



## POLICY AND PROCEDURES FOR ADDRESSING DISCRIMINATION AND HARASSMENT AT THE UNIVERSITY OF ILLINOIS AT URBANA-CHAMPAIGN

This policy covers discrimination or harassment based on race, color, religion, sex, national origin, ancestry, age, marital status, disability, sexual orientation including gender identity, unfavorable discharge from the military or status as a protected veteran and will comply with all federal and state nondiscrimination, equal opportunity and affirmative action laws, orders and regulations.

The following procedures may be invoked by students or employees of the University of Illinois Urbana-Champaign who believe they have been discriminated against or harassed on the grounds above. These procedures may also be invoked by students or employees in units of university administration who are located on the Urbana-Champaign campus. Complaints of discrimination or harassment allegedly committed by a student are not subject to resolution under these procedures and instead should be referred to the Dean of Students for resolution under the student disciplinary system. The procedures described in this document will apply to complaints against a teaching or research assistant acting in that capacity.

The University of Illinois Urbana-Champaign is committed to providing prompt and effective resolution of incidents of discrimination or harassment. The university encourages informal resolutions of discrimination complaints as close to the source as possible. If disciplinary action is warranted, discipline will be imposed in accordance with applicable university statutes and relevant university rules and regulations. Reprisals against any person for participating in this process will not be tolerated.

Sexual harassment is a form of discrimination. It is defined by law and includes requests for sexual favors, sexual advances or other sexual conduct when (a) submission is either explicitly or implicitly a condition affecting academic or employment decisions; or (b) the behavior is sufficiently severe or pervasive as to create an intimidating, hostile or repugnant environment; or (c) the behavior persists despite objection by the person to whom the conduct is directed. The university considers such behavior, whether physical or verbal, to be a breach of its standards of conduct. It will seek to prevent such incidents and will investigate and take corrective actions for violations of this policy.

### **General Provisions**

The following procedures apply when a student or employee seeks to file a formal complaint. Nothing in these procedures precludes an executive officer from trying to resolve problems by informal or collegial processes if the employee or student seeks such assistance. At any point, however, a complainant may choose to file a formal complaint.

In these procedures, all references to days mean calendar days unless specified otherwise, and all references to complainant, grievant, and respondent are meant to include one or more persons in these categories. Complainants are persons filing a complaint at Step One,

grievants are those filing a formal grievance at Step Two, and respondents are the persons whose conduct is the subject of concern under this policy.

**Administrative responsibility.** The Office of the Provost will serve as the Chancellor's designee in the operation of these procedures. To assure consistent assessment and handling of complaints and grievances, the Office of the Provost will have the lead responsibility for overseeing all aspects of this policy and the operation of these procedures, including development of criteria for the selection, training and evaluation of intake specialists and grievance officers. At the same time, vice chancellors, deans, directors and department heads will share the responsibility for the effective functioning of these procedures within their units, subject to oversight by the Office of the Provost. Each college-level dean or director, and comparable level executive officer will be asked to nominate an intake specialist from his or her unit. Each nominee will then be reviewed and, if approved, appointed by the Provost. The Provost will appoint one or more intake specialists for administrative units.

When a complaint or grievance concerns a university administration employee, the Office of the President shall be responsible for implementing the responsibilities of the Office of the Provost described in this policy, and the final decision or concurrence shall rest with the President, or his or her designee, rather than with the Provost.

**Alteration of procedure.** For good cause, the Office of the Provost may alter any of the requirements of these procedures, including extending timelines, provided that the alteration does not impair the ability of the complainant to bring a complaint or the respondent to defend himself or herself. Any alterations of these procedures must be communicated to all pertinent parties.

**Access.** Any member of the campus community may seek information or file a complaint with any intake specialist on campus. As described in Step One, a complainant may file his or her complaint with an intake specialist from his or her own unit or an intake specialist from a different academic or administrative unit. The following offices can put individuals in contact with intake specialists: Ombuds Office, Personnel Services Office, Office of Equal Opportunity and Access, Office of the Dean of Students, Graduate College, Office of the Provost, Academic Human Resources Office.

**Advocacy.** Intake specialists and grievance officers do not function as advocates for complainants/grievants or respondents. Rather, they handle complaints and grievances and are designated to serve as problem solvers, fact finders or investigators as appropriate. Intake specialists and grievance officers will inform complainants/grievants and respondents about other campus offices where they may seek support or advocacy.

**Representation.** The intake specialist, grievance officer or any party to a dispute may be accompanied by an adviser of choice at any meeting that occurs under these procedures. If any party's adviser of choice at a meeting is to be an attorney, all participants must be informed at least three working days prior to the meeting. The intake specialist or grievance officer may request the advice of legal counsel at any time.

**Confidentiality.** All parties to these procedures should hold any information received or collected in confidence. Information will be protected to the extent permitted by law.

**Conflict of interest.** A conflict of interest is a significant professional or personal involvement with the facts or the parties to a dispute. Any participant, administrator, intake specialist or grievance officer who has a conflict of interest in a dispute covered by these procedures, or a concern about a conflict on the part of another, shall report it to the Office of the Provost. The Office of the Provost shall decide how to address the situation. If there is a conflict of interest involving the Provost, the Chancellor shall decide how to address the situation. If there is a conflict of interest involving the Chancellor, the President shall decide how to address the situation.

**Exclusivity.** These procedures are intended to be the exclusive procedures used for all complaints and grievances alleging violations of this policy. However, these procedures shall not deprive students or employees of access to other appeal or problem-solving processes on campus, including those offered through their units, the Office of Equal Opportunity and Access, the Ombud's Office, the Office of the Dean of Students, the Faculty Advisory Committee or the Professional Advisory Committee, Policy and Rules NonAcademic, and negotiated grievance procedures in collective bargaining agreements.

**Records.** The reports and other records created or compiled under these procedures are to be generated, distributed and maintained as specified at the different steps. Step One records are not intended to become part of the official personnel files of the complainant or the respondent, although there are circumstances where this may be appropriate. Access to records is to be limited to the disputants and, on a need-to-know basis, to appropriate unit-level or campus-level administrators.

**Corrective administrative action.** At any time after a complaint or grievance has been filed and before final disposition of the dispute, the Provost may authorize corrective administrative action to protect the best interests of the university, regardless of the preferences of the complainant or grievant.

**Retaliation.** The university strictly prohibits and will not tolerate reprisals or retaliation against any person due to their participation in these procedures.

**Imposition of sanctions.** The imposition of sanctions or discipline, if recommended, will proceed in accordance with university statutes and relevant university rules and regulations.

### **Step One: Informal Problem-Solving Phase**

This part of the procedure:

- Provides for intake specialists to (1) furnish information, (2) receive complaints, and (3) attempt to resolve complaints in a mutually acceptable manner.
- Results in a complete report, prepared by the intake specialist, at the completion of this step in the process.
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- Is designed to operate in an expeditious manner.

## **Complaint filing**

To file a complaint, complainants must (1) contact an intake specialist within 180 days following the last occurrence of the behavior that is the subject of the complaint, and (2) sign the completed Complaint Information Form.

Any member of the campus community may consult an intake specialist for advice, without obligation to file a written complaint. If the potential complainant declines to participate in the completion of the Complaint Information Form, however, the intake specialist has no obligation to invoke the problem-solving process or otherwise process the complaint.

## **Complaint processing**

Within five days of the complaint's receipt, the intake specialist must report the source and substance of the complaint to the Office of the Provost, the appropriate executive officer, and the respondent.

The intake specialist shall have 30 days from the complaint's receipt to meet with the complainant, respondent, and other pertinent parties, and attempt to achieve a mutually acceptable resolution of the complaint. The intake specialist may be granted one extension of up to 30 days.

Prior to completing Step One, and upon the complainant's request, the Office of the Provost may decide that no useful purpose is served by pursuing the Step One problem-solving process and may move the dispute to Step Two. In such situations, the intake specialist shall complete and submit his or her report as described below.

## **Complaint disposition**

Within 14 days of the conclusion of the problem-solving period, the intake specialist must complete and submit a report on the status of the complaint.

If the complaint is resolved to the satisfaction of all pertinent parties, the intake specialist's report must specify this resolution in appropriate detail. The report also will include a written summary of the resolution, signed by all the pertinent parties (normally the complainant, respondent and appropriate executive officer). Reports of resolved complaints will usually be brief. They are to be submitted to the complainant, respondent, appropriate executive officer and the Office of the Provost, but not normally to any other campus-level office.

If the complaint remains unresolved, the intake specialist's report must summarize the complainant's allegations, the respondent's replies, and problem-solving efforts. Reports of unresolved complaints will be submitted to the complainant, the respondent, appropriate executive officer(s), and the Office of the Provost.

Reports prepared by an intake specialist, and all records collected during Step One, normally should be kept separate from the official personnel files of the complainant and respondent.

## **Step Two: Formal Phase/Grievance Investigation**

This part of the procedure:

- Includes the filing of a formal
- Involves the appointment of a grievance officer.
- Calls for a formal investigation of all the elements of a grievance.
- Is based on findings of fact relevant to each element of a grievance.

### **Grievance filing**

If there is no mutually acceptable resolution of a complaint at Step One, the complainant may file a formal (written) grievance. The grievance must be filed within 14 days of the intake specialist's report at the conclusion of Step One. If the Office of the Provost determines that a grievance under this policy has been stated, the Office of the Provost will assign a grievance officer. Otherwise, the case will be dismissed. Note: In most cases, the Provost delegates procedural oversight so as to preserve his or her neutrality in subsequent stages of review.

### **Grievance processing**

The grievance officer will conduct a thorough fact-finding investigation, and will meet with both the grievant and the respondent, interview pertinent witnesses and review relevant documents as necessary on each element of the grievance. The grievance investigation shall be completed within 45 days of the grievance officer's receipt of the grievance.

### **Grievance disposition**

The grievance officer will prepare a report at the conclusion of the investigation. A draft version of the grievance officer's findings of the fact portion of the report will be conveyed to the grievant, the respondent and the appropriate executive officer for comment before the final version of the report is completed. The grievance officer will seek comments, supported by evidence, to address factual inaccuracies and misunderstandings only. All parties will have 10 days to comment.

The grievance officer's complete report must contain the (1) the grievant's allegations, (2) the respondent's replies, (3) information provided by witnesses or documents including comments on the draft report, (4) a description of the investigation process, (5) the grievance officer's analysis of evidence and findings of fact on each element of the grievance and (6) any recommendation(s) the grievance officer may consider pertinent to the disposition of the grievance.

The grievance officer's findings of fact shall be made on the "preponderance of the evidence" standard. Individuals are presumed innocent unless a "preponderance of the evidence" supports a finding of misconduct. This "preponderance of the evidence" standard requires that the evidence supporting each finding is more convincing than the evidence offered in opposition to it.

If a preponderance of the evidence does not support the grievance, and if there is evidence that the grievance was filed without a reasonable basis in fact and honest belief, the grievance officer shall include that evidence in his or her report. Such conduct could constitute a violation of this nondiscrimination policy and shall be reported to the Provost for appropriate action, including possible disciplinary action.

The grievance officer's report will be submitted to the grievant, the respondent, the appropriate executive officer(s) and the Office of the Provost. The grievant and the respondent are explicitly invited to respond in writing to the report; any such responses must be filed with the appropriate executive officer within 14 days of the date of the grievance officer's report.

The unit executive officer (department head, dean or director, provost or vice-chancellor, as appropriate), in consultation with legal counsel and the Office of the Provost, shall make his or her decision as to the disposition of the case as soon as possible, but no later than 45 days of the date of the grievance officer's report. This decision shall be in writing and shall include an explanation of the decision. Copies of the decision will be sent to the grievant, the respondent, and other appropriate executive officers, as well as the Office of the Provost.

### **Step Three: Appeals**

This part of the procedure:

- Allows either the grievant or the respondent to appeal the executive officer's disposition to the next higher administrative officer.

#### **Appeal filing**

The grievant and the respondent each have the right to appeal the executive officer's decision to the next higher administrative officer within 21 days of the executive officer's written decision in Step Two. This appeal may be based on either substantive or procedural grounds. The appeal must be submitted in writing with all supporting materials attached. (See Imposition of Sanctions in General Provisions, above.)

#### **Appeal resolution**

The next higher administrative officer shall decide the appeal as soon as possible, but no later than 45 days of the final submission of appeal materials. If this administrative officer is not the Provost, the Provost's explicit concurrence with the decision is also required. The administrative officer's decision shall be in writing, shall include an explanation, and shall be submitted to the grievant, the respondent, the lower-level executive officer, and the Office of the Provost. This written decision on the appeal shall constitute the final administrative action.

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