FORMAL COMPLAINT PROCESS

1. When the Informal Complaint Process fails to resolve the complaint, or in instances where the Office of Affirmative Action or the Office of Student Affairs determines the nature of the allegations requires formal investigation, the Formal Complaint Process will be used. The Office of Affirmative Action may assist employees, and the Office of Student Affairs may assist students, in preparing the complaint, in writing, as necessary.

2. If an individual wishes to file a formal complaint, he or she must submit a signed, written statement alleging harassment to the Affirmative Action Officer of the Dean of Students as appropriate. Documentation should include the name of the complainant, the name of the accused, the nature of the complaint, date(s), witness(es), the name(s) of the person(s) who received the complaint, and any other information relevant to the complaint. If some of this information is not available, the reason(s) of unavailability, if known, should be documented.

3. The Affirmative Action Officer or the Dean of Students, as appropriate, will meet with the accused and present him or her with a copy of the complaint and a copy of the sexual harassment policy. The accused will be given an opportunity to respond to the complaint orally and in writing, and may provide evidence and witnesses. The Affirmative Action Officer or the Dean of Students, as appropriate, will also explain that there is to be no contact with or retaliation against the complainant.

The Affirmative Action Officer or the Dean of Students, as appropriate, will gather relevant evidence by interviewing the complainant, the victim (if different from the complainant), the accused, and any witnesses or other individuals deemed appropriate to conduct a thorough investigation. Every effort will be made to ensure a thorough and timely investigation of the complaint.

4. Following completion of the investigation, the Affirmative Action Officer or the Dean of Students, as appropriate, will present his or her written findings to the appropriate vice chancellor. The vice chancellor will consult with the employee’s division head regarding the written findings for purposes of resolving the complaint. It is the responsibility of the division head to take action consistent with the written findings. Once a final determination is made by the appropriate UAPB officer, both the complainant and the accused will be notified of the action to be taken.

5. Employees may appeal any employment decision made subsequent to a finding of sexual harassment through the campus grievance procedure provided in this handbook.

6. Complainants may not appeal administrative decisions regarding sexual harassment complaints through the UAPB grievance process.

Questions regarding this policy may be directed to the Office of Affirmative Action or the Office of Student Affairs, as appropriate.