Process to file a complaint with Institutional Equity and Inclusion for discrimination, harassment and/or sexual misconduct

Any person (Students, employees, applicants for employment or third parties) wishing to file a complaint can:

- Submit a written complaint to Institutional Equity and Inclusion and/or the Title IX Coordinator. Complete the ‘Discrimination and/or Harassment Reporting Form’ or the ‘Title IX/Sexual Misconduct Reporting Form’ available on Institutional Equity and Inclusion’s web page. You may also send an email to equity@mtu.edu or titleix@mtu.edu.
- Call Institutional Equity and Inclusion and/or the Title IX Coordinator at 906-487-3310.
- Visit the Institutional Equity and Inclusion office located in room 308 of the Administration building or the Title IX Coordinator office located in room 306 of the Administration building.
- Submit it to Public Safety and Police Services, 906-487-2216, 206 MacInnes Drive, or to the anonymous Tip Line at 906-487-0847.
- Specifically for students, a complaint can also be made to the Office of Academic and Community Conduct, 906-487-2951, room 310 of the Administration Building.
- The Complaint and Action Guidelines for Staff, Faculty or Visitors and for Students will provide additional information.

Each complaint should specify:

- the name of the individual(s) against whom the complaint is made
- the nature of the alleged offense(s) (discrimination based on a protected status, harassment, disability, etc)
- the specifics of the offending incident(s) with precise details (what happened, who was present, when, where, any reasons why they believe the action was taken)

It is suggested that all harassment and discrimination complaints based on protected class and sexual misconduct be filed promptly within 60 days of the most recent offending incident to assist in assuring a complete and timely investigation. The University reserves the right, in its sole discretion, to investigate and act on complaints involving incidents that have occurred beyond the time limit.

However, students can file complaints based on sexual misconduct regardless of when the incident took place. Information regarding the investigative process for student complaints can be found in the Sexual and/or Relationship Misconduct Policy.

An individual who is a complainant (reporting party) or respondent (responding party) may have another member of the University community present during complaint processes as an advisor/support person. The advisor/support person may be present but cannot participate directly in the process. They may however provide advice and guidance directly to the complainant or respondent. Staff who are members of a union
will be informed that they may have a union representative as a support person. All participants are asked to respect the confidentiality of the investigation processes in order to maintain the integrity of the investigation.

During the pre-investigation evaluation period, the investigator will determine if:

- the complaint is timely.
- the situation described in the complaint arose in the course of a University program or activity.
- the complaint is in violation of a policy enforced by Institutional Equity and Inclusion.
- the complaint is directed against a University employee, student, administrative unit, or third-party.
- A violation is factually supported such that the alleged behavior could constitute a policy violation.

If the complaint does not meet the above criteria or establish a violation of a policy enforced by Institutional Equity and Inclusion, the case may be closed. However, the complaint may still be subject to University action if the alleged behavior violates another University policy or is otherwise inappropriate. In such event, Institutional Equity and Inclusion may refer the complaint to any other University office deemed appropriate for further review.

Requests from complainants to “just record my concerns” or “not take any action at this time” may, or may not, be honored depending on the circumstances involved. If at any time the University feels an investigation is necessary, an investigation may proceed without the support of the potential complainant, even if that complainant requested no action.

Institutional Equity and Inclusion will determine the most effective method of investigating the allegations raised by the complainant. This will most likely involve conducting a thorough fact finding investigation, which includes separate meetings with the complainant, respondent, and witnesses with first-hand knowledge of the situation; and reviewing and analyzing relevant records as they relate to the allegations. The complainant, respondent, and witnesses will have the right to present information to the investigator. The investigator may be the Title IX Coordinator or designee, the university’s contracted investigator, and/or the Executive Director of Institutional Equity and Inclusion or designee. It will be within the investigator’s discretion to determine the extent of investigation necessary and number of witnesses to be contacted to adequately determine the facts.

Participants in the process may be requested to document their statements in writing. If a person declines to provide a written statement or sign a statement taken by the investigator that documents their account of the incident(s), Institutional Equity and Inclusion will still conduct an investigation based upon all available information. However, at all times, those involved will receive a procedurally fair, prompt, and thorough evaluation.
The University will take interim actions and/or measures as necessary to prevent the complainant and respondent from being subjected to further discrimination, harassment, or any retaliation during the investigative process. The University will take steps to reduce the likelihood that any interim actions and/or measures taken will adversely affect the complainant. If informal resolution is possible it will be supported as an abbreviated process for less complicated matters that can be quickly resolved to the satisfaction of both parties. An example of such a matter might be a single comment that the complainant deemed objectionable and for which clarification can be provided. The informal process is completely voluntary, and both parties must agree. A complainant always has the right in every case to insist on a formal investigation and findings. The University recognizes that there may be certain complaints, for example those involving sexual violence, where the informal process will never be appropriate.

Upon completion of the investigation the University investigator shall determine if there is prohibited conduct under University Policies based upon a “preponderance of evidence” standard. This standard means that it is more likely than not that the prohibited conduct occurred. The investigator will create a written report describing the findings and conclusions.

Institutional Equity and Inclusion will strive to complete the investigation within 60 days of receipt of the complaint. Notification of the outcome and the written report will be provided at the same time to both the complainant and respondent.

If it is determined that a policy violation has occurred, the University will determine appropriate corrective action. The University will take steps to prevent reoccurrence of any issues with remedies including discipline ranging from verbal or written warnings, to probation, up to and including suspension or expulsion from the University as a student or termination from University employment or termination of tenure for serious or repeated violations.

If a respondent is found to have engaged in inappropriate workplace behavior as a University employee, disciplinary action will be determined in accordance with applicable University Policies, Human Resources practices and procedures and any applicable collective bargaining agreement. Third-parties who violate the policy are subject to corrective action, which may include removal from campus and termination of contractual agreements.

The University reserves the right to refer the complaint to the proper police or law enforcement agencies for criminal investigation, if so determined.

Incident reporting to the Department of Education, Office for Civil Rights (OCR), or Equal Employment Opportunity Commission (EEOC) is an option for resolution of discrimination.
For students disagreeing with any decision the appeal process is noted in the Student Conduct Policies for Sexual and/or Relationship Misconduct.

Employees who have a concern about the outcome of any investigation may seek further assistance through the Employee Complaints and Grievance policy and procedures, the Policy on Academic Tenure and Promotion, or their applicable bargaining agreement or contract.

The University will make every reasonable effort to maintain privacy for all parties involved and the confidentiality of information received to the extent allowable in accordance with state and federal laws and University policy. Timely cooperation is expected of all involved parties throughout the investigative process. All participants are asked to respect the confidentiality of the investigation processes in order to maintain the integrity of the investigation.

**Retaliation** against any persons who participate in the complaint or investigation process is prohibited by our policies and federal and state law. Retaliation exists when an adverse action is taken against a participant (whether a complainant, respondent, witness or investigator) which affects their employment, academic, or business status which is motivated in whole or in part by their participation in the process.

Conduct that constitutes retaliation for filing a complaint or participating in the complaint process may be found regardless of whether or not the underlying complaint is found to have merit. Persons who feel that they have been subject to retaliation because of filing or participating in the complaint procedure may file a complaint based on the alleged retaliation in the same manner as provided above for the initial complaint.

Any individual who knowingly files a false complaint under this policy, or who knowingly provides false information to, intentionally misleads, or knowingly withholds available requested information from University officials who are investigating a complaint, may be subject to disciplinary and/or corrective action.

The above is only a summary and all interested parties should consult the relevant University policies and procedures for additional information and sources of assistance including the following:

- **Board of Control Policies on Discrimination / Harassment**
- **Institutional Equity and Inclusion Sex/Gender Discrimination, Harassment, and/or Sexual Misconduct Policy**
- **Office of Academic and Community Conduct**