

## ***Discrimination Complaint Processing Guidelines (for employees and third parties)***

Tufts will take all available steps to promptly, thoroughly, and impartially investigate and address complaints of discrimination, including discriminatory harassment and other discriminatory misconduct by and against its employees and third parties (including visitors and community members). These Processing Guidelines are flexible and may be adapted on a case-by-case basis to promote a thorough, impartial and effective process.<sup>1</sup> The University will always respond to complaints, reports, allegations and information about discrimination that it knows or should know about, in order to stop prohibited conduct, prevent its recurrence and address any lingering effects on campus from such conduct. Under these policies and procedures, Tufts will consider the effects of off-campus conduct for faculty, staff, students, visitors and community members when evaluating whether there is discrimination or a hostile environment on campus.

Although some cases may be appropriate to address and resolve informally, in those cases where a complainant elects to proceed with a formal investigation or the university feels a formal investigation is appropriate, Tufts will assign appropriately trained investigators to investigate the discriminatory conduct at issue. Although each investigation will vary based on allegations, scope, and other factors, the complainant and respondent in each case will be permitted to describe their allegations in support of or in response to the complaint, suggest witnesses to be interviewed, and present evidence. The statements of the parties and witnesses, including any documentation that is relevant to the investigation, as determined relevant and appropriate by the investigator, will be considered by the assigned investigator.

Interviews will be the primary method of collecting information as part of the fact-finding investigation. It is the responsibility of the Investigator, not the parties, to gather the evidence relevant to the complaint and the facts raised in the parties' statement, to the extent reasonably possible. Tufts allows attorneys or legal support people to be present in the administrative fact finding interviews. Unionized staff are permitted to attend investigative interviews with a union representative.

Once all the facts and evidence are gathered from all parties, and the investigator concludes that the fact finding is over, the investigator will determine whether the preponderance of the evidence indicates that the respondent violated the relevant Tufts anti-discrimination policy. The investigator and/or the Director of the Office will provide his or her conclusions to the parties and at that time each party will have an opportunity to comment on and respond to the information presented and provide any additional information that may not have been reviewed by the Investigator but should be considered prior to a decision being rendered regarding the complaint. Any response to the conclusions must be provided to the investigator within seven (7) days. Following these meetings, the Office of Equal Opportunity will issue a decision in writing and will refer disciplinary action as appropriate to the relevant University office.

The complainant and the respondent will be notified contemporaneously in writing of the outcome of the investigation upon its conclusion. Decisions about discipline, if any, related to

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<sup>1</sup> These procedures are intended to be consistent with applicable state and federal requirements, including Title IX which covers all university programs and activities.

the investigative findings will be the responsibility of the appropriate office, i.e., the Office of Human Resources in collaboration with the respondent's manager(s), for staff. The appropriate office will make a decision concerning the resolution of the complaint and any corrective actions that will be imposed.

In most cases, the described investigative process will take approximately 60 business days, though in more complex cases (e.g. many key witness interviews, volumes of evidence-based documents or investigations that require working with a subject matter expert) an investigative process may take longer. In addition, multi-party or other consolidated complaints may take longer than 60 calendar days. The investigator, the Director of the Office of Equal Opportunity or other designee will keep the parties apprised of any delays and the reasons therefore. The University will conduct its own investigation and adjudication of a complaint arising under this policy regardless of whether the alleged discrimination is also being pursued through the criminal justice system. The University will comply with law enforcement requests for cooperation. At times, that cooperation may require the University to temporarily suspend its fact-finding investigation while law enforcement gathers evidence. The University will promptly resume its fact-finding investigation as soon as it is notified that doing so would not impede any law enforcement activities.

In the event of a policy violation, the appropriate University office will review a number of factors in determining appropriate discipline including the nature of the violation and the severity and pervasiveness of the conduct, as well as any steps necessary to address and prevent future concerns. Individuals found in violation of university policy will be subject to disciplinary action, up to and including termination of employment. At any point in the investigative process, including at the beginning or conclusion of an investigation and/or at the disciplinary stage, the University may implement interim remedial measures to address the safety of the complainant, other witness, or the Tufts community. Interim measures are also available to those who decide against filing a complaint or choose not to pursue a complaint.

Cooperation and truthfulness by all participants is expected in all investigations. The University recognizes the importance of privacy and confidentiality in these matters and the OEO will uphold the privacy and confidentiality of all parties to the extent practicable. Some individuals filing complaints or involved in an investigation may want their identity to remain confidential. In some instances, the respondent can be spoken to without the complainant being identified. In other cases, issues of confidentiality must be balanced against the University's need to investigate and take appropriate action. While discretion remains important, parties are not restricted from discussing and sharing information relating to their complaints with others who may support them or assist them in presenting their case.

Alternative dispute resolution such as mediation or facilitated conversations are available as an option and alternative in appropriate cases -- except cases involving sexual or other discriminatory assault or other sexual or discrimination related violence.

Regardless of the process used in an individual case, OEO will maintain its investigative files (including policy related decisions, if any) for compliance related interests. Any and all documents retained at the conclusion of a formal or informal resolution of a complaint will be maintained by the University in a safe and confidential manner.

***No Retaliation!*** Any member of the University community has the right to raise concerns about or file a good faith complaint of discrimination without fear of retaliation. It is unlawful and it is a violation of University policy to retaliate against an individual for filing a complaint of discrimination or for cooperating in a discrimination investigation. Retaliation against anyone who reports an incident of discrimination brings forward a complaint or who in any way participates in an inquiry or investigation of discrimination is strictly prohibited. Retaliation is also prohibited against anyone who opposes, in a reasonable manner, an act or policy believed to constitute a violation of the Tufts non-discrimination policies. Retaliation includes things like hostility, intimidation, threats, exclusion or in any way discriminating against an individual because of the individual's complaint or participation in the investigative process. Any person who retaliates against an individual reporting discrimination, filing a discrimination complaint, or participating in a discrimination investigation is subject to disciplinary action up to and including termination by the University.

If you have any questions about this process and/or would like to request an interim measure or other support, please contact OEO Director and Title IX Coordinator, Jill Zellmer at [jill.zellmer@tufts.edu](mailto:jill.zellmer@tufts.edu) or by telephone at: 617-627-3298.