Procedural Guidelines for Handling Discrimination and Harassment Complaints

Purpose of Guidelines. The purpose of these Procedural Guidelines is to ensure that discrimination and harassment complaints based on arbitrary considerations of such characteristics as age, color, disability, ethnicity, gender, gender identity, marital status, national origin, race, religion, sexual orientation, or veteran status, and including harassment such as sexual harassment, sexual assault, sexual violence, or stalking are handled promptly and effectively in a manner that is procedurally fair to all parties. The Office of Affirmative Action and Equal Opportunity may deviate from these guidelines as necessary to achieve the goals of prompt, thorough and effective complaint resolution in a procedurally fair manner.

I. General Principles

a. Coverage. These guidelines apply to all faculty, staff, students of Indiana University Bloomington, as well as, all visitors to campus.

b. Definitions. In these guidelines, all references to days mean calendar days unless specified otherwise, and all references to Complainant and Respondent are meant to include one or more persons in those categories. A Complainant(s) is the persons initiating a complaint and Respondent(s) is the person whose conduct is the subject of concern. Investigator(s) is the individual(s) who investigate the complaint.

c. Time Limit for Initiating a Complaint. To file a complaint about alleged discrimination or harassment, including sexually harassing behavior or retaliation, a Complainant should contact the Office of Affirmative Action and Equal Opportunity, a University official such as a supervisor, dean, director, department chair or department head, University Human Resource Services; the Division of Student Affairs Dean of Students Office, the Vice Provost for Faculty and Academic Affairs, or the Indiana University Police Department within 180 days following the last occurrence of the behavior. A sample complaint form, which can be used to initiate a complaint, is attached to these guidelines. The Office of Affirmative Action and Equal Opportunity may accept a complaint filed after the 180 day time limit for good cause shown, as determined by the Office of Affirmative Action and Equal Opportunity.

d. Advocacy. Investigators do not function as advocates for Complainants or Respondents. Investigators can, however, identify advocacy and support resources for Complainants and Respondents.

e. Confidentiality. Discrimination and harassment complaints will be handled in a confidential manner to the extent possible and consistent with principles of due process. Information will only be shared on a need-to-know basis and as provided for by University policy and applicable federal and state law.

f. Interim Measures. Indiana University will make changes to academic, living, transportation, and/or work situations as appropriate. Requests for such measures will be granted if such a request is reasonable, regardless of the means used to report the incident.
g. **Retaliation.** Indiana University will take appropriate steps to insure that a person who in good faith, complains about, responds to, or participates in an investigation of alleged discrimination or harassment, will be treated fairly and will not be subjected to retaliation.

II. **Reports of Discrimination or Harassment**

a. **Where to Report.** Individuals may raise concerns of discrimination or harassment to Indiana University by contacting the Office of Affirmative Action and Equal Opportunity, Title IX Coordinator, a University official, such as a supervisor, dean, director, department chair, or department head, the office of University Human Resource Services, the Division of Student Affairs Dean of Students Office, the office of the Vice Provost for Faculty and Academic Affairs, or the Indiana University Police Department. If the complaint is against a student, the Complainant may elect to pursue a formal charge through the appropriate student grievance procedure as defined in the Code of Student Rights, Responsibilities, and Conduct. ([http://www.iu.edu/~code/bloomington/discipline/appendix_e.shtml](http://www.iu.edu/~code/bloomington/discipline/appendix_e.shtml))

b. **Anonymous Complainants.** The University may not be able to investigate an anonymous complaint unless sufficient information is furnished to enable the University to conduct a meaningful and fair investigation. However, where credible information is available, the university will make every reasonable attempt to provide an appropriate response.

c. **Responsibility to Report.** It is the responsibility of all University faculty, staff, and students to report acts of sexual harassment, assault, or violence to either the Office of Affirmative Action and Equal Opportunity, Title IX Coordinator, a University official, such as a supervisor, dean, director, department chair, or department head, the office of University Human Resource Services, the Division of Student Affairs Dean of Students Office, the office of the Vice Provost for Faculty and Academic Affairs, or the Indiana University Police Department.

III. **Investigation**

a. **Investigation Process.** When a Complainant reports an alleged act of discrimination or harassment, her/his desires regarding the University's pursuit of the matter will be determined. The Office of Affirmative Action and Equal Opportunity will determine the most effective method of investigating the concerns raised by the Complainant. In most cases, this will involve conducting a thorough fact-finding investigation, which includes interviewing the Complainant, Respondent, pertinent witnesses, and reviewing and analyzing relevant documents as they relate to each allegation of the complaint. The Investigator will seek to complete his or her investigation promptly, usually within sixty days. Although the Office of Affirmative Action and Equal Opportunity may deviate from these guidelines, it will still respond to the complaint in a prompt, thorough and effective manner that is procedurally fair. Occasionally, a different or less formal response to the complaint may be appropriate.

b. **Evidentiary Standard.** The Investigator’s findings of fact will be made looking at the record as a whole, as well as, the context in which the alleged misconduct occurred. Whether particular actions constitute harassment or discrimination will be made using the "preponderance of the evidence" standard and will be determined from the facts, on a case by case basis. Under this standard, Respondents are presumed not to have engaged in the alleged conduct unless a "preponderance of the
"evidence" supports a finding that the conduct occurred. This "preponderance of the evidence" standard requires that the evidence supporting each finding be more convincing than the evidence offered in opposition to it.

c. **Investigation Report.** When an investigation is conducted, the Investigator will prepare a written summary at the conclusion of the investigation.

d. **Corrective Action.** If the investigator finds that discrimination or harassment occurred, the University will take prompt and equitable corrective measures to stop the discrimination or harassment and remedy the effects of the discrimination or harassment. The University will also act to prevent future instances of discrimination or harassment. Sanctions for student violations will be imposed in accordance with the Code of Student Rights, Responsibilities, and Conduct. Sanctions for employee violations will be imposed in accordance with appropriate university policies and may range from training and intervention to termination. The University may also take corrective action if no discrimination or harassment is found, but the Respondent is found to have engaged in inappropriate workplace behavior.

IV. **University Official.**
Julie V. Knost, University Director & Title IX Coordinator, Office of Affirmative Action and Equal Opportunity, Poplars 825, 400 East Seventh Street, Bloomington, Indiana 47405, (812)855-7559, jknost@indiana.edu.

V. **Department Assistance.**

**Office of the Vice Provost for Faculty and Academic Affairs**
Bryan Hall 111, 107 S. Indiana Avenue, Bloomington, Indiana 47405, (812) 855-2809 vpfaa@indiana.edu, http://www.indiana.edu/~vpfaa

**Division of Student Affairs and Dean of the Students Office & Deputy Title IX Coordinator**
IMU M088, 900 E. Seventh Street, Bloomington, Indiana, 47405, (812) 855-8187, jubdos@indiana.edu, http://studentaffairs.iub.edu

**Office of Affirmative Action & Equal Opportunity & Title IX coordinator**
Poplars 825, 400 East Seventh Street, Bloomington, Indiana 47405, (812)855-7559, affirm@indiana.edu, http://www.indiana.edu/~affirm

**University Human Resources**
Poplars E165, 400 East Seventh Street, Bloomington, Indiana 47405, (812) 855-2172, policy@indiana.edu, http://www.indiana.edu/~uhrs/relations/index.htm

Complaints may also be brought for criminal investigation to:

**Indiana University Police**