



POLICY TITLE: Discrimination and Harassment Complaint Procedure

POLICY PURPOSE: To establish the procedure for investigation complaints of discrimination, harassment, and Title IX violations.

BACKGROUND: This procedure provides an internal means of resolving complaints alleging violations of Fort Hays State University's equal opportunity and/or harassment policies. Replaces Protected Class and Sexual Harassment Grievance Procedure of 5/5/99.

APPLIES TO: Faculty, Staff, Students

DEFINITIONS:

CONTENTS:

POLICY STATEMENT: This procedure provides an internal means of resolving complaints alleging violations of Fort Hays State University's equal opportunity and/or harassment policies.

Protection of Individuals

No person shall be subjected to discharge, suspension, disciplinary action, harassment or any form of retaliation for having utilized or assisted in the utilization of this complaint procedure.

Eligibility

Any university employee or student who claims to have experienced discrimination or harassment by another university employee is encouraged to contact the EEO Officer.

Confidentiality

The EEO Officer will treat with strict confidentiality information related to complaints, unless disclosure of the information is necessary for resolution or to comply with due process or other legal requirements.

Procedure

Submitting a Complaint

A person alleging that discrimination or harassment has occurred (the complainant) should contact the EEO Officer to schedule a meeting to discuss the charges. A written complaint also may be submitted. Upon meeting, the EEO Officer will obtain all relevant information from the

complainant about the complaint and will discuss the university's policies on equal opportunity and harassment.

In the event that the EEO Officer is the person accused of discrimination or harassment, or the EEO Officer has a conflict of interest or the appearance of a conflict of interest, the president of the university will designate an interim EEO Officer to handle the complaint.

Investigation

The goal of investigation is to define the issues of the complaint in order to seek resolution. The EEO Officer is not an advocate for either party, and the investigation will be impartial. To the extent possible and appropriate, the EEO Officer will investigate the complaint even during the pendency of a criminal investigation.

During the investigation, the EEO Officer will seek to define the issues and positions of the complainant and respondent in order to identify the source of the conflict, to gather relevant information and to identify possible means of resolution. Both parties will be allowed to offer any evidence and witnesses it wishes to the EEO Officer to support or oppose the complaint. If the EEO Officer determines through investigation that the issue does not involve matters related to discrimination and/or harassment, the complainant will be notified that the issue is not appropriate for resolution through this procedure and will be directed to the appropriate office or procedure.

The EEO Officer will treat the materials received during the investigation as confidential. However, the EEO Officer may discuss relevant information with either party, and/or witnesses they identify, and with other appropriate parties in order to seek a resolution. All those involved will be expected to treat the information as confidential. In most cases, the investigation will be completed within 30 days following receipt of the complaint.

Results of Investigation

Upon completion of the investigation, the EEO Officer will provide a written report that uses the preponderance of the evidence standard and includes recommended actions, if any. The complainant and respondent each will receive a copy of the report. The report also will be distributed to the respondent's immediate supervisor, who may be asked to act upon the recommendations contained therein. In most cases, the report will be issued within 30 days following completion of the investigation, or within 60 days following receipt of the complaint.

Possible dispositions include referring the respondent to harassment training located on the FHSU web site and referral to internal or external sources for counseling. Other disciplinary actions up to and including termination may be recommended.

A party who is dissatisfied with the process or outcome of a complaint may pursue the applicable university grievance process.

**EXCLUSIONS OR
SPECIAL
CIRCUMSTANCES:**

**RELATED
DOCUMENTS:**

Policies:

Forms:

Other:

KEYWORDS:

Discrimination, harassment, EEO Officer, complaint, investigation

**RESPONSIBLE
OFFICE:**

Equal Employment Opportunity Office

**RESPONSIBLE
UNIVERSITY
OFFICIAL:**

Equal Employment Opportunity Officer

ORIGINATION DATE:

REVIEW CYCLE: 1 year

POLICY ADDRESS:

**LAST
APPROVED ON:** 9/7/2011

**REVIEW/CHANGE
HISTORY:** Replaces Protected Class and Sexual Harassment Grievance Procedure of 5/5/99

**NEXT REVIEW
DATE:** 9/2014
