

Non-Discrimination and Complaint Procedure

Summary/Purpose: The purpose of this policy is to provide the University's policy on non-discrimination and the procedure for filing complaints related to unlawful discrimination on the basis of race, color, gender, sex, sexual orientation, gender identity or expression, religion, national origin, age, disability, veteran status, or genetic information. Please note that the University has a separate policy (Policy Number DSA.DS.200.015) for dealing with sexual misconduct (including sexual harassment and sexual assault) when the individual accused of misconduct is a student.

The University of Mississippi does not unlawfully discriminate on the basis of race, color, gender, sex, sexual orientation, gender identity or expression, religion, national origin, age disability, veteran status, or genetic information. Employees, students, applicants for admission or employment, or other participants in University of Mississippi programs or activities, who believe they have been discriminated against are entitled to seek relief through the following procedure. Please note that any reference to the "Director" is referring to the Director of Equal Opportunity and Regulatory Compliance or an individual designated by the Director.

University policy prohibits retaliatory action against any complainant or any person acting in good faith who is assisting in the investigation of a complaint. Persons who knowingly bring false allegations may be subject to immediate disciplinary action.

In the event a complaint cannot be resolved by the parties on an informal basis, the complaint should be submitted in writing to the Director of Equal Opportunity and Regulatory Compliance, 217 Martindale. Complaints should be submitted within 180 days of the alleged discriminatory action. At the discretion of the Director of Equal Opportunity and Regulatory Compliance, complaints that are not reduced to writing or that fall outside the specified time limit may be investigated. The Director of Equal Opportunity and Regulatory Compliance will investigate complaints pursuant to the following guidelines:

- **Informal Resolution through Mediation:** The Director will contact the complainant to ascertain whether the complainant would prefer to resolve the matter informally through mediation. Mediation is an informal process in which a neutral third party assists the complainant and the respondent to voluntarily and jointly reconcile their differences. Mediation is an alternative to the often lengthy investigative process traditionally used to determine the merit of charges of discrimination. The purpose of mediation is to help the parties reach a fair and expeditious resolution of the complaint prior to a formal investigation. Most mediations are completed in only one session. Discussions that occur during the mediation are confidential. The mediator cannot impose a decision on the parties. Instead the mediator gives the parties the opportunity to discuss the issues raised in the complaint, clear up misunderstandings, and find areas of agreement. If the complaint is resolved during the mediation process, a written mediation agreement will be prepared for the signature of the two parties. Once the complainant and the respondent have signed the mediation agreement, each party to the mediation will be provided a copy of the signed mediation agreement. The complainant's file will be closed, and the terms of the agreement will end further processing of the complaint by the University.

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Mediation focuses on resolution of the dispute between the complainant and respondent by addressing the interests of both parties. It is not a forum for reaching a determination as to whether discrimination occurred. Therefore, any agreement reached during mediation does not constitute a determination that discrimination has/has not occurred.

While generally the mediation session is attended by the parties alone, the parties may bring a representative with them if they wish. The representative may not be a potential witness and may not address the opposing party or the mediator during the session.

A matter will not be mediated unless both parties agree to mediation. (The complainant should understand that even if the complainant wishes to try to resolve the issues through meditation, the respondent may not wish to undergo mediation.) The complainant and the respondent will each be asked to sign an Agreement to Mediate. Failure by either party to sign the Agreement within five days will be interpreted as a decision by that party not to mediate. If there is no mediation, the Director will begin a formal investigation.

- **Formal Investigation:**

If the parties do not elect to pursue informal resolution through mediation or the attempt at mediation does not successfully result in a signed mediation agreement, the Director will conduct a formal investigation. The formal investigation generally will include the following (as well as other actions deemed appropriate): interviewing the complainant, the respondent, and witnesses who may have relevant information; submitting questions to or taking statements from parties or witnesses; and reviewing documents.

- **Findings:** If the complaint is against a member of the faculty, upon the conclusion of the investigation the Director will present findings and recommendations to the appropriate Dean for input concerning disciplinary action. The employee's Department Chair or other appropriate person(s) may be consulted and may be a part of the decision-making process if requested by the Dean. The complainant will be informed of the decision in a timely manner by the Director. The person against whom the complaint is made will be notified by the Director of the findings and any disciplinary action to be taken.

For complaints against all other University employees, upon the conclusion of the investigation the Director will present findings and recommendations to the appropriate Vice Chancellor. The department head responsible may be consulted concerning disciplinary action if requested by the Vice Chancellor. The complainant will be informed of the decision in a timely manner by the Director. The person against whom the complaint is made will be notified by the Director of the findings and any disciplinary action to be taken.

If a complaint is made against a student for sexual harassment, please follow Policy Number DSA.DS.200.015. If the complaint is against a student for any other reason, or if the complaint is against someone other than a University employee or student, the Director will conduct an investigation and make recommendations to the appropriate parties.

- **Appeal:** The complainant or the person against whom the complaint is made may appeal the findings of the investigation and any disciplinary action taken by submitting an appeal, in

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writing, to the Provost. Such an appeal must be made within five (5) days of the receipt of the decision from the Director. The Provost's decision is final.