Discrimination Complaint Procedure

1. **General Principles**. The University of Kansas Medical Center is committed to resolving complaints of illegal discrimination at the earliest and most informal level, conducting internal investigations in a timely and effective manner, adhering to the principles of due process in all investigations and hearings, and providing prompt corrective action if discrimination is found to have occurred.

   The Equal Opportunity Office is available to answer questions or provide advice regarding equal opportunity/affirmative action issues or concerns to faculty, staff, residents and students, regardless of whether or not they wish to file a complaint.

   The University reserves the right to modify and/or amend the procedures outlined herein at any time. In the event the University determines that circumstances warrant modification/amendment of any part of these procedures, timely notice shall be delivered in writing to all relevant and affected parties.

2. **Pre-Complaint Resolution Strategies**. Individuals are urged to first bring their concerns to the person responsible for the behavior or action. In many cases, individuals will take self-corrective measures when they become aware of how their actions or behaviors are being received. The matter may be concluded by mutual consent at this point. However, the University recognizes that such a strategy may be inappropriate or ill advised, especially when the conduct is severe, or when the person responsible for the behavior holds a position of authority.

   Supervisors, unit heads, department chairs and others in leadership are responsible for ensuring nondiscrimination in the employment and academic environment. Therefore, individuals are encouraged to bring concerns to those individuals if discussions with the person responsible for the behavior or action are unsuccessful or ill advised. Supervisors and chairs are required to utilize the expertise of the Equal Opportunity Office when handling such matters, and are expected to maintain documentation sufficient to demonstrate a timely, appropriate and adequate response.

   If satisfactory resolution does not occur, the individual may file a complaint with the Equal Opportunity Office (EOO).

3. **Purpose and Jurisdiction of the Discrimination Complaint Procedure**. This procedure is restricted to complaints which allege discrimination or harassment on the basis of race/ethnicity, color, religion, ancestry, national origin, sex, including marital status, sexual orientation, age, disability, status as a Vietnam-era veteran, special disabled veteran, recently separated veteran, or other protected veteran or complaints alleging genetic screening or testing was conducted for employment or academic related decisions. Aggrieved parties are

referred to as *complainants*. Persons alleged to have engaged in illegal discrimination are referred to as *respondents*.

This procedure is internal to the University and applies to incidents that take place at the University and its affiliated off-site locations, or are related to University operations. Individuals who may use this procedure include, but are not limited to: individuals applying for enrollment or employment to the University; students; regular and research faculty, including those with visiting appointments; teaching or research assistants; research associates; residents and fellows; classified and unclassified employees; university administrators; and users of University services.

4. **Responsibility for Implementation**. The Executive Vice Chancellor delegates to the Director of the Equal Opportunity Office overall responsibility for assuring University compliance with nondiscrimination laws, receiving and investigating internal allegations of discrimination, and maintaining an effective and impartial complaint investigation process.

   The Executive Vice Chancellor has the authority to appoint an alternate investigator at his discretion and as circumstances require.

5. **Confidentiality.** Complainants, respondents, witnesses and others involved shall refrain from disclosing information about the case to anyone who does not have legitimate need or right to know. Violations of confidentiality may result in charges of unprofessional conduct.

6. **Timelines.** The date upon which a complaint is received shall be referred to as the case filing date. Time limits set forth in these procedures may be extended by the EOO Director, at her discretion, or upon written request from the complainant, respondent, or the unit head. The Director shall inform the parties when extensions of the time limits are made.

7. **Filing.** To facilitate resolution or investigation, complaints should be brought forward within 30 days, or as soon as possible, after the alleged act of discrimination.

8. **Complaint Procedure**. Discrimination complaints shall be filed with the EOO. The written complaint must be signed by the complainant, identify the respondent(s), fully describe the alleged act(s) of discrimination, and authorize the EOO to proceed with an investigation.

   a. *Jurisdiction Decision*. The EOO will determine whether issues raised in the complaint fall within the purview of these procedures within 15 working days after receiving the written complaint. The complainant will be notified in writing if the complaint is not within EOO jurisdiction, and will be provided with recommendations for other options to address the issue. No

appeal may be made internally of this determination.

If the complaint falls within the purview of these procedures, the EOO will meet with the complainant to discuss the investigative process and obtain additional information necessary for the investigation.

b. *Informal Resolution*. The complainant may issue written authorization for the EOO to attempt informal resolution at any time during the process. Such attempts will focus on resolving the dispute, managing the conflict, and non-punitive counseling.

c. *Preliminary Assessment of Allegations*. Upon determining that a complaint falls within its jurisdiction, the EOO may conduct an initial fact-finding to determine whether the allegations warrant an investigation. The complainant will be notified in writing if an investigation is not warranted. No appeal may be made internally of this determination.

d. *Investigative Process*. The EOO will:

   i. schedule a meeting with the respondent(s) to discuss allegations raised in the complaint, provide a copy of these procedures, and discuss the complaint process. When appropriate, the EOO may provide a written request for information, and establish a deadline for receiving the respondent's written response to the information request. [Refusal to answer a charge or participate in the proceedings will not prevent the investigation from occurring and may result in the investigation proceeding solely on the basis of complainant testimony and evidence.
   ii. provide notice of the complaint to the appropriate unit head(s);
   iii. consult with individuals who have direct knowledge of the alleged incidents and/or who are in a position to gather or generate information relevant to the allegations; prepare a written investigative report within forty-five (45) working days after determining jurisdiction;
   iv. review the report with appropriate university officials and when justified by the findings, initiate discussions with appropriate individuals regarding the development of an administrative response
   v. within 5 working days after the administrative review, provide the complainant, respondent and Dean or Vice Chancellor with a written investigative summary and findings.

e. *Determination of Disciplinary Action*.

   i. *Students*. Each school administers its own student conduct system, and determines any disciplinary actions against students which might arise from a complaint of student misconduct. Procedures are detailed in the Student Handbook.

ii. *Employees, Faculty and Residents.* Deans, Vice Chancellors or their designees are responsible for identifying an appropriate administrative response including nonpunitive corrective measures and, in consultation with the appropriate Human Resource Department, disciplinary actions. Disciplinary actions to be considered will vary in type, intensity and duration, depending on the specifics of each case. All disciplinary action, with the exception of termination or dismissal, may include mandatory training sessions.

f. *Appeal of Disciplinary Action*. Should the administrative response result in disciplinary action for the respondent, s/he may seek review of the action through appropriate internal appeal procedures as provided in the Faculty/Unclassified Handbook, Graduate Medical Education Handbook for Residents, House Staff Manual, applicable Union contract, State Civil Service Procedures, or the Student Handbook.

9. **Complaint Initiated by Administration.** The Executive Vice Chancellor, Vice Chancellors, Deans, Directors, Supervisors or Chairs, if given sufficient cause, may request that the EOO conduct an investigation. The administrator requesting the investigation will act as complainant and must specify the persons who are alleged to be the recipients of the questionable conduct. The EOO will use the same notification and process guidelines outlined in the discrimination complaint procedure. The administrator initiating the complaint will not be involved in developing the administrative response and/or corrective action.

10. **Records Management**. The EOO shall maintain all records for complaints filed pursuant to these procedures, including the complaint, the response, investigative summaries, materials considered in the course of the investigation, the administrative response, and any documentation which confirms that administrative actions were taken. Records shall be retained in the EOO or in archived files for at least five years.

11. **Filing a False Complaint or Retaliating Against Participants in the Complaint Process**. Retaliating against participants in these proceedings is prohibited. The EOO will use the same notification and process guidelines outlined in the discrimination complaint procedure for claims of retaliation. Similarly, filing a false complaint is considered to be serious misconduct which is subject to sanction, including disciplinary action which shall be determined in conformance with Section F8-3.

12. **Alternative Complaint Procedures**.

a. *Internal*. The complainant must use the Equal Opportunity Office complaint procedure for processing an internal claim of illegal discrimination unless another procedure is specifically required or permitted by union contract. Should the complainant elect to use any other internal grievance procedure,

s/he may not use the procedure operated by the Equal Opportunity Office for the same complaint.

b. *External*. A person who believes that s/he has been the subject of discrimination prohibited by state or federal law may contact one of the following agencies for advice, assistance, and explanation of filing deadlines:

i. Equal Employment Opportunity Commission (for employment matters only)
400 State Avenue
Suite 905
Kansas City, KS 66101

ii. Kansas Human Rights Commission
Landon Building
900 SW Jackson, Suite 851 South
Topeka, KS 66603

iii. Office for Civil Rights
10220 NW Executive Hills Blvd.
Kansas City, MO 64153