

Complaint Processing Guidelines for Complaints against Non-Faculty Employees

Introduction. The Guidelines described below provide for the prompt and equitable resolution of complaints regarding discrimination or harassment brought by faculty members, students, non-faculty staff members, and non-community members against any non-faculty employee.

Every effort will be made to resolve the complaint consistent with the desires of the person bringing forward the complaint. However, under certain circumstances, the University may have a legal obligation to identify and remedy discrimination or harassment irrespective of whether a formal complaint is actually filed and even if the Complainant would prefer no action be taken.

In any particular case, the Senior Vice President and Chief Human Resources Officer or the Chief Equal Opportunity and Title IX Officer may delegate their authority pursuant to this policy to any other appropriate University representative. The University further reserves the right to modify the informal and formal processes to best address individual, fact-specific cases.

Informal Guidelines. Individuals who believe that they are being subjected to harassment or discriminatory behavior are encouraged to discuss their concerns with a faculty member, chair, dean, or supervisor. Where a reporting individual (“**Complainant**”) does not wish to discuss their concerns with a faculty member, chair, dean, or supervisor, or where such discussion does not lead to satisfactory resolution of the Complainant’s concerns, the Complainant should report their concerns to the Office of Equal Opportunity, Inclusion & Resolution Services (“**EOIRS**”) or the Senior Vice President and Chief Human Resources Officer.

If the Complainant does not want an investigation into the alleged behavior, the University strives to resolve matters appropriately and efficiently through one of the many forms of informal resolution described below. *The informal resolution Guidelines will not apply to egregious allegations, including but not limited to any situation involving sexual or gender-based violence or assault.* It may also be necessary for the University to perform some level of investigation into the facts and circumstances before offering informal resolution options. The University also reserves the right to proceed with formal investigation at any time.

Informal Guidelines may involve the following:

- a. **Informal Intervention:** If a Complainant is comfortable and does not feel threatened, the Complainant may address a situation directly with the accused (“**Respondent**”) without the involvement of a third party. This remedy is appropriate when the Complainant reasonably believes the accused will be receptive to the communication. Both the Complainant and the Respondent are not required to engage in this activity before seeking third party assistance or other help.
- b. **Alternative Dispute Resolution:** The goal of Alternative Dispute Resolution is to provide the Complainant and Respondent with an opportunity, through the aid of a neutral third-party, to come to a mutually agreed upon resolution.

- c. Assistance in informally resolving reported concerns may be provided by EOIRS, or the following parties in consultation with EOIRS: 1) the Complainant's supervisor, if the Complainant is a University employee; 2) the Respondent's supervisor; and 3) the Senior Human Resource Business Partner for the department, college or unit.
- d. Informal resolution does not include imposing sanctions, but may involve mutually acceptable consequences. A concern/complaint is considered informally resolved when all parties involved (the Complainant, the Respondent, and the University) are satisfied that the situation has been remedied and will not be repeated. A concern/complaint informally resolved to the satisfaction of all parties is considered closed and is not eligible for further processing. However, the University reserves the right to take further action if new information comes to its attention, new misconduct occurs, or any party fails to abide by the terms of the informal resolution.
- e. At any point in the informal process, the Complainant, the Respondent, or the University may opt to end the informal process and move the complaint to the formal complaint procedure, discussed below. Pursuing resolution under the Informal Guidelines does not preclude subsequent recourse through the Formal Guidelines if the attempts at informal resolution fail to adequately resolve the reported concern.

If resolution of the report of prohibited discrimination is reached through one of these Informal Guidelines, the matter will be considered closed. If resolution is not reached, and EOIRS determines that further action is necessary, or if a Respondent fails to comply with the terms of any agreed to resolution, the matter will be referred for an investigation under the Formal Guidelines.

Formal Guidelines. Complainants may file a complaint with EOIRS regardless of whether resolution under the Informal Guidelines has been attempted. . EOIRS responds to complaints in accordance with the Guidelines outlined below. The University reserves the right to modify the Formal Guidelines as required by the facts or circumstances of a particular complaint.

a. Making a Complaint.

The individual making the complaint (“**Complainant**”) must provide EOIRS with a written complaint that states: 1) the Complainant's name; 2) the names of the accused (“**Respondent(s)**”); 3) a description of the conduct believed to constitute harassment or discrimination with approximate date(s) of when the actions occurred; 4) a brief description of why the Complainant believes that alleged conduct at issue is based on one or more protected categories; and 5) the relief sought. A Complainant may also file a formal charge of discrimination, harassment and/or retaliation with a state or federal agency authorized by law to receive such complaints (see Section F below).

Complaints may be submitted to EOIRS in any one of the following ways:

- Email equalopp@syr.edu;

- Stop Bias Portal at [Bias Incident Reporting Form](#);
- Hand-delivery to EOIRS' main office at Steele Hall, Suite 005 (Garden Level); and
- Mail to Syracuse University, Office of Equal Opportunity, Inclusion, and Resolution Services; Steele Hall, Suite 005; Syracuse; New York.

b. Preliminary Review and Evaluation of the Complaint.

Upon the receipt of a complaint, EOIRS will begin a preliminary review to determine if there is an apparent basis for the complaint and whether interim measures are appropriate. The evaluation of the complaint will include the following considerations: the frequency and totality of the circumstances; the nature and severity of the allegations; and an assessment of whether the allegations implicate an ongoing safety threat to the Complainant or the University community. The preliminary review may including talking with people other than the disputing parties to determine whether there is a basis for proceeding further with the complaint.

- Following receipt of the complaint, EOIRS will evaluate whether the complaint states a potential violation of the Anti-Harassment Policy, and will provide the Complainant with written notice of its initial conclusion. If necessary, EOIRS will contact the Complainant to gather additional information. If it is determined that the allegations, if true, do not state a violation of University policies, the Complainant will be provided with written notice of this decision. Notice will detail why the complaint does not state a violation and will outline other avenues of recourse and available University resources, including contacting the Office of Human Resources. EOIRS shall take no further action.
- If it is determined that the allegations do not state a policy violation, but instead, include potentially concerning behaviors, EOIRS will advise Complainant of possible steps EOIRS (or a designee) will take to assist Complainant in addressing their concerns informally.
- If EOIRS determines that the Complainant's allegations may violate the Anti-Harassment policy, the Complainant will receive written notice of that determination.

c. Investigation.

Where EOIRS concludes that the allegations of a complaint state a potential violation of this policy, the Chief Equal Opportunity and Title IX Officer (or a designee) will conduct an investigation into the complaint.

- **Notice:** EOIRS will provide written notice to the Complainant and the Respondent(s), as soon as feasible, of the commencement of the investigation. Such notice will: 1) identify the Complainant and the Respondent; 2) detail the type of the discriminatory conduct alleged; 3) explain that the complaint will be investigated in accordance with these Formal Guidelines; 4) name the investigator; 5) make clear the University's prohibition against retaliation; and 6) provide a copy of this policy.

When the Respondent is an employee, EOIRS will also notify the applicable Senior Human Resource Business Partner of the particular school/department/unit of the complaint and the investigation.

- **Interviews:** The investigator will conduct a formal interview of the Complainant and the Respondent(s). Throughout the investigation, the parties will have an equal opportunity to be heard, to submit information, and to identify witnesses who may have relevant information. The investigator may interview third-party witnesses and gather other relevant and available evidence and information, including electronic or other records of communications between the parties or witnesses, and photographs.
- **Timeframe for Investigation:** The investigation will be concluded within a reasonable period of time, normally sixty (60) calendar days, from the date of notice to the parties that the complaint has been accepted for investigation. This timeframe may be extended: when additional time is necessary to ensure the integrity and completeness of the investigation; to accommodate the availability of witnesses; to account for University breaks or vacations; due to complexities of the case, including the number of witnesses and volume of information provided by the parties; or for other legitimate reasons.

d. Investigative Report.

When a formal investigation is conducted, the investigator will prepare a written report at the conclusion of the investigation. The Complainant and Respondent will be given an opportunity to review a draft of the investigative report and respond to that report in writing within five (5) business days.

Following the receipt of any written response(s) to the investigative report, or after the five (5) day comment period has lapsed without response(s), the investigator shall issue a final written investigative report to the appropriate senior leader in the Respondent's chain of command, or the senior leader's designee. The investigative report will include a summary of the evidence gathered during the investigation and will include a recommendation as to whether there is sufficient information, by a preponderance of the evidence, to support a finding that the Respondent(s) engaged in the alleged prohibited discriminatory conduct in violation of this policy.

If the investigator recommends a finding of violation, the report will include recommended action items, which may include but are not limited to: 1) a directive to stop any ongoing discriminatory, harassing and/or retaliatory behavior/practices; 2) disciplinary or other corrective action be taken against the Respondent and/or others; 3) relief granted to the Complainant, such as accommodations, reinstatement, hiring, reassignment, promotion, training, back pay or other compensation and/or benefits (specific remedies shall be fact-specific to each complaint); and/or 4) other proactive measures, such as targeted training or education.

e. Determination.

Upon receipt of the investigative report, the appropriate senior leader will review the recommended findings and disciplinary or other remedial actions set forth therein. The appropriate senior leader, in consultation with the applicable Senior Human Resource Business Partner, may accept or reject the recommended findings and the recommended disciplinary or other remedial actions. The senior leader may elect to impose additional or different sanctions or remedial actions than those recommended, as long as the sanctions or remedial actions reflect the severity of the conduct. The senior leader may also elect to implement disciplinary sanctions against a Respondent where the investigative report demonstrates the Respondent engaged in other conduct prohibited by University policy, regardless of whether the Respondent has been found responsible for violating the Anti-Harassment Policy. The senior leader will review the report and issue a determination within a reasonable amount of time, usually not to exceed twenty (20) calendar days unless good cause exists to extend the timeline. The senior leader will communicate their determination on the factual findings and appropriate disciplinary or remedial action (if any) to the parties simultaneously in writing, with a copy to EOIRS.

f. Request for Further Review.

Either party may, within ten (10) business days of the communication of the determination notice from the senior leader, submit a request for further review of the determination to the Senior Vice President and Chief Human Resources Officer. A request for further review must be in writing and set forth an explanation for the basis for the request. A request for further review must be based on one or more of the following:

- New evidence not reasonably available at the time of the determination, the absence of which can be shown to have had a detrimental impact on the outcome of the complaint;
- Procedural error that can be shown to have had a detrimental impact on the outcome of the complaint;
- Errors in the interpretation of University policy so substantial as to deny either party a fair process; or
- Grossly inappropriate sanction having no reasonable relationship to the charges.

If a request for further review is filed by one party, the other party will be so informed and provided with an opportunity to reply. The Senior Vice President and Chief Human Resource Officer (or a designee) may accept, reject, or modify the investigatory findings or conclusions. If necessary, the Senior Vice President and Chief Human Resource Officer (or a designee) may take steps to further investigate or clarify any aspect of the report or allegations. Absent extenuating circumstances, the Senior Vice President and Chief Human Resource Officer will inform the parties of the decision within a reasonable period of time not to exceed thirty (30) calendar days absent good cause or extenuating circumstances.

1. External Complaints.

Individuals also have the right to file complaints of harassment or discrimination with one of the following federal or state agencies:

Equal Employment Opportunity Commission

1-800-669-4000

1-800-669-6820 (TTY for Deaf/Hard of Hearing callers only)

1-844-234-5122 (ASL Video Phone for Deaf/Hard of Hearing callers only)

info@eeoc.gov

U.S. Department of Education

Office for Civil Rights (OCR)

400 Maryland Avenue, SW,

Washington, DC 20202 1100

www.ocr.gov.

New York State Division of Human Rights

333 E. Washington Street, Room 543

Telephone No. (315) 428-4633

infoSyracuse@dhr.ny.gov