1.5 PROCEDURE RELATED TO THE INVESTIGATION AND RESOLUTION OF DISCRIMINATION AND HARASSMENT COMPLAINTS

1.5.1 The individuals and offices designated to receive discrimination and/or harassment complaints under the University’s Equal Opportunity Policy were selected to give all members of the University community the opportunity to initiate a complaint in a place in which they will feel comfortable doing so. These individuals and offices have the responsibility, after speaking with the complainant and/or reviewing a written complaint, to ensure that the complaint is directed to the proper office or individual for investigation.

1.5.2 (a) The University has designated the Senior Legal Counsel to serve as Title IX Coordinator, Title VII Coordinator, and Section 504 Compliance Coordinator. The University has also designated the Legal Counsel to serve as Deputy Title IX Coordinator, Deputy Title VII Coordinator, and Deputy Section 504 Compliance Coordinator. Coordinator and Deputy may serve in this capacity individually or concurrently and are hereinafter referred to as “Coordinator”.

(b) The Coordinator is responsible to ensure that all complaints of discrimination and/or harassment are submitted in a timely manner, to an adequate, reliable, and impartial investigation. The Coordinator may investigate complaints of unlawful discrimination and/or harassment, or may designate an appropriately trained individual or individuals to perform such investigations.

1.5.3 If the individual accused of engaging in discrimination or harassment is a student, the complaint will, under ordinary circumstances, be investigated and resolved by the Office of Student Conduct.

1.5.4 Notice of the complaint and an opportunity to respond will be given to all persons alleged to have violated the University’s policies regarding discrimination and/or harassment. The investigation may otherwise involve meeting with the parties, interviewing witnesses, requesting written statements from the parties, and accepting evidence the parties believe to be relevant.

1.5.5 The investigation should be completed promptly so that a decision can be rendered within 60 days of receipt of the complaint. If this is not possible, the investigator will inform the complainant of the status of the investigation within 60 days, the reason(s) for delay, and an estimated completion date for the investigation.

1.5.6 A confidential record of all complaints, including their disposition, will be maintained by the investigating unit. The Coordinator shall be informed of, and maintain a confidential record of, the nature of all complaints of discrimination or harassment investigated, the names of complaining parties and respondents, and the final disposition of all complaints.

1.5.7 (a) In cases involving complaints against faculty members, the investigator will provide findings and conclusions in writing to the University Provost and the Coordinator (if not
performing the investigation). The Provost shall render a decision and determine what action, if any, is appropriate.

(b) In cases involving complaints against staff members, the investigator will provide findings and conclusions in writing to the Vice President of Administration and Finance and the Coordinator (if not performing the investigation). The Vice President of Administration shall render a decision and determine what action, if any, is appropriate.

(c) Upon reaching his or her decision, all parties shall be sent written notice of the decision of the Vice President by first-class mail addressed to the parties last known address.

1.5.8 APPEALS: In the event that either the complainant or accused believe that the resolution of the complaint is not adequate or has not rectified the situation, an appeal may be made.

(a) In the case of complaints against students, the process for appeal is governed by The Code of Student Conduct found here: www.uco.edu/studentaffairs/conduct/forms-and-publications/code.asp.

(b) In the case of complaints against faculty or staff, the decision may be appealed in writing filed with the Office of the President within five (5) days of receipt of the decision. The President shall review the case and render a written decision by upholding the decision of the vice president, overturning the decision of the vice president, or modifying the decision of the vice president. The President shall also have the authority to remand the decision to a lower level for the acceptance of more evidence or further investigation.

1.5.9 Upon a final determination of discrimination and/or harassment, the University acting through appropriate officials, shall:

A. Take steps to remedy or correct the effects of such discrimination and/or harassment on complainants and others, as appropriate; and

B. Take steps to prevent the recurrence of any discrimination and/or harassment.

1.5.10 Retaliation against any individual who files a complaint, or any individual who participates in a complaint inquiry, is prohibited under federal law (Section 504 and Article II) and violates University policy.

1.5.11 TIMELINES: In order that complaints result in a timely decision, the following timelines are established.

A. Investigation by Coordinator: Investigation conducted and findings and conclusions reported to Committee within 30 days.

B. Decision by Respective Vice President: To be rendered within 20 days of receipt of findings and conclusions from Coordinator.
C. Appeal to President: Filing within five (5) days of receipt of VP decision, and final decision by President within five (5) day. Total 10 days for this phase of the process.

D. Under unusual circumstances, such as extremely complex issues requiring extensive research, witness unavailability, or situations when strict adherence to these timelines would detrimentally affect the quality of the process, the timelines may be extended upon written notice to the parties and to the University President. The written notice shall state the reason for the delay and the anticipated date of completion of the relevant phase of proceedings.

This policy was approved by the President and Cabinet this 18th day of August, 2014.

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Don Betz, PhD, President