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Edwardsville Bulletin

To the Faculty and Staff of Southern Illinois University

Vol. 7, No. 5
February 28, 1975

These revisions to the Interim Procedures for Discrimination Complaints are effective as of February 18, 1975.

INTERIM DISCRIMINATION COMPLAINT PROCEDURES

I. FILING OF COMPLAINT

A. Place of Filing

Any employee who feels he or she has been adversely treated with respect to his or her employment because of his or her race, sex, religion, national origin, or age, may file a complaint with the Vice-President responsible for his or her work area. Personnel reporting ultimately to the controller shall file any such complaints with the President.

B. Contents of Complaint

A complaint alleging unlawful discrimination adversely affecting facets of one's employment shall minimally contain the following:

- i. Complaining Party's full name, home address, and employment position.
- ii. The nature of the unlawful discrimination charged.
- iii. Specific transactions, occurrences, or acts which constitute the unlawful discrimination being charged.
- iv. Supporting documents, evidence, or data.

When a complaint is filed which lacks specificity or any of the foregoing elements reasonably necessary for investigation, reasonable steps shall be taken to have the filing party complete the complaint. A complaint which is so lacking in information or specificity as to fail to identify transactions, occurrences, or acts constituting the alleged discrimination may be dismissed without investigation unless made adequately specific to identify such transactions, occurrences, or acts.

C. Time Limit for Filing

All such complaints must be filed no later than 30 days following (a) the date of the transactions, occurrences, or acts constituting the alleged discrimination or (b) the date upon which complainant first had knowledge or should reasonably have had knowledge of such transactions, occurrences or acts.

D. Referral for Investigation

Promptly upon receipt of a complaint, the Vice-President shall provide for establishment of the Fact Review Committee. The FRC shall consist of three University faculty or staff members appointed by the Vice-President in the following manner: one member nominated by the complainant, one member nominated by the Vice-President in consultation with the party or parties named as respondent(s), and a third member jointly agreed upon and nominated by the two members first named. The third member so selected and nominated shall act as chairperson.

The original of the complaint shall be forwarded to the Fact Review Committee for incorporation into the record. Copies of the complaint also shall be forwarded by the Vice-President to the President, the Office of University General Counsel, and the appropriate central AAO.

E. Responsibilities of FRC and FEC

The FRC shall have the responsibility for ascertaining issues involved in the complaint, and of certifying facts pertinent to the complaint as delineated in II (F) below. Responsibilities of the FRC shall not include making any legal determinations, i.e., determinations reached by applying the law to the facts certified as true.

II. INVESTIGATION OF THE COMPLAINT

A. Complainant's Evidence

Within seven (7) working days following receipt of a complaint from a Vice-President, the Fact Review Committee shall confer with the complaining party, and shall receive the complaining party's evidence, data, or summaries of argument in support of the complaint (or arrange for receipt of same within a reasonable time). A written summary of the conference shall be maintained by the FRC, as shall all documents, data, or other material submitted by the complaining party.

B. Responsive Evidence

The FRC shall thereafter confer with each person who is identified in the complaining party's complaint and supporting information as having committed or permitted to occur an act of unlawful discrimination. The FRC shall receive (or arrange for receipt within a reasonable time) statements, evidence, data, or other material in response to the complaint from each person conferred with under this Paragraph. A written summary of each such conference shall be maintained, as shall all documents, data, or other materials submitted under this Paragraph. Copies of the complaint and supporting data filed by the complaining party shall be provided persons responding under this paragraph prior to the conference specified above.

C. Complainant's Response

The FRC shall again confer with the complaining party following completion of conferences under Paragraph II (B) above, for the purpose of receiving

the complaining party's arguments and materials responsive to the statements and evidence provided by parties under Paragraph II (B) above. A written summary and materials submitted shall be maintained in the manner specified in preceding paragraphs. The complaining party shall be provided a copy of all statements and supporting materials submitted by responding parties under Paragraph B above prior to the conference under this paragraph.

D. Investigation

In addition, and in a manner deemed appropriate by the FRC in each case, the FRC shall conduct and complete an investigation of issues as defined by the complaint, conferences held pursuant to Paragraphs I (A), (B), (C) above, and supporting evidence submitted in conjunction with such conferences. In such investigations, the FRC shall have access to any files, data, or parts thereof, possessed by the University which are pertinent to issues involved, as defined in the preceding sentence, provided that confidential files or data shall not be provided without permission of the person to whom such files or data directly relate. The FRC further shall have responsibility and authority to seek clarifying information from any person in the University community in respect to matters pertinent to and appropriate within, the issues involved, as defined above. The FRC shall maintain a complete record of all information obtained in the course of such investigations and inquiries.

E. Time Period

All conferences and investigative activity by the FRC shall be completed within 50 calendar days after the initial conference with the complainant.

F. FRC Report and Recommendation

Within seven working days following completion of the investigation as provided in Paragraph II (D) above, the FRC shall submit to the pertinent Vice-President a written Report and Recommendation. This Report will contain: (1) a statement of factual issues raised within the complaint and the FRC's certification, to the best of the knowledge and belief of its members, of the facts surrounding these issues as ascertained through the investigation of the complaint, and (2) a transmittal of the complete written record assembled as provided in II (A through D) above.

G. Extension of Process Periods

Whenever, in good faith, the FRC is unable to complete any element of the investigation within time periods specified in Paragraph II (A through F) above, the time limit may be extended upon filing with the pertinent Vice-President a written statement specifying the length of the extension and the reasons the extension has become necessary. Notice of each such extension shall be given the appropriate central Affirmative Action Officer, the complaining party, and other persons who are involved in providing materials in the investigative stage for which the time period has been extended.

H. Coordination with Affirmative Action Personnel

The FRC shall coordinate all stages of each investigation with the appropriate central Affirmative Action Officer, including the use of such central AAO's to assist in investigating elements of a complaint. A central AAO or an affirmative action coordinator from a School or operating unit may submit material to the FRC which is pertinent to any complaint being investigated, provided that all such information provided shall be made part of the written record. The appropriate central AAO shall be privileged to be present at meetings of the FRC to facilitate investigation of the complaint (including access to tabulation of pertinent data, etc.).

III. DECISION ON A COMPLAINT

Within five working days after receipt of the FRC Report, the Vice-President shall mail to the complaining party a written decision on the complaint.

IV. APPEAL OF DECISION

A. Appeal to President

In the event a complaining party is dissatisfied with a decision rendered by the appropriate Vice-President, he or she may appeal that decision by filing a written appeal on the record with the President within 20 calendar days following the date of the Vice-President's Decision Letter. Such Appeal to the President shall contain a written argument as to why the Vice-President's Decision should not be supported by the President. Within 10 working days following receipt of such a written appeal, the President shall complete a review of the assembled record and complainant's appeal argument, and shall mail to the complaining party a written decision that the Vice-President's Decision is reversed, modified, or affirmed.

B. Appeal to the Board of Trustees

In the event a complaining party is dissatisfied with the appeal decision of the President, he or she may appeal that decision to the Board of Trustees as provided in Article IX, Section 2 of the ByLaws of the Board of Trustees.

V. PRESERVATION OF THE ASSEMBLED RECORD

The entire record of proceeding, consisting of the record assembled under Paragraph II above as amplified by the Vice-President's Decision and all documents submitted during an appeal of the Vice-President's decision, shall be preserved and maintained in the President's office for a period of not less than seven years, unless otherwise agreed by the complaining party and/or the University or named respondent.

VI. INTENT OF PROCEDURES

It is the intent of the foregoing procedures to permit an internal decision to be made on complaints alleging unlawful discrimination prior to the expiration of statutory deadlines for the filing of such complaints with agencies external to the University. The procedures specifically anticipate that a decision based upon a written record will be provided in cases alleging unlawful discrimination within 100 days after the act, occurrence, or transaction forming the basis of the alleged unlawful discrimination. It therefore is hoped that any person in the University community who feels she or he has been the victim of such discrimination will engage the internal process described above and will await a written decision by the appropriate Vice-President before taking steps to file such complaints externally.