

# The University of Mississippi

## **Non-Discrimination and Complaint Procedure**

**Summary/Purpose:** The purpose of this policy is to provide the University's policy on nondiscrimination and to provide the procedure for filing complaints related to unlawful discrimination on the basis of race, color, gender, sex, pregnancy, sexual orientation, gender identity or expression, religion, national origin, age, disability, veteran status, genetic information, or any other legally prohibited form of discrimination.

The University of Mississippi does not unlawfully discriminate on the basis of race, color, gender, sex, pregnancy, 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 EORC Office or Title IX Coordinator. Please note that any references to the "Director" in this policy are referring to the Director of the Office of Equal Opportunity and Regulatory Compliance, or any individuals designated by the Director to act on the Director's behalf, which may include the Title IX Coordinator.

The University of Mississippi has policies (Policy Numbers DSA.SC.200.075 and ACA.EO.100.010) for dealing with sexual harassment and sexual misconduct, including but not limited to sexual assault, stalking, voyeurism, relationship violence, and other types of sexual violence. Complaints regarding sexual harassment, sexual assault, and other types of sexual misconduct should be reported immediately to the University's Title IX Coordinator, and may also be reported to the Office of Equal Opportunity and Regulatory Compliance (hereinafter "EORC") with which the Title IX Coordinator is affiliated and housed. When the respondent is a student, complaints will be processed through Policy Number DSA.SC.200.075. Other complaints of discrimination brought forward by members of the University community, including sexual discrimination and harassment, in which the respondent is not a student, will follow the procedure outlined below.

Retaliatory action is prohibited against any person acting in good faith who makes a complaint of discrimination or assists in the investigation of a complaint of discrimination. However, persons who knowingly bring false allegations may be subject to disciplinary action.

Faculty, staff and other non-student members of the University community are encouraged to resolve other complaints through informal means, either through departmental supervisory structure or with the assistance of the University Ombudsperson. In the event a discrimination 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. However, at the discretion of the Director, complaints that are not reduced to writing or that fall outside the specified time limit may also be investigated. An investigation into complaints will be conducted using the following guidelines:

- **Informal Resolution or Mediation:** The Director may contact the complainant to ascertain whether the complainant would prefer to resolve the matter informally or through mediation. Mediation is a process in which a neutral third party assists the complainant and the respondent to voluntarily and jointly reconcile their differences. The neutral third party may be the Director or some other neutral person agreed upon by the parties to the complaint.

Mediation can be an alternative to the often lengthy investigative process used to determine the merit of complaints of discrimination. The purpose of mediation is to help the parties reach a fair and expeditious resolution of the complaint prior to conducting a formal investigation. Most mediations are completed in only one session. Discussions that occur during the mediation are confidential to the extent allowed by law and University policy. 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. A matter will not be mediated unless both parties agree to mediation. The complainant and the respondent may each be asked to sign an Agreement to Mediate. Failure by either party to sign the Agreement within five (5) days may be interpreted as a decision by that party not to mediate. 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. The complainant's EORC file will be closed, and the terms of the agreement may end further processing of the complaint by the EORC Office. A written agreement between the parties is not necessary to successfully resolve a complaint, but is encouraged.

If there is no informal resolution or no successful mediation, the Director may begin a formal investigation.

- **Formal Investigation:** If the parties do not elect to pursue informal resolution, mediation, or the attempt at mediation does not successfully result in a resolution, the Director may conduct a formal investigation. The formal investigation may include the following (as well as other actions deemed appropriate by the Director): 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 and other evidence.
- **Findings:** If the complaint is against a member of the faculty, upon the conclusion of the investigation the Director may present findings and recommendations to the appropriate Dean for input concerning disciplinary action. The employee's Department Chair or other appropriate person(s) may also be consulted and may be a part of the decision-making process. The complainant will be informed of the decision in a timely manner by the Director. The person against whom the complaint is made will also be notified by the Director of the findings and any disciplinary action recommended.

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

If a complaint is made against a student for sexual misconduct, sexual harassment, or sexual assault, please follow Policy Numbers ACA.EO.100.010 and DSA.SC.200.075, and contact the University's Title IX Coordinator. You may also contact the EORC Office with which the Title IX Coordinator is affiliated and housed. If the complaint is against a student for any other discriminatory reason covered under this policy, or if the discrimination complaint is against someone other than a University employee or student, the Director may conduct an investigation and make recommendations to the appropriate entities.

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