

**IUPUI Affirmative Action Office**  
**Discrimination and Complaint Procedures**

---

Consistent with the IUPUI Equal Opportunity Policy, and federal and state nondiscrimination legislation, the following guidelines and procedures have been established to address complaints of unlawful discrimination. Within a reasonable time, faculty, staff and students, visitors, prospective employees or other individuals having complaints on the basis of race, color, religion, national origin, sex, sexual orientation, marital status, age, disability, or Vietnam era veterans status should contact:

**Affirmative Action Officer  
IUPUI Affirmative Action Office  
Administration Building  
355 N. Lansing Street, AO 127  
Indianapolis, IN 46202  
(317) 274-2306**

Within fourteen days of receipt of a formal written complaint, the Affirmative Action Officer shall proceed with conducting an investigation of the complaint for the purpose of effecting a resolution. The processing of complaints by the IUPUI Affirmative Action Office will adhere to the following principles and guidelines:

- A direct personal interview will be held with the complainant or victim for the purposes of completing a "Formal Complaint Form," and to gather specific information detailing the nature of the allegations.
- Efforts will be made to restrict information regarding complaints to the complainant, the accused party, and those persons directly involved in the resolution of the matter.
- All records, memoranda, correspondence, and other information/materials related to complaint investigations conducted by the IUPUI Affirmative Action Office shall be retained for a period of no less than three years.
- Complaint investigations will be conducted as promptly as possible, and the results will be reported in writing to the complainant and those persons party to the resolution of the matter.
- If a complaint is found to be valid, action will be taken through appropriate channels of the University to rectify the situation and to reasonably ensure that such incidents do not occur in the future. University complaint channels for appeal will be opened to either the complainant or the accused party.
- University policy prohibits retaliation against an individual because of the filing of a complaint, or cooperating with a complaint investigation. Such incidents will be considered seriously and action will be taken expeditiously to prevent such conduct.

Revised: 08/1/98

[back to main page](#)

---

**IUPUI**

Copyright © 2000-2001 The Trustees of Indiana University

## AFFIRMATIVE ACTION COMPLAINT PROCEDURE GUIDELINES

Indiana University prohibits discrimination based on arbitrary considerations of such characteristics as age, color, disability, ethnicity, gender (including sexual harassment), marital status, national origin, race, religion, sexual orientation, or veteran status. The Office of Affirmative Action works to ensure compliance with federal, state and university equal employment opportunity and affirmative action policies and requirements. These procedures guide the Office of Affirmative Action in Bloomington when handling any incident of alleged discrimination.

### I. BASIC POLICY AND APPROACH

The Office of Affirmative Action's procedures for handling incidents of alleged discrimination place a strong emphasis on resolving complaints informally. Our guiding beliefs are:

- Conflict often occurs in the workplace, but it is usually resolvable.
- Most people wish to resolve conflict; however, they sometimes lack the skills necessary to do so.
- Resolving conflict requires early, open, and productive expression at its source, before that conflict escalates into an adversarial, litigious, and costly situation.
- The procedures should allow for the consistent and timely processing of all complaints. These procedures should ensure that the Office of Affirmative Action meets the university's legal obligations and its obligation to provide appropriate conditions of work and learning for faculty, students and staff.

The Office of Affirmative Action believes a good procedure has the following characteristics:

- **Fairness and Objectivity.** The procedure, so far as possible, must protect the rights of all involved.
- **Promptness.** The faster the complaint gets addressed, the easier it is to resolve. A timely procedure benefits the acceptance of the resolution most readily.
- **Confidentiality.** Staff should maintain great discretion, divulging information concerning the matter on a need-to-know basis only.
- **Notice.** Once a person becomes the focus of a complaint or is identified as part of a resolution, that person must be notified of the complaint, the identity of the complainant, and the nature of the complaint.
- **Thoroughness.** The office is committed to the principle that complete and accurate information should form the basis of responses to complaints.
- **Finality.** Those handling complaints should communicate the results of their investigations in a clear and timely way to provide a sense of completion.

The uncertainty and scrutiny of a discrimination complaint can be disruptive and difficult for all involved to tolerate. A copy of these guidelines will be provided to all parties to inform them of the system to be followed in handling incidents of alleged discrimination.

## **II. INFORMAL PROCEDURES**

Individuals who believe that discrimination compromises their educational or work experience should feel free to discuss the problem with a faculty member, chair, dean, or supervisor. In such situations the offended party may also request that the person consulted speak informally with the alleged offender(s) informing them of the salient features of the complaint. If this process does not resolve the matter, or if the complainant prefers, he/she may pursue any of the avenues of resolution listed below.

### **A. ADVISING**

One function of the Office of Affirmative Action is to hear and address all complaints concerning discrimination of any type. However, we recognize that some other offices may bring specific expertise to particular complaints. There are several offices on the Bloomington campus that have staff designated to assist individuals who believe that one or more people in the university have discriminated against them. These offices include: Student Advocates, Student Legal Services, the Office of Student Ethics & Anti-Harassment Programs (specifically the Gay, Lesbian & Bisexual Anti-Harassment Team and the Racial Incidents Team), the Office for Women's Affairs, African-American Affairs, the Office of Latino Affairs, the Dean of Faculties, International Services and Disabled Student Services and Veteran's Affairs. People should feel free to choose whichever office they feel can best accommodate their needs.

If the complaining party seeks a preliminary informational and advising session with the Office of Affirmative Action, an opportunity for full discussion of the case will be provided. The Affirmative Action Officer will aid the complaining party in exploring all possible options for resolving the complaint as effectively as possible. The Affirmative Action Officer keeps no record of the advising conversation other than an incident report containing only the names of the departments involved and the nature of the complaint. The Office of Affirmative Action keeps this information to maintain a record of the number and different types of reported incidents for statistical reports, for monitoring equal employment opportunity and affirmative action obligations, and for training and other pro-active efforts. The Office of Affirmative Action makes every effort to protect the privacy of the persons involved in any conversation about discrimination. The Affirmative Action Officer releases information on an individual only with his or her permission or when required by law.

### **B. ALTERNATIVE DISPUTE RESOLUTION**

The goal of alternative dispute resolution—whether mediation or other ways of resolving complaints—is to provide a forum where the complaining and responding parties can, with the aid of the third party, come to a mutually agreed-upon resolution. Alternative dispute resolution works only when both the complaining and responding parties voluntarily participate in the process. Hence, the identity of the complaining party, the identity of the responding party and

the nature of the complaint will be known to all parties. The Affirmative Action Officer may serve as an alternative dispute resolution facilitator/mediator or suggest other parties to do so. By definition, informal resolutions do not include imposing sanctions, but they may involve mutually acceptable consequences. There are no time limits imposed here, but after 360 days from the alleged discriminatory act, there is no recourse to formal proceedings (outlined in section III below). As in advising, the Affirmative Action Officer takes all steps necessary to protect the privacy of all parties. The Affirmative Action Officer keeps no official record of the alternative dispute resolution process other than the names of the departments involved and the nature of the complaint. Again, the Office of Affirmative Action keeps this information for statistical reports, for monitoring equal employment opportunity and affirmative action obligations, and for training and other pro-active efforts. The Affirmative Action Officer releases information on an individual only with his or her permission or when required by law.

### **III. FORMAL PROCEDURES**

When either party wishes to bypass an informal resolution, or when informal resolution fails and the complaining party chooses to pursue the matter formally, three steps will occur:

- A.** The complaining party must provide a signed written complaint that states in some detail the basis for the complaint and the relief sought. A complaining party should file promptly - preferably within 6 months of the alleged discriminatory act but in no event later than 360 days of the alleged discriminatory act. Respondents shall be informed of the details of the complaint and receive a copy of the written complaint as soon as possible
- B.** The Affirmative Action Officer then conducts a preliminary investigation to determine if there is an apparent basis of the complaint. The initial investigation may include talking with people other than the disputing parties, but the purpose of the investigation is not to determine the ultimate facts or the merits of the complaint. Instead, its purpose is to determine whether there is a basis for proceeding further. The Affirmative Action Officer makes a written record of all actions taken.
- C.**
  1. If the Affirmative Action Officer determines that there is no valid basis for the complaint, he/she presents the results of the investigation to the complaining and responding parties. The Affirmative Action Officer takes no further action. Any documents gathered during the process remain in the Office of Affirmative Action and will be considered university personnel records.
  2. If the Affirmative Action Officer determines that there is an apparent basis for the complaint, he/she so notifies the complaining and responding parties and convenes an Affirmative Action Hearing Board drawn from the Affirmative Action Hearing Board Panel.
    - a. At the beginning of every academic year each of the following individuals or groups appoint three members to the Affirmative Action Hearing Board Panel: the Vice President/Chancellor, Bloomington; the Faculty Council; the Campus Affirmative Action Officer; the Dean of African-American Affairs; the Dean of Latino Affairs; the Dean for Women's Affairs; the Dean of Students; and the Director of Human Resources. The Affirmative Action Officer may

request additional names for the panel so that it has an adequate number of faculty, staff, and students (undergraduate and graduate). The Hearing Board is chosen from this panel.

The Hearing Board will contain:

- (1) a majority of tenured faculty members;
- (2) a student member if the disputant is a student;
- (3) a staff member if the disputant is a staff member.

The Hearing Board will be constructed according to these procedures:

- (1) each disputing party will choose one member (in the event the parties' choices make it impossible to form a Hearing Board that meets these procedural requirements the Affirmative Action Officer can direct them to make another selection);
- (2) the two members selected will choose a third member to constitute a three-member Hearing Board meeting the above criteria;
- (3) in the event neither party initially chooses a tenured faculty member, then each party will choose an additional member of the Hearing Board from the list of available tenured faculty members. The four Hearing Board members will then select an additional tenured faculty member.

In the case of a conflict of interest, the Affirmative Action Officer may arrange for another selection. All members of the Hearing Board must be present for a hearing to take place. In emergencies, a replacement may be appointed in the same manner as the member being replaced. The Office of Affirmative Action provides training each year for the Affirmative Action Hearing Board Panel and provides technical assistance to the Hearing Board.

b. The complaining party must promptly file a signed, written complaint, preferably within 6 months of the alleged discriminatory act but in no event later than 360 days of the alleged discriminatory act. The Affirmative Action Officer informs the person whom the complaining party identifies as the principal respondent that the Office of Affirmative Action has received a written complaint. The Affirmative Action Officer gives the respondent a copy of the complaint. Full disclosure governs the proceedings of the Hearing Board.

The appointed Hearing Board follows these procedures:

- (1) The Hearing Board sets a date for a hearing no sooner than 10 days and no later than 30 days after the respondent has received notice of the complaint.
- (2) The parties submit to the Hearing Board a list of witnesses and the Hearing Board notifies each witness of the date, time, and place of the hearing.
- (3) Each party may choose an advocate or representative to accompany him/her to the hearing.
- (4) The hearing is private unless all parties agree to an open hearing. The Hearing Board keeps a complete record of the proceedings.
- (5) All parties involved receive copies of all papers filed with the Hearing Board.
- (6) The parties may state before the hearing which facts are/are not in dispute.
- (7) The Hearing Board will question the parties and witnesses.

(8) All parties to the dispute may question evidence presented by the other parties, but this questioning will be carried out by the Hearing Board.

(9) The Hearing Board may request information it deems necessary and call witnesses not called by the parties.

(10) All parties may request specific information from the other parties if the Hearing Board deems that information relevant. The Hearing Board will treat as confidential all information received in the complaint process. It expects the parties will be discrete and show respect to all.

(11) The Hearing Board must reach its decision strictly on the evidence it receives in the hearing.

(12) The Hearing Board makes its written recommendation, with appropriate reasons stated, to the Vice President to whom the respondent reports, within 10 days after the hearing's termination. All parties receive copies of the recommendation at that time. The Vice President will make his/her decision within 30 days based on the accumulated evidence.

(13) Files kept for a formal hearing contain the record produced by the Hearing Board and will be kept in the Office of Affirmative Action. When the case results in a written reprimand or a more severe sanction, the Vice President will ensure that a copy of the sanction is placed in the appropriate personnel or student file. Either party has the right to place a statement in his/her personnel or student file or in the file kept by the Office of Affirmative Action.

#### **IV. EMERGENCY**

Provisional, emergency actions departing from these principles may be taken by a senior University office with the advice of University Counsel and must be followed as promptly as possible by steps providing respondents with the notice and opportunity to defend specified in section III above.

#### **V. RETALIATION**

No one at the university may reprimand or discriminate against a person for having initiated in good faith an inquiry or complaint.