Purpose

The purpose is to establish procedures to implement internal investigations related to Virginia State University’s policy on “Workplace Harassment.” It outlines options available to members of the University community who wish to file a complaint of harassment and describes the investigatory procedures to be followed upon filing a written complaint of harassment. The University does not discriminate on the basis of race, color, religion, national origin, sex, marital status, age, genetics, disability, or veteran status in any employment related activity.

Authority, Responsibility, and Duties

These procedures govern the process for addressing complaints of harassment from University employees including faculty, administrators, staff, and students when on the campus of Virginia State University, or on other University property, or in facilities, owned, or controlled by Virginia State University, or being used for a university-related event. Any exceptions in the application or enforcement of these procedures must be approved by the President or his designee. The Associate Vice President for Human Resources is responsible for the official interpretation of these procedures. Questions regarding the application of these procedures should be directed to the Office of Human Resources.

Informal Procedures

The Office of Human Resources offers the option of a preliminary confidential investigation and an opportunity for an informal resolution to the complaint.

A. An individual wishing to file a complaint may do so in writing to the Human Resource Manager for Equal Employment Opportunity (EEO), Office of Human Resources, Virginia Hall, Room 101. The mailing address is P.O. Box 9412, Petersburg, Virginia 23806. Individuals seeking additional information or who require special accommodation should call (804) 524-5766 or 524-5090. An EEO complaint shall be filed within thirty (30) days of the date of alleged harassment unless extended by the President or designee for good cause, or if the President or designee determines that such extension of time serves the best interests of the University. The University shall conduct informal investigations of complaints of harassment in a manner which preserves to the greatest extent possible the confidentiality of the involved parties.

B. The investigator(s) shall consider the allegations in the complaint in relationship to the totality of circumstances. If the parties involved, through an informal process, can resolve the issue to their mutual satisfaction, the complaint may be considered concluded and no further steps will be taken. If either party is dissatisfied with the informal process, the dissatisfied party may withdraw from such process and pursue formal procedures as outlined in the next section.

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Formal Procedures

A. An individual wishing to file a formal complaint may do so in writing to the Human Resources Manager (EEO) whose office is located in the Office of Human Resources, Virginia Hall, Room 110. The mailing address is P.O. Box 9412, Petersburg, Virginia, 23806. Individuals seeking additional information or who require special accommodation should call (804) 524-5766 or 524-5090. EEO complaints shall be filed within thirty (30) days from the date of the alleged harassment or of the completion of any informal procedures, unless extended by the President or designee for good cause. The President or designee may grant an extension of time if just cause serves the best interests of the University. The University shall conduct formal investigations of complaints of discrimination in a manner which preserves to the greatest extent possible the confidentiality of the involved parties.

B. Within five (5) days of the filing of a written complaint, the Human Resources Manager (EEO) shall evaluate the complaint to determine if further investigations are warranted. If so, the complaint may be referred to an investigative team who shall attempt to contact and if possible, meet with the complainant, the respondent, and other individuals possessing relevant information deemed appropriate to the investigation.

C. The results of the investigation shall be reported to the Associate Vice President for Human Resources and an initial finding shall be made regarding: 1) the issues; and 2) options for resolution. The Associate Vice President for Human Resources' assessment of the issues shall be promptly reported to the Associate Vice President for Compliance. The investigator(s) and/or the Human Resources Manager (EEO) shall have 120 days from receipt of the written complaint to complete the investigation and to make these determinations.

D. Upon acceptance, rejection or modification of the Associate Vice President for Human Resources' assessment, the Associate Vice President for Compliance shall, within fifteen (15) days of receipt of findings in paragraph C: 1) provide notification of his/her decision, including decision letter, to the Associate Vice President for Human Resources prior to its disclosure to the complainant and respondent; and 2) notify the complainant and respondent, and the appropriate supervising university administrator(s) (i.e., the Provost, Vice President, Chief of Staff, or Assistant to the President) of his /her decision.

E. The Human Resource Manager (EEO) shall contact the complainant and respondent after their receipt of the decision letter to answer questions about the findings of the investigation report, including corrective action(s), if any, and explain available options [next steps] in the process.

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1 There may be instances in which statements and conduct of university employees may be protected by the First Amendment as a matter of law. If the Human Resource Manager (EEO) determines that no further investigation of a complaint is warranted, the Human Resource Manager (EEO) shall notify the complainant and explain the reason(s) for the decision, after which, the complainant shall have five (5) days to respond to such a conclusion.

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F. If either the complainant or respondent is dissatisfied with the Associate Vice President for Compliance’s decision, either party shall have five (5) days from notification of the aforementioned individuals’ decision to appeal to the University President. Such appeal shall set forth, in writing, the grounds therefore. Upon receipt of an appeal, the President has the discretion to determine, within ten (10) days, whether his final decision on the matter would be aided by a hearing before him or his designee(s).

G. If such a hearing is deemed appropriate, it shall be scheduled within fifteen (15) days of the President’s decision. Persons present at such hearing shall be the complainant, the respondent, witnesses for parties, and if any party desires a representative to assist in the presentation of the complaint or defense. When scheduling the hearing, the parties shall state whether they intend to be represented by counsel. If counsel represents any party, the University, likewise, has the option of representation through the Office of the Attorney General. It is the responsibility of the parties to arrange for the presence of witnesses and to furnish any documentary evidence deemed relevant to the complaint or the defense. The President or his designee shall preside over the hearing, which shall not be governed by the formalities of evidence or civil proceedings. Any finding that the University’s Policy on Equal Employment Opportunity has been violated shall be based on the preponderance of the evidence presented in the record as a whole.

H. The President shall render, in writing, a decision on the appeal within fifteen (15) days following receipt of the appeal or if a hearing occurs, the President shall render a decision within fifteen (15) days of completion of such hearing, unless for good cause, additional time is necessary to render any such decision.

I. In any case in which corrective action is determined to be appropriate, the Associate Vice President for Human Resources shall coordinate with the appropriate supervising university administrator(s) (i.e., the Provost, Vice President, Chief of Staff, or Assistant to the President) to ensure that corrective actions are promptly implemented.

J. The President (or his designee) shall be the final arbiter of what personnel and/or corrective action is appropriate in response to any violation of the EEO policy.

K. The President, at the request of a faculty member alleged to have violated the EEO policy, may refer the matter to the Academic Appeals Committee pursuant to provisions of the Faculty Handbook. Additional procedures available to eligible faculty members pursuant to the Faculty Handbook are subject to, and governed by the standards and timeframes described therein.

APPROVED BY:  

[Signature]

DATE:  

[Date]

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