

PROCEDURES FOR REPORTING AND RESPONDING TO CONCERNS OF EPA FACULTY AND NON FACULTY EMPLOYEES REGARDING ALLEGATIONS OF PROHIBITED DISCRIMINATION, HARASSMENT, AND RELATED MISCONDUCT

To implement the Policy on Prohibited Discrimination, Harassment and Related Misconduct Including Sexual Violence, Interpersonal Violence and Stalking

Any EPA employee who feels he/she has been harassed or discriminated against based upon his/her protected status or who feels he/she has been retaliated against for his/her good faith reporting of allegations of prohibited harassment or discrimination or his/her participation in an investigation of alleged prohibited harassment or discrimination may utilize these procedures to bring an internal complaint to redress the situation. Note that complaints by an EPA employee against a student will be handled under the *Procedures for Reporting and Responding to Complaints of Discrimination, Harassment, and Related Misconduct Involving a Student as a Responding Party*.

Questions, concerns or complaints pursuant to the Policy on Prohibited Discrimination, Harassment and Related Misconduct Including Sexual Violence, Interpersonal Violence and Stalking (hereafter referred to as the Policy) may be directed to the Equal Opportunity and Compliance Office. Questions regarding the Faculty Grievance Committee should be directed to the Faculty Grievance Committee Chair. Questions regarding the EPA Non-Faculty Grievance Committee should be directed to the Office of Human Resources EPA Non-Faculty Personnel Office.

Because of the sensitive nature of alleged prohibited harassment or discrimination, all members of the University community are encouraged to make reasonable efforts to have their concerns addressed and resolved either informally or through the Administrative Review Process. Under the Administrative Review Process, responsibility for investigation and resolution of a complaint is assigned to Deans, Directors, and Department Chairs and others in supervisory positions within the University or with the Equal Opportunity and Compliance Office.

Please contact the Equal Opportunity and Compliance Office for consultation and information on the guidelines for utilizing the Administrative Review option.

I. Time Frames

A. Filing a complaint

1. The University encourages a faculty or EPA non-faculty employee who has a concern to bring a complaint within one hundred eighty (180) calendar days of the alleged harassment or discrimination. More information about filing a complaint is provided in Section III. A., below.

2. However, an EPA non-faculty employee who wishes to preserve his or her rights to proceed under the grievance policy must initiate a complaint under the administrative review process within thirty (30) calendar days of a specific action or decision. If initiated within this time frame, the employee is provided an extension of the normal grievance submission deadline under the EPA Non-Faculty Grievance Policy (see Section 7.c.2 of the EPA Non-Faculty Grievance Policy).

B. Investigating a Complaint

1. Initial Notice

Any administrator or supervisor who receives notice of an EPA employee's complaint of alleged prohibited harassment or discrimination must notify the Equal Opportunity Office within five (5) calendar days of receiving the complaint.

2. Conducting the Review

The University expects that an Administrative Review will be performed and the Administrative Review Report submitted to the Equal Opportunity and Compliance Office within forty-five (45) calendar days of receiving the complaint unless an extension has been granted. More information about extensions and about the report is provided in Section III. C.-D., below.

3. Responding to Report and Notification to the Parties

The appropriate Dean, Director, or Department Chair will have no more than five (5) calendar days to either accept or reject the recommendations provided in the Administrative Review Report, subject to any appeal rights of the parties involved.

The Equal Opportunity and Compliance Office will notify the parties, to the extent permitted by law, of the results of the Administrative Review and of the efforts to resolve the complaint within ten (10) calendar days after the final report is issued. More information about this notification is provided in Section III. D., below.

II. Administrative Responsibility

University administrators and supervisors have special responsibility for implementing these procedures and are required to timely and appropriately respond to concerns. If an employee in an administrative or supervisory position has knowledge of conduct that may constitute prohibited harassment or discrimination or receives a complaint alleging prohibited harassment or discrimination by a University employee, including student employees acting in their employee role under his/her administrative jurisdiction, he/she must take steps to promptly and

appropriately address the matter. Any employee who becomes aware of conduct that may constitute prohibited harassment or discrimination is strongly encouraged to contact the Equal Opportunity and Compliance Office.

The administrator or supervisor must notify the Equal Opportunity and Compliance Office, and partner with that Office, the Office of Human Resources, or other appropriate University offices for advice on investigation, education, mediation, documentation, and/or disciplinary action, if appropriate.

III. Administrative Review Process

The purpose of an Administrative Review, which will include interviewing the parties and witnesses, is to gather and assess the facts relevant to the complaint and make recommendations to equitably address the concerns in order to resolve the complaint.

A. Filing a Complaint

1. A faculty or EPA Non-Faculty employee with a complaint (the "Complainant") of alleged prohibited harassment or discrimination may bring his/her complaint directly to the attention of the Equal Opportunity and Compliance Office within the time frame established in Section I.A., above.
2. A faculty or EPA Non-Faculty employee with a complaint (the "Complainant") of alleged prohibited harassment or discrimination against an employee (including faculty members, staff members, post-doctoral scholars, and student employees) or a contractor may also bring his/her complaint to the appropriate administrator or supervisor, either orally or in writing. This may include a department chair, associate dean or other administrator.

Any supervisor or administrator receiving a complaint must contact the Equal Opportunity and Compliance Office within five (5) calendar days from the receipt of the complaint for consultation regarding an appropriate response.

B. Determination of Whether to Conduct an Administrative Review

1. Administrative Review Deemed Appropriate

If the Complainant alleges conduct that appears to violate the Policy, the Equal Opportunity and Compliance Office will initiate an Administrative Review if informal attempts at resolution have been unsuccessful.

With the Complainant's knowledge, the Equal Opportunity and Compliance

Office will identify the appropriate administrator(s) to conduct the Administrative Review (the “Administrative Reviewer”, who is usually the supervisor or administrator most directly involved, excluding the person accused of prohibited harassment or discrimination), and inform the administrator(s) of the complaint and ensure that he/she is appropriately trained, including training on his/her responsibilities under the Policy and Procedure as provided in Section III.C., below. The Equal Opportunity and Compliance Office will also notify the appropriate Dean, Director or Department Chair.

While the supervisor of the person accused of prohibited harassment or discrimination generally has the responsibility for conducting the Administrative Review, another person(s) may be assigned responsibility depending on the nature of the complaint. The Equal Opportunity Office may also conduct the investigation.

2. Administrative Review Not Deemed Appropriate

If an Administrative Review is not deemed appropriate under the Policy, the Equal Opportunity and Compliance Office will meet with the Complainant to explain the reason and discuss other options for addressing his/her concerns.

C. Investigating the Complaint

The Administrative Reviewer is expected to promptly investigate and submit a confidential Administrative Review Report to the appropriate Dean, Director, or Department Chair and to the Equal Opportunity and Compliance Office within forty-five (45) calendar days of receiving the complaint unless an extension has been granted. If meeting this deadline is not possible, the Administrative Reviewer will advise the Dean, Director or Department Chair and the Equal Opportunity and Compliance Office of the need for an extension and request a revised date. The Equal Opportunity and Compliance Office will review the request for a revised date and determine whether an extension is warranted. If the extension is approved, the Equal Opportunity and Compliance Office will provide written notification of the revised date to the parties.

1. The person(s) accused of prohibited harassment and discrimination must be notified of the complaint, advised of the need for confidentiality and reminded to refrain from any behavior that could in any way be construed as retaliatory.
2. Both the Complainant and the person accused of prohibited harassment or discrimination will be given a copy of the Policy and relevant Procedures and also be given an explanation of the review process.

3. Both the Complainant and the person accused of prohibited harassment or discrimination may provide information relevant to the complaint, including the names of any witnesses to the Administrative Reviewer(s) or the Equal Opportunity and Compliance Office.
4. In determining whether alleged conduct violates the Policy and what, if any, corrective action should be taken, the Administrative Reviewer must consider the record as a whole, including the nature of the alleged conduct and the context in which it occurred, and determine whether a preponderance of the evidence shows that the Policy has been violated.

D. Report and Documentation

1. At the conclusion of an Administrative Review, the Administrative Reviewer(s) will prepare a written report (“Administrative Review Report”) that includes subject to confidentiality protections provided by the State Personnel Act: factual findings, a summary of witness statements, a determination of whether the Policy has been violated, and the resolution of the complaint, including any corrective actions recommended or taken.
2. Upon receipt of the Administrative Review Report, the Dean, Director, or Department Chair shall have no more than five (5) calendar days to either accept or reject the recommendations contained in the report, subject to any appeal rights.
3. The Equal Opportunity and Compliance Office will notify the parties, to the extent permitted by law, of the results of the review and efforts to resolve the complaint within ten (10) calendar days after the final report is issued. The Equal Opportunity and Compliance Office will inform the Complainant that appropriate corrective action has been taken, but cannot reveal the specifics of the action if it is a confidential personnel action. Additional information regarding what may and may not be reported to either party is available from the Office of University Counsel.
4. The University will maintain an appropriate record in the confidential departmental personnel file.

E. Actions Taken As a Result of the Review

1. If an Administrative Review results in a finding that the conduct or issue complained of violates the Policy, appropriate corrective action must be taken. In deciding what action is appropriate, the Administrative Reviewer should consult with the Equal Opportunity and Compliance Office, and/or the Office of Human Resources, the Academic Personnel Office, and the appropriate Dean, Director, or Department Chair.

Corrective action to correct the accused party's conduct may include counseling about the behavior, a written warning, or other appropriate action up to dismissal. The Administrative Reviewer may also take measures to assist the Complainant, including but not limited to recommending a review of any negative performance decision that may have resulted from the conduct that violated the Policy or informing the Complainant of University resources, such as the Ombuds Office, or Employee Assistance, that may be helpful.

3. If an Administrative Review results in a finding that the conduct or issue complained of does not violate the Policy, all parties will be advised of the finding and the basis thereof.

IV. Appeal of an Administrative Review

A. Information and Assistance with Formal Resolution

1. For faculty, information and assistance regarding formal resolution of a complaint is available from the Chair of the Faculty Grievance Committee.
2. For EPA Non-Faculty, information and assistance regarding formal resolution of a complaint is available from the Chair of the EPA Non-Faculty Grievance Committee or from the Office of Human Resources.
3. For post-doctoral scholars, information and assistance regarding formal resolution of a complaint is available from the Office of Post-Doctoral Affairs.

B. Time Frames for Filing an Appeal

1. Faculty
 - a. A faculty member has thirty (30) calendar days from the date of notification of the Administrative Review findings to file a grievance if he/she feels that the Administrative Review failed to produce an equitable resolution. A grievance must be filed with the Faculty Grievance Committee according to its established procedures, and that Grievance Committee will proceed under its established procedures.
 - b. Note: A faculty member who alleges prohibited harassment or discrimination as evidence that a decision not to reappoint was based upon one or more of the existing impermissible grounds stated in the Trustees' Rules and Regulations Governing Academic Tenure in The University of North Carolina at Chapel Hill (the "Tenure Regulations") must file a complaint with the Faculty Hearings Committee in accordance with Section IV of the Tenure Regulations.

c. Librarians holding general faculty membership must file their grievance with the Faculty Grievance Committee.

2. EPA Non-Faculty

EPA non-faculty employees who have promptly initiated an Administrative Review as established by Section II.B.2, above, has ten (10) calendar days following completion of the Administrative Review process to file a grievance if he/she feels that the Administrative Review failed to produce an equitable resolution. A grievance must be filed with the EPA Non-Faculty Grievance Committee according to its established procedures, and that Grievance Committee will proceed under its established procedures (see Section 7.c.2 of the EPA Non-Faculty Grievance Policy).

3. Post-Doctoral Scholars

Post-doctoral scholars may proceed to utilize the grievance procedures established by the Office of Postdoctoral Affairs.