaint Resolution Procedures

Policy Introduction:

Discrimination in any form is a violation of Duquesne University policy (TAP 30 and TAP 31) and complaints of such conduct are subject to the following procedures:

Any student or employee who believes that he or she has suffered discrimination on the basis of his or her race, color, gender, sexual orientation, genetic history, creed, religion, national origin, marital status, veteran status or disability and who has not been able to resolve the matter at his or her departmental level, should raise his or her concerns with the Director, Anti-discrimination Policy and Compliance (the “Compliance Director”).

Note: Discrimination complaints (including complaints of sexual assault) against students will be treated as possible disciplinary violations and will be investigated and adjudicated in accordance with the policies of the Student Code of Conduct and the Student Conduct System.

Retaliation:

It is a violation of Duquesne University’s anti-discrimination policy and the law to retaliate against any individual who brings a complaint under this policy or who cooperates or otherwise participates in the investigation or resolution of a complaint.

Complaint Resolution Process:

All phases of the Complaint Resolution process are subject to strict time lines as outlined below. The process is confidential to the greatest extent possible. In Step One, only the parties to the dispute, the University Mediator and the Compliance Director are involved. If the dispute resolution proceeds to the formal process in Step Two (Review Panel), only the parties, their advisors, members of the panel and the Compliance Director are present. The Complaint Resolution process is an internal private process and lawyers are not permitted to be Advisors to any party in the capacity of legal counsel.

Definitions:

Advisors:

The Complainant and the Accused have the right to be assisted by an Advisor. The Advisor must be a current member of the Duquesne University community and may not function as an attorney. The Complainant and/or the Accused is responsible for presenting his or her own information and, therefore, Advisors are not permitted to speak or to participate directly at a Review Panel.

Panel:

The Panel will be comprised of three employees, as appropriate, appointed by the Compliance Director from a pool of previously identified potential panel members who have been trained in discrimination complaint investigation and dispute resolution procedures.

Complaint Options:

1. At any point in the process, the Complainant may choose to withdraw his or her complaint. However, in some situations, the University may be required to act even though the Complainant does not personally wish to proceed. This may occur when the University believes there is a need to prevent ongoing or recurring discrimination or when the University has a legal obligation to pursue an investigation of a complaint.

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2. The University strongly encourages any victim of unlawful discrimination and harassment to report the incident and seek redress through this Complaint Resolution process. Complainants are encouraged to exhaust these procedures with regard to any grievance before pursuing remedies outside the University. The University will provide a prompt investigation and thorough and careful resolution. However, the University acknowledges the rights of Complainants to seek redress from any external enforcement agency including the Pennsylvania Human Relations Commission, the Equal Employment Opportunity Commission or the Office of Civil Rights of the United States Department of Education. Complainants may also file a criminal complaint with the Pittsburgh Police Department. The filing of an external complaint or investigation will normally result in no further processing of the internal complaint. However, it will not preclude the University from investigating and addressing issues or concerns raised to the University.

Note: All references to days are Monday through Friday and exclude recognized University holidays/holy days of obligation. In exceptional circumstances, extensions of time may be granted in writing by the Vice President, Legal Affairs.

Step One - Mediation:

- a) Complainants must meet with the Compliance Director or his/her designee to file a grievance within **60 business days** following the alleged discriminatory act or the date on which the Complainant knew or reasonably should have known of the act.
- b) Within 5 business days of receiving a complaint of discrimination, the Compliance Director shall refer the complaint, including a brief description and the name and contact information for the complainant, to the University Mediator.
- c) Within 5 business days of receiving such referral, the University Mediator shall contact the Complainant to arrange a meeting for the purpose of understanding the details of the complaint. Such meeting should occur within 10 business days of the initial referral.
- d) Within 5 business days of the meeting with the Complainant, the University Mediator shall contact the Accused and take necessary steps to attempt to resolve the dispute informally.
- e) If, within 10 business days of initial contact with the Accused, it is clear that the matter cannot be informally resolved, the University Mediator shall refer the matter back to the Compliance Director to begin the formal resolution process.
- f) The University Mediator shall maintain a log of all matters referred and a time line of meetings, but shall not produce any written report.

Note: A Complainant has the option of declining Step One (Mediation) and moving to Step Two (Review Panel) immediately. Complaints involving students and alleging violation of Title IX prohibitions against sexual discrimination are subject to the strict timelines set forth by Title IX and are not subject to mediation.

Step Two - Formal Complaint (Review Panel):

- a) Within 5 business days of receipt of notification of failure of the informal dispute resolution process, the Compliance Director shall contact the Complainant and arrange a meeting to explain the formal process and confirm a desire to file a written formal complaint that may result in a Review Panel.
- b) The Compliance Director shall provide the Complainant with resource materials and the Complainant shall have 10 business days from the date of the meeting to complete and submit a written complaint form.
- c) Within 5 business days of receipt of the formal complaint form, the Compliance Director shall forward the complaint and any relevant documents to the Respondent who shall have 10 business days to complete a response and return it to the Compliance Director.

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- d) Within 5 business days of receipt of the Respondent's response, the Compliance Director shall forward it to the Complainant.

The Compliance Director shall then convene a panel of 3 members from the pool of employees trained in dispute resolution. The Compliance Director shall also appoint one of the three members to serve as panel Chair.

- e) The Compliance Director shall provide a charge to the panel as well as any materials related to the complaint and shall attend meetings of the panel as a resource but not as a voting member.
- f) The panel shall conduct meetings, review documents and interview witnesses at their discretion. It shall have 15 business days to make a determination and 5 additional business days to submit a report to the Compliance Director.
- g) The Compliance Director shall distribute the report to the appropriate Vice President*, who shall review the report and recommendations of the panel and shall either endorse the committee recommendations or make modifications. Within 10 business days of receipt of the panel decision, the Vice President will distribute a written summary of his or her final decision to each party, the Chair of the Panel and the Compliance Director.

If either party believes the panel made a material *procedural* error in the course of the review panel or document review, they may appeal to the Vice President within 5 business days of the receipt of his or her final decision. The Vice President may choose to meet with the Chair or other members of the panel, the Compliance Director, or one or both parties. Within 10 business days of receipt of an appeal, the Vice President shall issue a final decision which is not subject to further appeal.

*For purposes of these procedures, if the Vice President is a party to the matter, the President will be informed of the results and take the required actions.