

Supplemental Procedures for Response to Faculty Grievances Containing Allegations of Prohibited Discrimination

Endorsed by Faculty Council August 21, 2020

A. Preliminary Response to Reported Violations

The Lead Investigator will first assess whether any of the reported behaviors, if true, would violate [University Policy 501, Nondiscrimination and Procedures for Addressing Reports of Discrimination](#), or other related policies, and to determine which policy or procedure applies. In order to make this assessment, the Lead Investigator may seek additional clarification from the individual who submitted the Complaint and/or the Complainant and may consult with the Office of Legal Affairs, as appropriate.

The Lead Investigator is also authorized, upon receiving the Complaint, to notify appropriate administrators of the need to take immediate action, where such action appears necessary, to protect the interests of the Complainant or the Respondent or others impacted by the reported behaviors. Such actions may include, but are not limited to, temporary adjustment of schedules, temporary adjustment of supervisory relationships, or other appropriate interim measures.

If the Lead Investigator, in consultation with the Office of Legal Affairs, determines that the Grievance, following clarification, would not violate University Policy 501 or other related policies, the Lead Investigator will advise the Faculty Grievance Manager, who has authority to determine whether to dismiss the Grievance or refer the Grievance to the Grievance Committee. The Faculty Grievance Manager may refer the Grievance to the Grievance Committee if they determine that the behaviors alleged may violate another University policy and are otherwise subject to review under the Faculty Grievance Procedures.

If the Lead Investigator determines that any of the reported behaviors would, if substantiated, violate University Policy 501 or other related policies, the Lead Investigator will inform the Grievant of the right to proceed with a mutual resolution (if deemed appropriate by the Lead Investigator) or with an investigation. The University may be compelled to proceed with an investigation even if the Complainant does not elect to participate, based on the University's obligations under applicable law.

The Lead Investigator will review the matter discretely, sharing information on a need-to-know basis only, ensuring that all individuals who may be the subject of the investigation are advised regarding the University's policy prohibiting Retaliation against individuals who report violations of University Policy 501 or who cooperate in the University's investigation of any reported violations.

B. Mutual Resolution of Complaints

The University encourages mutual resolution of discrimination complaints when such resolution is deemed appropriate by the University's Lead Investigator. Such resolutions may or may not include the imposition of disciplinary sanctions. The Lead Investigator, or a University official designated by that officer, is authorized to assist the Complainant and Respondent in achieving such resolutions. The Lead Investigator is authorized to approve such a resolution on behalf of the University after

approval by the Chancellor or the Chancellor's designee. When the Lead Investigator or designee assists in the resolution of a grievance, the Lead Investigator will maintain a confidential record of the nature of the grievance and its resolution (if any) summarizing the case and its disposition. The Lead Investigator may discuss the matter in confidence with the administrator or administrators responsible for the units in which the matter has arisen so that the situation may be monitored and appropriate steps taken in effort to avoid future concerns.

C. Investigation

The Lead Investigator will have responsibility for conducting the investigation. The purpose of the investigation shall be to advise the Faculty Grievance Committee/Panel regarding whether there is sufficient evidence of a violation of University Policy 501 or other related policy to justify further administrative review and potential remedial action.

The scope of the investigation will be determined in the discretion of the Lead Investigator, in consultation with the Office of Legal Affairs as appropriate, according to the allegations in the Complaint. The method of investigation shall be within the discretion of the Lead investigator. However, the following requirements shall be observed:

1. All evidence collected during the investigation shall be preserved per the University's applicable [records retention schedule](#). (See [University Policy 605.3](#).) All party and witness interviews shall be audio recorded by the University but not by any party or witness.
2. Both the Petitioner and the Respondent may be accompanied by an advisor throughout the investigation. The advisor may provide support and advice to the Complainant or Respondent but may not unduly delay, disrupt, or otherwise interfere with the investigation.
3. The Petitioner and Respondent will be provided an equal opportunity to present relevant information or evidence and identify potential witnesses. As to any evidence collected during the investigation, the Lead Investigator may ask questions or request additional information and may refuse to consider any evidence submitted that the Lead Investigator concludes is repetitious, irrelevant, or otherwise without sufficient value to the investigation.
4. Multiple interviews may be conducted with the Petitioner, Respondent, or any other person if necessary to aid the Lead Investigator in understanding relevant facts. Likewise, the Lead Investigator may obtain any University information reasonably deemed relevant to the investigation and may request from the Complainant, Respondent, witnesses, or other sources any relevant documents or other information.
5. After gathering relevant information and interviewing the parties and relevant witnesses, the Lead Investigator will prepare an Investigation Report, which shall include, at a minimum:
 - a. a list of witnesses interviewed and evidence reviewed,
 - b. a summary of relevant information from interviews,
 - c. an assessment of the parties' credibility,
 - d. a summary of established facts, and

- e. a recommendation regarding whether there is sufficient evidence to support the allegations in the Grievance.
6. Both the Petitioner and the Respondent will be provided a reasonable opportunity to review the Investigation Report in person but are not entitled to a copy. Both parties will also be provided a reasonable opportunity to respond to the Investigation Report.
7. After considering such response(s) to the Investigation Report as the Petitioner and Respondent may choose to make, the Lead Investigator will prepare a Final Report. The Final Report will be provided to the Chair of the Faculty Grievance Panel. The Lead Investigator will be available to attend any hearing held by the Faculty Grievance Panel to address questions regarding the investigation and the Investigation Report.