Office of Diversity and Equity’s
Discrimination/Discriminatory Harassment Complaint Procedures Overview

Introduction

The Office of Diversity and Equity (ODE) has prepared this summary to inform the University community about how ODE receives and resolves complaints of discrimination.1

ODE is a neutral investigatory unit within the University that was created by statute (C.G.S. §46a-68(b)(4)) and charged with investigating and adjudicating internal discrimination and discriminatory harassment complaints to determine if employee conduct violates University anti-discrimination policies, which have been construed to provide protections aligned with current law. ODE is further charged with making findings and recommendations designed to mitigate the harm caused by discriminatory conduct, and prevent recurrence of discriminatory conduct.

Applicable University Policy

It is a violation of University policy for any member of the University community (faculty, staff, or any vendor or contractor), to discriminate against another member of the University community (including students) based upon race, color, ethnicity, religion, age, workplace hazards to reproductive systems, sex (gender, sexual harassment), gender identity, marital status, sexual orientation, genetic information, pregnancy, national origin, physical/mental/learning disability, and any other basis protected by state and/or federal law.

It is also a violation of University policy to retaliate against any member of the University community who has filed a complaint or cooperated with an investigation or otherwise participated in these complaint procedures. A person who feels that they have been subjected to retaliation for filing an ODE complaint or for participating in an ODE investigation in any capacity (Complainant, Respondent, Witness) should contact ODE.

Jurisdiction

Overview of ODE’s Complaint Process

All members of the University community should contact ODE if they observe or encounter conduct that may violate the University’s Affirmative Action and Equal Employment Opportunity Policy; Policy Statement – People with Disabilities; the Policy Against Discrimination, Harassment and Inappropriate Romantic Relationships; and/or the University’s

---

1 This general summary is not intended to capture every detail contained within the University’s Discrimination/Discriminatory Harassment Complaint Procedures. If a discrepancy exists between the official Complaint Procedures and this Overview, the Procedures will control.
Non-Retaliation Policy. These policies can be found at http://www.ode.uconn.edu under “Discrimination.”

Reports of alleged violations may also be made to an immediate supervisor. Alternatively, if the immediate supervisor is the alleged harasser, complaints may be made to the next level supervisor. University Deans, Directors, Department Heads, managers and/or supervisors that receive a complaint of discrimination or discriminatory harassment are required to notify ODE in order to have complaints promptly processed under the investigative process.

Filing a Complaint

A complaint may be filed verbally or in writing. ODE has a prepared form that can be used to file a complaint, available online at www.ode.uconn.edu under “Discrimination.”

Reports of discrimination and/or discriminatory harassment should be brought to ODE’s attention as soon as possible after the alleged conduct or incident occurs. Prompt reporting enables the University to more effectively investigate the facts, determine if a violation of any policy has occurred, and to recommend a remedy or disciplinary action.

All complaints must include the identity of the Respondent, the approximate date of the incident, a description of the offensive behavior, and must state whether the alleged discrimination is on the basis race, color, ethnicity, religion, age, workplace hazards to reproductive systems, sex (gender, sexual harassment), gender identity, marital status, sexual orientation, genetic information, pregnancy, national origin, physical/mental/learning disability, or any other classification protected by state and federal law.

Complaints should be filed no more than 30 days after the Complainant experiences the allegedly discriminatory conduct. However, Complainants are encouraged to report their discrimination related concerns as soon as possible. On occasion, complaints are received anonymously.

Investigation

Complaints will be considered on the basis of the facts, not on assumptions, suspicions or opinions. Upon notification of a complaint, an ODE Case Manager will be assigned to conduct an investigation into the allegation(s). The Case Manager acts as a neutral, unbiased fact-finder and is neither an advocate nor an adversary with respect to the Complainant, Respondent, witnesses and/or the department(s) involved in the matter. All complaints will be handled with discretion, and the parties involved in a complaint are ensured that the investigation only involves relevant individuals.

At the outset of the investigation, ODE may conclude that the facts provided do not constitute a violation of the policies overseen by ODE and dismiss the complaint or refer it to the appropriate University department(s). The decision will be in writing.
The investigation of a complaint shall include interviews with the Complainant, Respondent and other witnesses, as well as review of any relevant documents or physical evidence. During the interview, the Complainant and Respondent will have an opportunity to provide relevant information and will be asked to provide the names of people who have relevant information. The Case Manager will review relevant document(s) and interview witnesses as deemed necessary and appropriate.

All parties to the complaint may enlist the assistance of their union representative for support throughout the process according to their union’s collective bargaining agreement. If a party is not a member of a union, that person may, if they so choose, enlist the assistance of an advocate or legal representative. A union representative, advocate, or legal representative may accompany a party to the complaint to any meetings with ODE.

The investigation shall be completed as promptly as possible and in most cases within 90 to 120 days of the date the complaint was filed. If the investigation cannot be completed within 75 calendar days because of extenuating circumstance(s), the Complainant will be reminded in writing of the right to preserve claims externally.

The investigation into a complaint will result in a written report that includes a statement of the allegation(s), the position of the parties, a summary of the findings of fact, a determination by the Investigator/Case Manager as to whether University policy has been violated, and recommendations for actions to resolve the complaint if appropriate. The report’s analysis will include the application of the facts as revealed in the investigation to the standard of review set forth by applicable state and federal law. A copy of the report will be provided to the parties (Complainant and Respondent) and shall be submitted to the University official(s) with authority to implement the action(s) necessary to resolve the complaint. Generally, witnesses are not entitled to a copy of the report.

The Complainant shall be informed of actions taken to resolve the complaint only if they are directly related to him or her, such as a directive that the Respondent not contact the Complainant. The Complainant may generally be notified that the matter has been referred for disciplinary action, but will not be informed by Human Resources and/or Labor Relations of the details of the discipline.

The investigation process will be confidential to the extent permitted by law. ODE will advise all parties of the need for the maintenance of strict confidentiality surrounding the investigation. The parties are asked not to discuss matters related to a pending investigation, including the questions asked and answers provided during an ODE interview.

**Temporary Measures**

At any point in the complaint process, the Investigator/Case Manager may recommend interim actions to protect parties or witnesses to the investigation, including but not limited to separating the parties, reassignment, alternative work arrangements or other types of temporary measures.
Appeal Process

The Complainant and Respondent have a right to appeal ODE’s decision. The request for appeal should identify the grounds for the appeal, which are limited to a) violations of complaint procedures by ODE or b) additional evidence, which was not available during the investigation.

Appeals must be submitted in writing to the President of the University, in care of the ODE Director, within 14 calendar days after receipt of the ODE’s decision. Decisions not appealed within such time are deemed final.

Filing with External Agencies

In addition to, or in lieu of, the process outlined above, a Complainant may file a complaint(s) with external agencies as follows:

**Students** (undergraduate or graduate) may file a complaint with the United States Department of Education, Office for Civil Rights. Complaints must be filed within 180 calendar days of the date of the most recent alleged discrimination.

**Employees** may file complaints with the Connecticut Commission on Human Rights and Opportunities (CHRO) within 180 calendar days of the date of the alleged discrimination; and/or the U. S. Equal Employment Opportunity Commission (EEOC) within 300 calendar days of the alleged discrimination.