



POLICY MANUAL

GENERAL

Number 305

Subject: Discrimination Complaints

Date of Origin: January 24, 1997

305.1 POLICY

Utah State University is committed to providing an environment free from harassment and other forms of discrimination based on race, color, religion, sex, national origin, age (40 and older), disability, or veteran's status. USU also prohibits discrimination on the basis of sexual orientation in employment and academic related practices and decisions. This policy is in accordance with applicable federal, state, and local laws, orders and policies, which include, but are not limited to: Titles VI and VII of the Civil Rights Act of 1964; Title IX of the Educational Amendments of 1972; Sections 503 and 504 of the Rehabilitation Act of 1973; the Americans with Disabilities Act; Vietnam Era Veterans' Readjustment Assistance Act of 1974; Executive Order 11246 (as amended); the State of Utah Anti-Discrimination Act; and others as applicable.

Utah State University employees and students cannot, because of race, color, religion, sex, national origin, age, disability, veteran's status, refuse to hire; discharge; promote; demote; terminate; discriminate in compensation; or discriminate regarding terms, privileges, or conditions of employment, against any person otherwise qualified. Employees and students also cannot discriminate in the classroom, residential halls, or in on/off-campus, USU-sponsored events and activities.

305.2 PROCEDURES

2.1 Filing a Complaint

(1) Any USU employee, job applicant, or student who feels he or she may have been the victim of discrimination, unfair employment practice, or sexual harassment may file a complaint with the Affirmative Action/Equal Opportunity (AA/EO) Office within 180 calendar days of the last alleged occurrence.

(a) Alleged incidences of harassment or discrimination occurring outside the complaint timeline also should be brought to the attention of the AA/EO Office for review.

(b) Complaints may be filed with the Utah Anti-Discrimination (UADD) in Salt Lake City, or the Equal Employment Opportunity Commission (EEOC) with regional offices in Phoenix, Arizona. Statutory time limitations will be provided by these organizations.

(2) The complaint is discussed by the complainant (employee, student, job applicant) and the AA/EO Director. If the information given by the complainant is sufficient to establish that a potential violation of the law has occurred, the AA/EO Director will explain what options are available to address the alleged violation. The complainant will then fill out, sign, and date a written complaint form outlining the issues, facts, and circumstances surrounding the alleged discrimination/harassment.

(a) A complaint is an allegation of discrimination/harassment. The purpose of investigating is to determine if discrimination/harassment has occurred. The AA/EO staff is committed to objectivity, reasoned thoughtfulness, and common sense in collecting and analyzing all available facts pertinent to each investigation. It is understood that no two sets of facts or situations are the same, and each investigation is conducted in an atmosphere of open-mindedness and fairness to all parties.

(b) If information is brought to the AA/EO Office and the person alleging discrimination/harassment chooses not to file a complaint, the AA/EO Office may file a complaint if there is sufficient reason to believe that discrimination/harassment has occurred.

(3) An inquiry/investigation is conducted and completed by the AA/EO Director within 35 calendar days of filing the complaint. The purpose of the inquiry/investigation is to gather the facts, and substantiate or refute the complaint. The inquiry/investigation may include some or all of the following: collecting documents related to the case, interviewing persons having knowledge of the incident(s), or documenting the findings.

(a) Due to the damage that could result to the career and reputation of any person falsely accused of discrimination/harassment, all inquiries/investigations and hearings surrounding such matters will be designed, to the maximum extent possible, to protect the privacy of and minimize suspicion toward the accused, as well as the complainant.

(b) Retaliation against an individual who has made a complaint or has in any way participated in an inquiry/investigation is prohibited.

(c) An investigation report is sent to the appropriate supervisor (typically a dean or vice president). For faculty, in cases of a substantiated charge of discrimination/harassment, the dean or vice president must follow the procedures set for imposing sanctions (see policy 407).

2.2 Appealing a Decision

(1) If the complainant or respondent is not satisfied with the outcome of the inquiry/investigation, he/she has the right to file a written appeal, outlining the specific issues, facts, or circumstances being appealed, to the Affirmative Action Appeals Committee (AAAC) within 10 calendar days of the announcement of the outcome of the AA/EO inquiry/investigation. This committee is selected by the President from the Affirmative Action Advisory Council.

(2) The AAAC will conduct a closed hearing limited to complainant, respondent, witnesses, and appropriate staff personnel (i.e., staff from the AA/EO Office, the Office of Human Resources and the University Assistant Attorney General) to examine the specific issues being appealed. The AAAC will present a written report of its findings, conclusions, and recommendations to the President of the University within 45 calendar days of filing the appeal.

(3) The President will review the recommendations of the AAAC and may accept or modify them. The decision of the President is final.

2.3 Use of Informal Methods

Nothing in this procedure should preclude using informal methods of compromise or settlement of disputes which are mutually agreeable to the interested parties.

305.3 RESPONSIBILITY

3.1 Affirmative Action/Equal Opportunity Office and Director

Responsible to provide advice and assistance in implementing this policy and for responding to complaints in the time frame outlined in this policy. All complaints will be investigated by the AA/EO Director.

3.2 Affirmative Action Appeals Committee

Responsible to respond to any written discrimination/harassment complaint appeal in a timely manner and to examine the issues being appealed. Within 45 days of a written appeal, the AAAC will provide the President of the University with a written report of its findings and any recommendation.

3.3 Employees

Responsible to support the University's affirmative action/equal opportunity philosophy by treating each employee as an individual and by developing and maintaining a climate of mutual respect.