

Rights as a Complainant

The procedure for informal complaints calls for prompt review and mediation if desired, followed by action intended to prevent any discrimination. The procedure for formal complaints also calls for prompt review which may result in disciplinary action against someone who has discriminated against another. To the extent possible, the University expects to complete the investigation within 50 business days of receiving a written complaint, unless there are extenuating circumstances which may prevent the University from complying with this timeframe.

The complainant has the right, consistent with this policy's timeframe, to file a formal complaint at any time during the informal process or if satisfactory results are not achieved through the informal process. The complainant also has the option of pursuing formal complaints through the following public agencies responsible for enforcing the laws against discrimination within the time frames listed.

P.A. Human Relations Commission	(215) 560-2496	180 days
U.S. Dept. of Education, Office for Civil Rights	(215) 656-8541	180 days
Equal Employment Opportunity Commission	(215) 440-2600	300 days

If a complaint alleges discrimination or harassment by an employee of the Office of Social Equity or the Office of the President, the complaint will be investigated by a party external to the University.

Employees accused of discrimination have the right to be assisted by their collective bargaining unit representative at any meeting held to discuss the complaint with the accused. If an employee elects to be represented by his or her union, the union will receive copies of all written notification sent to the accused. Employees equally have the right not to be represented by their union. The decision regarding union representation rests solely with the accused employee. When a formal investigation is to be conducted against a faculty member, Article 43 of the APSCUF collective bargaining agreement will also govern.

The complainant also has the right to be assisted in all aspects of the Complaint Procedure by an advocate should they desire to do so. Trained faculty and staff are available to serve to:

- Clarify procedural issues,
- Assist with the preparation of the complaint, and
- Make inquiries as to the status of the complaint
- Provide other support-related functions

The Social Equity Director will provide a list of available advocates from which one will be selected by the complainant, if he or she so desires. The role of the Collective Bargaining Unit representatives and complainant advocates is limited to the advice and counsel of their principals only.

In order to process either a formal or informal complaint of discrimination, the individual, accompanied by an advocate if she or he wishes, must process the complaint through the

University's Social Equity Director. The complainant will provide a written statement to the Social Equity Director with sufficient factual information to permit the director to make an initial determination if the University policy on Affirmative Action - Equal Opportunity may have been violated.

The University has a legal obligation to investigate informal or anonymous reports of discrimination to the extent feasible. It is not usually possible to conduct a formal investigation of anonymous reports of discrimination, however, the University has a responsibility to take action to stop and prevent the alleged discrimination. In the event of anonymous reports of discrimination, the Office of Social Equity will meet with the person alleged to have engaged in discriminatory conduct to provide notification of the allegations and the possible repercussions if a formal complaint is brought forward. The Social Equity Office may recommend voluntary training about discrimination and equal opportunity for an individual or a work unit.

In order to conduct a formal investigation which may result in discipline of a University employee, there must be first hand information by the victim or a witness who is available and willing to be identified and interviewed by the investigator(s). It may be possible to take a third-party complaint if the victim of the alleged discrimination is willing to be identified and interviewed. In determining whether a third-party complaint should be formally investigated, the following factors need to be evaluated: (1) is the person filing the complaint trustworthy so that the facts as presented are reliable; (2) does the complaint contain the name and contact information for the victim of the alleged harassment; (3) is there sufficient detail in the complaint to determine whether the allegations fall within the realm of discrimination; (4) has the complaint been brought forward in a timely manner.

Complaints should be filed up to 180 days after the alleged act or behavior. However, it is in the best interest of all to conduct a timely review of the circumstances of the alleged discrimination behavior; accordingly, complainants are urged to file complaints as soon as possible.

In recognition of the dignity and reputations of all parties, it is the intent of the University's employees officially involved in the proceedings or investigation to preserve the confidentiality of the complaints and all proceedings. Disclosure of the complaint will be limited to individuals who, in the interest of fairness and problem resolution, have a need to know. The complainant and the accused are encouraged to maintain confidentiality consistent with the intent of the University.

At the conclusion of the process, written outcomes and resolutions will be disclosed to the complainant and the accused.