



The University of Michigan Procedural Guidelines for Handling Discrimination and Harassment Complaints

1. Preliminary Issues

a. Purpose of these Guidelines. The purpose of these Procedural Guidelines is to ensure that discrimination complaints, including harassment, are handled promptly and effectively in a manner that is procedurally fair to all parties. The Office of Institutional Equity¹ may deviate from these Guidelines as necessary to achieve the goals of prompt, thorough and effective complaint resolution in a procedurally fair manner.

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. Complainants are the persons filing a complaint and Respondents are the persons whose conduct is the subject of concern. Investigators are individuals who investigate complaints.

c. Time Limit for Filing a Complaint. To file a complaint, a Complainant should contact a University official, such as a supervisor, Dean, Director or Department head; the Office of Institutional Equity; the appropriate Human Resources Office (campus or Hospitals and Health Centers); the Dean of Students (for students); the Dean's Office of the Horace H. Rackham Graduate School (for Rackham graduate students); the Center for the Education of Women; or the Department of Public Safety within 180 days following the last occurrence of the behavior. A sample complaint form which can be used to file a complaint is attached to these Guidelines. The Office of Institutional Equity may accept a complaint filed after the 180 day time limit for good cause shown, as determined by the Office of Institutional Equity.

d. Support Persons. During the investigative process, a Complainant or Respondent may have a support person present. Examples include but are not limited to a friend, partner or the individual's union representative. The support person may be present in support of the Complainant or the Respondent, but may not participate in the investigative process. Individuals who are witnesses to the behavior in question may not serve as a support person.

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

f. Confidentiality. Discrimination and harassment complaints will be handled in a confidential manner to the extent possible and consistent with principles of due process.

¹ The Office of Institutional Equity generally serves the Ann Arbor campus. On the Flint campus, the Director of Human Resources will handle discrimination complaints and on the Dearborn campus the Dearborn Institutional Equity Officer and the Director of Human Resources will handle discrimination complaints. These offices will handle complaints consistent with these Guidelines and with the same responsibilities and authority as the Office of Institutional Equity. The Office of Institutional Equity is available as a resource to these offices.

Information will only be shared on a need-to-know basis and as provided for by University policy and applicable federal and state law.

g. Confidential Assistance. Information about or assistance with discrimination and harassment issues may be obtained from a variety of University resources. Prior to or concurrent with lodging a complaint, individuals may find it helpful to consult with a counselor or otherwise seek assistance. The following offices can provide advice and support to individuals who believe they are experiencing discrimination or harassment. All information shared with these offices will remain confidential to the extent permitted by law and University policy. Discussions with representatives of these offices will not be considered a report to the University regarding the problematic behavior and will not, without additional action by the Complainant, result in intervention or corrective action.

FASAP – Faculty and Staff Assistance Program (Faculty and Staff)
(734) 936-8660
www.umich.edu/~fasap/

UMHS Employee Assistance Program (Hospital and Health Centers Staff)
(734) 763-5409
www.mhealthy.umich.edu/eap

CAPS – Counseling and Psychological Services (Students)
(734) 764-8312
www.umich.edu/~caps/

SAPAC – Sexual Assault Prevention and Awareness Center (Faculty, Staff and Students)
(734) 998-9368
www.umich.edu/~sapac/

Office of the Ombuds (Students)
734) 763-3545
www.umich.edu/~ombuds/

University Faculty Ombuds (Faculty)
(734) 764-0303
www.umich.edu/~facombud/

UM-Dearborn Counseling and Support Services (Faculty, Staff and Students)
(313) 593-5430
http://www.umd.umich.edu/css_support/

UM-Flint Office of Student Services and Enrollment Management - Counseling Services and Ombuds (Students)
(810) 762-3456
www.umflint.edu/ssem

U-M Flint Faculty Ombuds (Faculty)
(810) 762-3424
www.umflint.edu/provost

2. Filing a Complaint

a. Where to File. Individuals may raise concerns to the University about discrimination or harassment by contacting a University official, such as a supervisor; Dean, Director or department head; the Office of Institutional Equity; the appropriate Human Resources Office; the Dean of Students (for students); the Dean's Office of the Horace H. Rackham Graduate School (for Rackham graduate students); the Center for the Education of Women; or the Department of Public Safety. If an employee is represented by a union and the terms of the collective bargaining agreement provide for a different procedure for pursuing such a complaint, the terms of the collective bargaining agreement shall prevail. If the complaint is against a student, the complainant may elect to pursue a formal charge through the appropriate student grievance procedure. In addition, any member of the University community may utilize appropriate [University resources](#) for guidance and support during the investigation process.

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.

3. Investigation

a. Investigation Process. The Office of Institutional Equity 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 meeting with 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. Occasionally, a different or less formal response to the complaint may be warranted. Although the Office of Institutional Equity may deviate from these guidelines, it will still respond to the complaint in a prompt, thorough and effective manner that is procedurally fair.

b. Investigation Report. When an investigation is conducted, the Investigator will prepare a written report at the conclusion of the investigation. The Complainant and Respondent will be given an opportunity to review a summary of the evidence gathered during the investigation, and given five (5) days to submit comments on that draft summary to the Investigator. The Investigator will address factual inaccuracies and misunderstandings, supported by evidence, identified by either party.

Following the receipt of any comments submitted, or after the five (5) day comment period has lapsed without comment, the Investigator will make a determination regarding the merit of the allegations. The Investigator's written report will contain (1) a summary of the

Complainant's relevant allegations, (2) a summary of the Respondent's relevant statements in response to the allegations, (3) a description of the relevant information provided by witnesses or obtained from documents including comments submitted in response to the draft report, and (4) the Investigator's analysis and findings.

The Investigation Report will be provided to the Complainant, the Respondent and the appropriate supervisor. A copy of the investigation report will be provided to OIE if the Investigator is not from OIE, the appropriate Human Resources Office, unit Human Resources Representative and other pertinent University officials as necessary to ensure proper resolution and follow-up regarding the matter. The Investigator's involvement in the matter concludes when the investigation report is issued.

c. Evidentiary Standard. The Investigator's findings of fact will be made using the "preponderance of the evidence" standard. Under this standard, individuals 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.

d. Corrective Action. If the report finds that discrimination or harassment occurred, the University will determine appropriate corrective action, up to and including dismissal. The University may also take corrective action if no discrimination or harassment is found, but Respondent is found to have engaged in inappropriate workplace behavior.

e. Appeal. Respondent may grieve any corrective action that is disciplinary in nature through the grievance mechanism available to that faculty or staff member. The Investigation Report will be made available to the body hearing the grievance.

**UNIVERSITY OF MICHIGAN
COMPLAINT INFORMATION FORM**

Name: _____

Title: _____

Unit: _____

Respondent's Name: _____

Respondent's Title: _____

Respondent's Unit: _____

Briefly describe the Nature of Complaint (use additional sheets if necessary)

When did incident(s) described above happen? _____

Were there any witnesses? If yes, please provide their names and briefly describe what they may have seen, heard, etc.

What outcome or remedy are you seeking? _____

Signature

Date