

Equal Opportunity Investigation Procedure Guide

- I. The Equal Opportunity Manager will consider the complaint and determine if the allegations, if proven meet the definition of discrimination, harassment, or retaliation.
 - a. The Equal Opportunity Manager will make this decision in consensus with the Senior Director of People and Workplace Culture, the Office of General Counsel, and, when applicable, the Dean of Students.

- II. Conducting the Investigation
 - a. The Equal Opportunity Manager will appoint a lead investigator to conduct the investigation;
 - i. Determine and appoint, if necessary, a support investigator if needed based upon the nature of the allegations and complexity of the investigation.
 - b. The assigned investigator(s) will:
 - i. Coordinate and conduct interviews with the complainant, respondent, and relevant witnesses;
 - ii. Ensure clear communication with all participants;
 - iii. Collect relevant evidence;
 - iv. Compile an investigation file; and
 - v. Prepare an investigation report.
 - c. Coordinating and Conducting Interviews
 - i. Investigators will interview the complainant, respondent, and all relevant witnesses.
 - ii. Investigators will give participants sufficient time to prepare for an interview, not exceeding five business days, unless extenuating circumstances require additional time.
 - iii. Investigators will document attempts to contact participants.
 - iv. Investigators will give written notice to participants that contain:
 1. The date, time, and location of the interview;
 2. Information regarding who will be in the interview; and
 3. The purpose of the interview;
 4. Notice that complainant and respondent may have a personal representative present.
 - v. All employees must participate in EO investigations in a timely manner.
 - vi. Supervisors shall make their employees available to participate in an investigation.
 - vii. The complainant or respondent, when interviewed may have a personal representative present.

1. The representative is not allowed to interrupt the interview in any way.
 2. The personal representative is present for emotional support and is not a participant in the interview.
- viii. Investigators will conduct interviews in a respectful and unbiased manner.
- ix. An investigator must provide the confidentiality and retaliation admonition before conducting an interview.
- x. Investigators may record all interviews using college-owned resources, never on personal equipment.
1. Recordings will:
 - a. Be maintained in the investigative file;
 - b. Be retained under GRAMA; and
 - c. Not become part of an employee's personnel file.
 2. Participants being interviewed will not be permitted to record interviews.
- xi. The Investigator(s) will:
1. Prepare an interview summary report;
 2. Provide a draft copy of the interview summary report to the participant interviewed; and
 3. Provide the participant interviewed three business days to refute or clarify the information.
- xii. The investigator(s) may change the interview summary report based on responses but are not required to do so. However, the investigator(s) must inform the participant that any rebuttal or clarification will be attached to the interview summary report as an addendum.
- xiii. The investigator(s) may request an extension for additional time needed to complete the investigation report by submitting the request to the AVP of People and Workplace Culture in writing.

III. The Investigation Report

- a. After the investigation the investigators must write an investigation report detailing their findings.
 - i. The investigation report shall contain, at a minimum:
 1. An Executive Summary that includes:
 - a. A statement of the allegations,
 - b. The policies involved;
 - c. The investigator(s); and
 - d. A summarized finding;
 2. A procedural history of the investigation;
 3. A statement of jurisdiction;
 4. The standard of evidence used;

5. The parties;
 6. The investigation timeline, including interview information detailing:
 - a. The date, time , and place of the interviews and
 - b. The investigator(s) present;
 7. A summary of the interviews;
 8. Additional information gathered;
 9. A determination whether the Respondent is either responsible or not responsible for the alleged conduct.
- b. If there are two investigators and they disagree on the determination of responsibility, the Senior Director of PWC will consult with the office of General Counsel to determine responsibility.
 - c. The lead investigator will deliver the completed report to the office of General Counsel and the Senior Director for People and Workplace Culture to review.
 - d. The EO Office will provide the report to the parties simultaneously and to the supervisor and appropriate Vice President or Dean of Students as appropriate.
 - e. If the investigation reveals potential violations of other college policies, the EO Office will refer the report and evidence to the Employee Relations office for further action.
- IV. Response to Investigation Report
- a. In accordance with the Appeal of Investigation Findings (Anti-Discrimination and Harassment Policy. 4.L), any party may request an appeal of the findings by submitting a request in writing to the EO Office within 10 business days of the date of the final report is sent to the parties.
 - b. If no party submits an appeal of the investigative findings, the final report becomes final and binding.
 - c. Failure to file a timely written request for an appeal is a waiver of the right to appeal.
- V. Please see [Anti-Discrimination and Harassment Policy](#) for further instruction.