

**THE UNIVERSITY OF CONNECTICUT
DISCRIMINATION AND DISCRIMINATORY HARASSMENT
COMPLAINT PROCEDURES**

Individuals wanting to file a complaint of discrimination and/or discriminatory harassment are encouraged to file with the Office of Diversity and Equity (ODE) as soon as possible to allow for internal resolution of their complaints. In addition, complaints of discrimination may be filed with state and federal civil rights enforcement agencies, generally within 180 calendar days from the date of the alleged discriminatory event. [See Appendix II for addresses of civil rights agencies.]

**Chapter 1
POLICY ON NON-DISCRIMINATION**

1.0 Coverage of Policy

- 1.0.0 It is the policy of The University of Connecticut (University) to prohibit discrimination in education, employment, and in the provision of services on the basis of legally protected characteristics (race, color, ethnicity, religion, age, workplace hazards to reproductive systems, sex (gender, sexual harassment), marital status, sexual orientation, genetic information, pregnancy, national origin, physical/mental/learning disability, and any other group protected by civil rights laws. The University's policy also prohibits discrimination in employment on the basis of a criminal record that is not related to the position being sought; and supports all state and federal civil rights statutes whether or not specifically cited within this document.
- 1.0.1 Under this policy, discrimination shall mean unequal treatment; behavior producing an unequal effect; or violations of University policy or By Laws amplifying statutory protections. It includes harassment (i.e. "discriminatory harassment") on any basis mentioned above, and sexual harassment as defined in the Connecticut General Statutes, U.S. EEOC Guidelines of Sexual Harassment, and in Title IX of the Higher Education Amendments of 1972.
- 1.0.2 All parties who participate in the reporting, filing, investigation, or resolution of complaints under these procedures shall be free of reprisal on the basis of their participation. Reprisals shall themselves be considered grounds for a complaint.
- 1.0.3 The University's failure to comply with State and Federal Civil Rights contract compliance regulations may be treated as discrimination under these procedures.

**Chapter 2
GENERAL PROVISIONS**

2.0 Who May File a Complaint of Discrimination

- 2.0.0 Complaints of discrimination may be filed by students, employees, or others who do business with the University.
- 2.0.1 An employee or student who is discriminated against by someone doing business with the University may file a complaint under these procedures. This is true whether the discrimination occurs on University property or elsewhere. [See Appendix I, concerning the protection of students and staff during mandatory off-campus experiences]. **THESE PROCEDURES DO NOT COVER DISCRIMINATION COMPLAINTS AGAINST STUDENTS. COMPLAINTS AGAINST STUDENTS SHOULD BE DIRECTED TO COMMUNITY STANDARDS, WILBUR CROSS, RM. 301, 233 GLENBROOK RD., UNIT 4119, STORRS, CT 06269, PHONE: 860-486-8402, FAX: 860-486-8409.**

2.0.2 Complainants (accuser) and Respondents (accused) shall have the right to have one person accompany them when attending meetings related to their complaints.

2.1 Informal Resolution

2.1.0 Nothing in these procedures precludes an individual from seeking to resolve problems on his or her own.

2.2 Investigating Office

2.2.0 ODE is responsible for investigating and resolving complaints filed under these procedures.

2.3 Advising of Rights

2.3.0 All Complainants shall be advised of their rights under civil rights law. [See Appendix II for addresses of civil rights agencies.]

2.4 Complaint File; Access

- 2.4.0 The complaint file is created and maintained by ODE. To the extent permitted by law, ODE will safeguard its confidentiality.
- 2.4.1 Upon request, the Complainant, Respondent, and Witnesses may have copies of their own statements. At the end of ODE's investigation and upon request, the Complainant or the Respondent may have a copy of any other material in the file related to them including the final ODE report about the complaint.
- 2.4.2 When an ODE decision is appealed, the Complainant and Respondent may review the file, and have copies made at the current rates.

**Chapter 3
PROCEDURES**

3.0 Where and How to File a Complaint of Discrimination

- 3.0.0 A Complainant may write and sign his/her complaint and send it to ODE, Wood Hall - Unit 2175, 241 Glenbrook Road, Storrs, CT 06269, (telephone number, 860-486-2943); or he/she may present it during a formal interview with an ODE professional staff member. In the latter instance, the staff member will prepare a report of the complaint and obtain the Complainant's signature.
- 3.0.1 All complaints must include the identity of the alleged violator(s), the approximate date of the incident, a description of the offensive behavior, and must state whether the alleged discrimination is on the basis of race, sex, age, et cetera.

3.1 Timeliness of Filing

3.1.0 Except for students filing complaints against teachers from whom they are currently taking classes, all complaints must be filed within thirty (30) calendar days of the alleged discrimination. Those submitted after this period will be accepted only at the discretion of the ODE Director.

3.2 The Investigation

- 3.2.0 ODE will initiate its investigation within fourteen (14) calendar days of receipt of the complaint.
- 3.2.1 Respondents will be informed of the allegations against them and given an opportunity to respond.
- 3.2.2 If a complaint is not resolved within seventy-five (75) calendar days from the initiation of the investigation, the Complainant shall be reminded of the relevant time limits for filing complaints with state or federal enforcement agencies.

3.3 Findings and Recommendations

3.3.0 Upon the conclusion of its investigation, ODE will determine whether or not discrimination occurred. **Unsupportable Complaints.** If ODE determines that the evidence is insufficient to support the allegation, it shall dismiss the case.

Supportable Complaints. If ODE concludes that the allegations are supported by the evidence, it will report its findings and recommended remedy to the appropriate manager. The findings and proposed remedy will also be forwarded to the complainant and respondent.

- 3.3.1 Recommendations which might result in disciplinary action will be discussed with the Office for Labor Relations.

**Chapter 4
REVIEW OF DECISIONS AND RECOMMENDATIONS**

4.0 Who May Request Reviews; Grounds

4.0.0 Either the complainant or respondent may request that ODE's decision and recommendations be reviewed by submitting a written request for review to the President of the University, in care of the ODE Director. The request should identify the grounds for the appeal, which are limited to, a) violations of complaint procedures; and, b) additional evidence which was not available during the investigation.

4.1 Timeliness

4.1.0 Requests for review must be received by ODE within fourteen (14) calendar days from receipt of the notice of findings. Those received beyond that period will be considered at the discretion of the ODE Director.

4.2 Review Committees

- 4.2.0 ODE should convene review committees within thirty (30) calendar days of receiving approved requests. Delays may be granted at the discretion of the ODE Director.
- 4.2.1 A review committee shall consist of three members selected from the panel of reviewers described in Section 4.4. Rules for selection may be decided by the panel to cover the period for which it is appointed.
- 4.2.2 The proceedings of review committees are informal. Review committees should exercise their discretion not to consider cumulative, repetitious or irrelevant evidence. In discharging their duties, committees may interview principals in the specific complaints, review complaint records, and have access to relevant records which may not be appended to the complaint file.
- 4.2.3 Review committees must consider the cases assigned to them within sixty (60) calendar days after they are convened.

4.3 Findings; Report to President

- 4.3.0 Review committees shall forward their findings and recommendations to the President in writing within thirty (30) calendar days after the conclusion of their work.
- 4.3.1 A review committee's authority is to review appealed complaints, and to submit a report to the President. In the course of performing its task, it may comment upon the behavior of managers or ODE; or upon the effectiveness of the complaint procedures as they pertain to the situation under consideration.

4.4 Panel of Reviewers

- 4.4.0 ODE will solicit volunteers to serve two-year terms on a panel of reviewers from which review committees are selected. The panel shall be representative of the protected classes as defined in Chapter 1 of these procedures and shall include –
- Faculty;
 - Non-teaching professionals;
 - Classified employees;
 - Administration;
 - Undergraduate students; and
 - Graduate students.

- 4.4.1 The panel of reviewers shall be given an orientation on the nature of the review process, prohibited forms of discrimination, including harassment, and other issues related to their roles.

4.5 Presidential Action

- 4.5.0 Upon receipt of the review committee's report and recommendation, the President will make the final decision as to the disposition of the complaint. The President will give written notice of his or her decision to the complainant, the respondent, the review committee, and ODE, within thirty (30) calendar days of receipt of the review committee's report.

**APPENDIX I
PROTECTION OF STUDENTS AND STAFF FROM
DISCRIMINATION AND HARASSMENT DURING OFF-CAMPUS
EXPERIENCES**

It is necessary for students in many programs to complete practica or internships within outside organizations. Employees also may be assigned to work at external sites as a part of their job duties. The University's legal and ethical obligations to protect the civil rights of students and staff extend to those settings.

Below are policy guidelines developed in cooperation with several Deans whose students customarily participate with other agencies as part of their academic programs. Your cooperation in administering the guidelines is appreciated; and, should you need advice or assistance, you may consult with the Director of ODE.

I. Inclusion of University Policies in Contracts or Agreements with External Agencies.

- A. All contracts with suppliers of services must include reference to the Governor's Executive Orders 3 and 17, and specific language is required. These Executive Orders cover nondiscrimination, as does C.G.S. Section 4a-114a.
- B. Other sections of the statute govern the conduct of state agencies in their normal functions.
 - i. C.G.S. Section 46a-71 prohibits discrimination in the delivery of service; forbids state agencies to become parties to agreements with entities that discriminate (or fail to bar discrimination); and require state agencies to analyze the conduct of organizations with which they enter agreements.
 - ii. C.G.S. Section 46a-75 (a) & (b) prohibits discrimination in the provision of educational and vocational programs; and require state agencies to encourage the fullest development of students' or trainees' potential, and encourage expansion of training opportunities under these programs so as to involve larger numbers of participants from those segments of the labor force where the need for upgrading levels of skills is greatest.

The statutes do not require that contracts, agreements, memoranda of understanding, et cetera, include reference to B (i) & (ii). We prefer to include a brief reference to these obligations to assure that the agencies with whom we deal are well informed of the University's commitment to its statutory obligations.

- C. The President's policies on nondiscrimination, affirmative action, and discriminatory harassment should be made a part of such contracts. It suffices to attach the most current versions to the agreements.

II. Internal Procedures for University Unit Entering Agreements.

- A. The school/unit should receive and review assurance that the external agency has strong nondiscrimination policies and complaint procedures.
- B. Each out-placed student should be advised of his or her civil rights, including the right to be free of racial, religious, and sexual harassment; and should be informed of the existing mechanisms for handling complaints in these areas.
- C. The Dean or Director should appoint a staff member to serve as chief contact person or advisor for, (a) reviewing civil rights policies and procedures as in II (A) & (B) pursuing complaints filed as per II (D) & (E). The identity of the individual fulfilling a similar role in the external agency should be known to school officials and students.
- D. Procedures regarding handling complaints of discrimination and harassment registered by our students should be articulated and, preferably, made a part of the agreement.
- E. Complaint procedures should be formal (i.e., consistent, fair and amendable to review) and should include the following elements:
 - i. Publication of the appointed staff person's identity (noted in (C) above).
 - ii. Means by which an aggrieved person may file a complaint, formal or informal, and may inform the unit of his or her desired resolution.
 - iii. Means by which the school/unit, may be assured that the complaint is treated properly by the external agency. "Properly" is defined as the standard for remedies imposed in similar complaint situations filed against an internal party.
 - iv. Protection of the complainant from retaliation for having complained must be assured.
- F. Formal and informal complaints should be recorded in a manner that allows the unit to review agencies' conduct in this area prior to renegotiating agreements.
- G. ODE is to be consulted on a case-by-case basis. If an employee of the University is accused of discriminatory conduct, ODE must be apprised of the complaint.

**APPENDIX II
MOST COMMONLY USED CIVIL RIGHTS
ENFORCEMENT AGENCIES***

Connecticut Commission on Human Rights and Opportunities (CCHRO)
CAPITOL REGION OFFICE:
999 Asylum Avenue, Second Floor
Hartford, CT 06105

EASTERN REGION OFFICE
100 Broadway
Norwich, CT 06360

WEST CENTRAL REGION OFFICE
Rowland State Government Center
55 West Main Street, Suite 210
Waterbury, CT 06702-2004

SOUTHWEST REGION OFFICE
350 Fairfield Ave., Sixth Floor
Bridgeport, CT 06604

*For information on which CCHRO field office to utilize, please visit www.ct.gov/chro/cwp/view.asp?a=2523&O=315790.

U.S. Equal Employment Opportunity Commission
John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203

U.S. Department of Education
Office for Civil Rights/Boston
U.S. Department of Education
Eighth Floor
5 Post Office Square
Boston, MA 02109-3921

U.S. Department of Labor
Employment Standards Administration
Office of Federal Contract Compliance Programs
Hartford District Office
ESA - OFCCP
Wm. R. Cotter Federal Bldg.
135 High Street, Room 219
Hartford, CT 06103-1111