

Internal Governing Policies

#173 - Discrimination Complaint Procedures

Approved: December 20, 2013

Monitor: President

STATEMENT OF PURPOSE

Eastern Illinois University provides equality of opportunity in education and employment for all students and employees. Discrimination is prohibited on the basis of race, color, religion, national origin, ancestry, age, sex, marital status, disability, sexual orientation, veteran's status (as protected by law), or other basis of discrimination precluded by federal and state statutes.

Sexual harassment is a form of illegal sex discrimination which is prohibited by federal and state law. Sexual harassment is unwelcome conduct of a sexual nature, which encompasses a wide range of conduct including sexual violence. It is the policy of Eastern Illinois University that sexual harassment of one member of the campus community by another will not be tolerated. The university's sexual harassment policy is [IGP#175](#). Title IX of the Education Amendments of 1972 (Title IX) prohibits discrimination on the basis of sex, including sexual harassment, in education programs and activities. The university's Title IX Coordinator is Cynthia Nichols. In addition, the university's sexual assault, abuse and misconduct policy is [IGP #185](#).

Other forms of prohibited discrimination are considered in these university policies: [IGP #178 Discrimination Under the Americans with Disabilities Act](#), [IGP #62 Services for Students with Disabilities](#), [IGP #172 Affirmative Action Procedures for Specified Veterans and Applicants and Employees with Disabilities](#), and [IGP #61 Religious Observances for Students](#).

DISCUSSION AND RESPONSIBILITIES

Any member of the university community, who believes he or she has been discriminated against on the basis of the aforementioned categories, may file a complaint with the university's Office of Civil Rights and Diversity/Title IX Coordinator. The office is located at 1011 Old Main, the telephone number is 217-581-5020, and the email address is civil@eiu.edu.

Students and employees may also file complaints of discrimination (including sexual harassment and sexual violence) against third parties associated with university activities (e.g., vendors, student teaching supervisors, internship supervisors, visitors).

No retaliation may be taken against any university employee or student who seeks redress under this policy. Retaliatory action shall be regarded as a separate and distinct cause of complaint. Prohibited retaliatory acts include intimidation, threats, coercion, or discrimination against anyone who seeks redress or participates in the fact-finding investigation. Complainants and others should report retaliatory acts to the Office of Civil Rights and Diversity/Title IX Coordinator.

The confidentiality of information presented by all parties will be observed except in those instances when it interferes with the ability of the university to investigate the complainant's allegations and take necessary corrective actions.

Complaints filed against the President will be referred to the Chairperson of the Board of Trustees.

In the case of complaints filed against any Vice President or the Director of the Office of Civil Rights and Diversity/Title IX Coordinator, the President shall substitute for the "appropriate Vice President" in steps described in 4, 5, and 6 below. For complaints against other persons in the President's area, the President shall designate an "appropriate Vice President" for steps 4, 5, and 6 below.

The Office of Civil Rights and Diversity/Title IX Coordinator is responsible for conducting the investigation of complaints and forwarding a confidential report to the appropriate Vice President. Upon reviewing this report and any findings, the appropriate Vice President is responsible for determining what disciplinary actions will be taken and carrying out these actions.

If a finding of discrimination is made in a complaint concerning a student grade adjustment, it may be used in the university grade appeal process in determining whether or not a grade adjustment is warranted ([IGP #45 Grade Appeals](#)).

Other types of unprofessional or inappropriate conduct, while not discriminatory *per se*, may be prohibited elsewhere in university policies (e.g., [IGP #11 Conflicts of Interest in Employment](#), [IGP #11.1 Consensual Relationships](#), or [#129 Use of Technology Resources by Employees](#)).

PROCEDURES

All employees and students are encouraged to come forward with any concerns regarding discrimination. Even if you are unsure if you have a discrimination complaint, contact the Office of Civil Rights and Diversity/Title IX Coordinator. It is the responsibility of faculty chairpersons, other administrators, and supervisors to inform the Office of Civil Rights and Diversity/Title IX Coordinator about any potential instances of sexual harassment or other forms of discrimination. Failure to report could itself be a violation of this policy and/or university expectations.

In determining how a specific concern will be addressed, the university will consider the facts involved and the wishes of the complainant. It is sometimes appropriate to address concerns

through informal discussions. In some instances it may not be necessary for the name of the person bringing forward the concern to be shared with others. If the complainant insists that his or her name or other identifiable information not be disclosed to the respondent, the university's ability to respond fully may be limited.

MEDIATION PROCESS

Initially, the party seeking assistance will be asked to complete an in-take form which will include a description of the allegations of discrimination. Both mediated resolutions and formal investigation procedures may be used to address complaints. The Director/Title IX Coordinator, or his/her designee, will arrange, with the consent of the parties involved, for information to be shared between the parties regarding applicable issues and appropriate remedies. Through this process, the parties may agree on a resolution, however, each party retains the right to ratify or reject any proposed agreements. Complaints of sexual harassment in the form of sexual violence or assault may not be resolved informally or through a mediation process.

FORMAL FACT-FINDING PROCESS

A complainant shall submit a complaint in writing to the Office of Civil Rights and Diversity/Title IX Coordinator, stating the nature of the alleged discrimination and the desired remedy. When circumstances warrant, the Director/Title IX Coordinator, or designee, will implement an immediate, temporary remedy while the fact-finding process is underway. Eastern will make every effort to provide assistance and will implement interim remedies to address the safety and well-being of both the complainant and the respondent prior to the outcome of an investigation. When implementing these interim remedies, the university will minimize the burden of such actions on the complainant. It will investigate complaints in a timely, equitable manner. Investigators within the Office of Civil Rights and Diversity/Title IX Coordinator are neutral fact-finders. Both the complainant and the respondent will have the opportunity to supply evidence and identify witnesses. The university applies the preponderance of the evidence standard. Complainants and respondents are notified concurrently of the outcome of an investigation. Both the complainant and the respondent may appeal the findings to the university president.

Complaints must be submitted within 300 days after the alleged discrimination has occurred in order to permit a prompt resolution. The Director/Title IX Coordinator retains discretion to address complaints older than 300 days in special circumstances.

The investigation of a complaint, including attempts at informal resolution, ordinarily will be completed within sixty (60) days, exclusive of holidays, after receipt of a complaint. If the investigation cannot be completed within sixty (60) days, the complainant, and other parties as appropriate, will be notified as to the delay.

The following steps will be taken to resolve complaints that are filed with the Office of Civil Rights and Diversity/Title IX Coordinator:

1. An in-depth interview with the complainant will be conducted by the investigator(s) within the Office of Civil Rights and Diversity/Title IX Coordinator.
2. The investigator(s) will inform the person(s) against whom the complaint is being filed, and will also interview that person to ascertain his/her response to the complaint.
3. Where appropriate, the investigator(s) will discuss a potential resolution of the complaint with the complainant, the respondent, and/or both.
4. Further investigation may be conducted by the investigator(s), including interviewing witnesses, confirming information, and seeking additional information and/or documentation. In conducting the investigation, the investigator(s) shall have unrestricted access to all pertinent material, records, reports and documents in possession of any university personnel and shall be afforded the opportunity to interview all persons possessing relevant information. When the investigation is completed, a confidential report will be forwarded to the appropriate Vice President.
5. If the Vice President determines that further information is needed to make a decision, he/she will request the Office of Civil Rights and Diversity/Title IX Coordinator to gather additional information.
6. A written response, setting forth the Vice President's decision on the basis of the evidence gathered during the investigation, will be sent to the Office of Civil Rights and Diversity/Title IX Coordinator within twenty (20) days, exclusive of holidays. In the event the Director/Title IX Coordinator determines that further consideration should be given to the complaint, the matter will be referred to the President for consultation before the Vice President's decision is implemented.
7. The Office of Civil Rights and Diversity/Title IX Coordinator will communicate the Vice President's decision to the complainant by letter or electronic communication within ten (10) days. Both the complainant or the respondent may appeal the Vice President's decision to the President within forty-five (45) days after the date notice is received of the Vice President's decision. The President's decision is final.

If discrimination is found to have occurred, corrective actions and/or disciplinary actions will be initiated by the appropriate Vice President. The university will take steps to prevent further discrimination and to correct its effects on the complainant, as appropriate.

If disciplinary action is proposed as a result of a finding of discrimination, procedures required under relevant collective bargaining agreements, [Board of Trustees Regulations](#), or the [State Universities Civil Service Statute and Rules](#) will apply.