

Appendix A

Formal Complaint Proceedings Before the University Harassment Review Board

As soon as possible, but within fifteen (15) calendar days after Step Two proceedings are initiated, the UHRB shall commence formal proceedings for determination of the complaint. This process should include the following steps:

- 1 The Equal Rights and Opportunity Officer shall forward to the UHRB, the complaining party, the responding party, and, if the responding party is a member of a union, the responding party's union,¹ a copy of the Harassment Complaint Form ("Formal Complaint"), any written response of the responding party ("Written Response"), and this Appendix A.
- 2 The UHRB should notify the responding party that it will: (a) conduct a full investigation of the complaint; (b) determine whether the alleged conduct occurred; (c) if the alleged conduct occurred, determine whether the conduct constitutes harassment in violation of the University policy; and (d) determine an appropriate penalty if warranted.
- 3 The complaining party shall be provided with a full copy of the Written Response to the complaint, including any documents or other materials submitted by the responding party in support of the response.
- 4 The UHRB shall commence formal proceedings for determination of the complaint promptly but no later than fifteen (15) calendar days after Step Two proceedings are initiated. Both the complaining party and the responding party shall be notified by the UHRB of their right to be represented by advice from an attorney or any other individual of their choice in hearings before the UHRB. There shall be no more than one (1) advisor per party present at any UHRB hearing. The parties or their advisors are not permitted to examine or cross-examine witnesses, such power being reserved exclusively to the UHRB. The parties or their advisors may submit to the UHRB suggested questions for the UHRB to ask a particular witness, and the UHRB, in its discretion, may ask or not ask any question so submitted. The parties or their advisors also are entitled to suggest, but not insist, that a particular witness or witnesses be called by the UHRB. The parties are permitted to raise objections to questions posed by the UHRB during the examination of a witness, or to any evidence offered for consideration by the UHRB during the course of the hearing, which objections will be considered and ruled upon by the UHRB. Further, the parties are permitted to make opening and closing

remarks to the UHRB, subject to any time limitations imposed by the UHRB in its discretion.

- 5 Hearing proceedings shall be recorded by stenographic or other means, and a written transcript of the proceedings shall be made. This transcript shall be held by the Office of the Equal Rights and Opportunity Officer. Such transcript shall be made available only to: the complaining party, the responding party, and, if the responding party is a member of a union, the responding party's union in conformance with footnote 1, and the members of the UHRB. The cost of the transcript shall be borne by the University. Access to transcripts of the proceedings shall be conditioned upon the signing of a confidentiality stipulation by the inspecting party.
- 6 The hearing shall include to the extent possible:
 - a. Examination of the complaining party, the responding party, and any relevant witnesses who may be of assistance in resolving the complaint. The complaining party and the responding party and their advisors, if any, shall be informed of the identity of any relevant witness to be examined by the UHRB and shall have the right to be present during the UHRB's examination of any witness. The complaining and responding parties shall have the opportunity to rebut or otherwise comment on the witness's testimony should they so desire. Further, as provided above, either party may submit to the UHRB suggested questions for the UHRB to ask a particular witness, and the UHRB, in its discretion, may ask or not ask any question so submitted.
 - b. Careful review of any documents and other information submitted by the parties or witnesses, or any other documents and information the UHRB may deem relevant. The complaining party and the responding party should be provided copies of all documents and information considered by the UHRB during the course of the hearing, and shall be permitted to comment on such evidence should they so desire.
- 7 The complaining party and the responding party shall have the right to submit to the UHRB, throughout the hearing process, any additional relevant documents, information or witnesses they believe necessary to support their position.
- 8 At any time during the hearing process, either party may request from the UHRB documents or information in the possession or custody of the University that he or she believes is essential for prosecuting or defending the complaint. The request should be in writing and should specify with reasonable particularity the documents or information sought. The UHRB shall comply with the request unless it appears that the request is unduly

burdensome, overly broad, or not relevant to determining the issues raised by the complaint. If the request involves confidential documents or information, the University shall have the right to require the parties to enter into a confidentiality stipulation agreeing not to disclose such documents or information outside the confines of the complaint process, prior to producing such confidential materials.

- 9 UHRB hearings shall be closed, and may only be attended by the complaining party (and his or her advisor), the responding party (and his or her advisor), and, if the responding party is a member of a union, the responding party's union (which may include a union representative and/or the union's counsel) in conformance with footnote 1, the members of the UHRB, testifying witnesses, counsel for the UHRB, and personnel necessary for administration of the hearing. The parties and their advisors have a right to be present throughout the hearing. However, testifying witnesses may only be present for their own testimony.
- 10 The UHRB shall not be bound by technical rules of evidence, but may consider any relevant, material, and reliable evidence that it believes will contribute to an informed result. Further, the UHRB shall have discretion in deciding which evidence to accept and how much weight should be accorded particular documents or testimony. Subject to the procedures prescribed herein, the UHRB may establish its own rules regarding procedural matters, including but not limited to the order of testimony and presentation, scheduling, adjournments, and communication with the UHRB.
- 11 If the UHRB finds related misconduct that does not constitute harassment, the UHRB shall refer the matter to the University Administrator responsible for addressing such issues.
- 12 The UHRB shall provide a copy of its written finding to the complaining party, the responding party and, if the responding party is a member of a union, the responding party's union, and the President. If applicable, the finding should include a recommended penalty. The UHRB may recommend any penalty that it deems appropriate under the circumstances, including, but not limited to, administrative actions such as a written warning, probationary status, suspension or dismissal, or expulsion.
- 13 If the UHRB finds that the complaining party has been intentionally dishonest, malicious or frivolous in making the allegations, the UHRB shall, after consultation with the Equal Rights and Opportunity Officer, recommend an appropriate penalty.

¹ The responding party, if a union member, will be advised that absent his or her objection, his/her union will be notified only that a Formal Complaint has been filed. With the responding party's consent, copies of the Formal Complaint, Written Response, and all evidence collected will also be provided to the union