

# **Internal Governing Policies**

## **#173 - Discrimination Complaint Procedures**

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**Approved:** May 23, 2011

**Monitor:** President

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### **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.

### **DISCUSSION AND RESPONSIBILITIES**

Any member of the University community, who believes he/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.

No retaliation may be taken against any employee or student of the University who seeks redress under this policy. Retaliatory action shall be regarded as a separate and distinct cause of complaint.

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 allegation(s) and take necessary corrective action.

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

In the case of complaints filed against Vice Presidents or the Director of Civil Rights and Diversity ("Director"), the President shall substitute for the "appropriate Vice President" in steps 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 is responsible for conducting the investigation of complaints and forwarding a confidential report to the appropriate Vice President.. Upon reviewing these findings, the appropriate Vice President is responsible for making the decision on whether disciplinary action is necessary.

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 (see also [IGP #45 Grade Appeal](#)) in determining whether or not a grade adjustment is warranted. 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 Supervisory Relationships](#) or [IGP #11.1 Consensual Relationships](#)).

## **PROCEDURES**

All employees and students are encouraged to come forward with any concerns regarding discrimination. Initially, the party seeking assistance will be asked to complete an in-take form which will include a description of the allegations of discrimination. There are both informal and formal procedures for addressing concerns. In determining how a specific concern will be addressed, the University will consider the facts involved and the wishes of the complainant.

When circumstances warrant, the Director may implement an immediate, temporary remedy while the fact-finding process is underway.

## **INFORMAL MEDIATION PROCESS**

The Director or his/her designee will, with the consent of the parties involved, arrange 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.

## **FORMAL FACT-FINDING PROCESS**

A complainant shall submit a complaint in writing to the Office of Civil Rights, 1011 Old Main, stating the nature of the alleged discrimination and the desired remedy.

Complaints must be submitted within 300 days after the alleged discrimination has occurred in order to permit a prompt resolution. The Director 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:

1. An in-depth interview with the complainant will be conducted by a member of the Office of Civil Rights.

2. The Civil Rights staff member 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. The Civil Rights staff member will discuss a potential resolution of the complaint with the complainant, respondent, and/or both.
4. Further investigation may be conducted by the Civil Rights staff member, including interviewing witnesses, confirming information and seeking additional information and/or documentation. In conducting the investigation, the Civil Rights staff 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 Director 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 within twenty (20) days. In the event the Director 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 will communicate the Vice President's decision to the complainant by letter or electronic communication within ten (10) days. Either 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, administrative action will be initiated by the appropriate Vice President. 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.