

DISCRIMINATION COMPLAINT PROCESS

(Section 46a-68-89)

September 2020

This section was in compliance in the prior plan filing with the following recommendation by the CHRO Reviewer:

“As was stated in the prior review and analysis report, a written notice should be provided to all internal complainants when the 90 day time frame is coming to a close without a resolution to their complaint to inform them of their option to file a complaint with the Commission on Human Rights and Opportunities, EEOC, etc.”

Action: UConn Health agrees fully with the recommendation to always inform complainants of their legal right to seek remedy from all available resources. UConn Health’s EEO Investigators are trained to advise a complainant of their legal rights as well as further remedies (including CHRO and EEOC). Complainants also receive such notification on the Discrimination and Discriminatory Harassment Complaint Form that they sign and receive a copy of (see **Exhibit # 1**).

This section contains information on UConn Health’s system to resolve allegations of discrimination and discriminatory harassment and is consistent with Chapters 67 and 68 of the Connecticut General Statutes.

Subsection (a)

The Office of Institutional Equity (OIE) is UConn Health’s neutral unit responsible for managing internal investigations and resolutions for employees, students and patients who believe they have been subjected to discrimination or discriminatory harassment. OIE investigates all complaints of discrimination, gathers and evaluates evidence submitted by all parties and witnesses, and renders a determination based on the preponderance of the evidence presented in order to mitigate harm resulting from any discriminatory conduct within UConn Health and/or to prevent its recurrence. UConn Health’s Discrimination Complaint Procedures provide for the expeditious resolution of complaints to assure the legal options for filing complaints with enforcement agencies are not foreclosed. Please see **Exhibit # 2**.

(1) The Associate Vice President, Director of Investigations, Associate Director of Investigations, and EEO Investigator(s) are UConn Health’s Affirmative Action Officers who investigate internal discrimination and discriminatory harassment complaints. The investigative staff has completed the required training provided by the Connecticut Commission on Human Rights and Opportunities (CHRO) and the Connecticut Commission on Women, Children and Seniors (CWCS) as designated in Public Act 03-151 and 12-78, including the “Foundations” training and the bi-annual mandatory Equal Employment Opportunity/Attorney General Designee training on September 17, 2019 and September 25, 2019. Please see **Exhibit # 3**

In addition, investigative staff attended:

- the Office of University Compliance's Annual Compliance Training
- ATIXA's Title IX Hearing Officer & Decision-Maker Training & Certification Course; Shipman & Goodwin's 2019 Employment Legislation Summary: What Employers Need to Know; NACUA's Webinar: ADA and FMLA 2.0: Tackling Difficult Faculty and Staff Issues
- NACUA's Briefing: Title IX and Challenges to Sex-Based Scholarships; Shipman & Goodwin's 2019 Labor and Employment Fall Seminar
- NACUA's Webinar: Religion on Campus: Conflicts and Accommodations
- The Association on Higher Education and Disability's Webinar: Title IX and Title II: Intersectional Approaches to Support Students from Incident to Long-Term Impact
- NACUA's Briefing: Executive Order on Combating Anti-Semitism
- American Health Lawyer's Association's Webinar: Disruptive Physician Behavior: Addressing Issues Beyond a Discussion Over Coffee
- SUNY's Webinar: Charting the Uncharted: Moving Investigations and Adjudications into a Digital Environment During Campus Closures Parts 1 and 2
- NACUA's Briefing: COVID-19: Managing a Dynamic University Workplace in the Midst of a Pandemic
- NACUA's Briefing: Unique Regulatory Issues Related to COVID-19: Accessibility, Accommodations, and Antitrust
- NACUA's Briefing: Clery Considerations During the Coronavirus Pandemic
- NACUA's Briefing: Key Considerations for the Use of Institutional Resources to Aid the Pandemic
- Association of Workplace Investigators' Webinar: Up Close, Yet Far Away: Tips for Assessing Credibility and Conducting Effective Video Interviews
- NACUA's Briefing: Title IX: The Department of Education's Final Rule on Sexual Harassment
- Pepper Hamilton LLP's Webinar: New Title IX Regulations: A Seismic Shift During a Pandemic
- Cozen O'Connor's Webinar: A First Look at the Title IX Regulations: Summary of Key Provisions and Practical Implementation Considerations.

(2) As part of the UConn Health's Discrimination Complaint Procedures, OIE provides assistance with informal resolution procedures for all parties involved in an internal investigation of alleged discrimination. The Employee Assistance Program and the Ombuds Office serve as neutral resources that provide confidential and informal assistance to UConn Health employees and are available to employees involved in an internal investigation of alleged discrimination.

(3) UConn Health's Discrimination Complaint Procedures are available through OIE's website: www.equity.uconn.edu/discrimination/.

(4) All parties involved in an internal investigation of alleged discrimination are informed of and guaranteed protection from retaliation. **Exhibit # 4.** This protection and guarantee will continue

to be a provision of UConn Health's Discrimination Complaint Procedures and any revised set of procedures.

(5) All parties involved in an internal investigation of alleged discrimination or discriminatory harassment are advised of their legal options to file complaints with the Connecticut Commission on Human Rights and Opportunities; United States Equal Employment Opportunity Commission; United States Department of Labor, Wage and Hour Division; and any other agencies, state, federal or local, that enforce laws concerning discrimination in employment. These legal options are also listed in the UConn Health's Discrimination Complaint Procedures, which includes a list of the "Most Commonly Used Civil Rights Agencies," and is provided to all parties. The addresses of these agencies can also be accessed through OIE's web site, www.equity.uconn.edu/wp-content/uploads/sites/2036/2018/08/OIE-Investigation-Procedures-August-1-2018.pdf.

(6) UConn Health's Discrimination Complaint Procedures provide timelines, not exceeding ninety (90) days, for the filing, processing, and resolution of all complaints of discrimination and discriminatory harassment.

Subsection (b)

All records of internal complaints of discrimination and dispositions thereof are maintained and reviewed on a regular basis by OIE to detect patterns in nature of the alleged complaints. In addition, OIE provides regular reports to the Chief Executive Officer and Executive Vice President for Health Affairs, and other senior executives.

Subsection (c)

A summary of all complaint activity, the results thereof and the length of time required to resolve the alleged matters for this reporting period (June 1, 2019 – May 31, 2020) immediately follows this section. For those matters not resolved within ninety (90) days, those matters generally included the need to interview copious witnesses, the filing of amended complaints, the naming of additional Respondents, and/or calendar conflicts. Parties are given periodic updates regarding the status of their matter while it is pending with OIE. If a matter is still pending after approximately 45 days, Complainants are provided a written reminder of their options to file complaints with civil rights enforcement agencies. Please see **Exhibit #5** for a template of the written notice. As required, this summary references allegation that have resulted in complaints to external enforcement agencies, the number of such complaints, investigating agency, and whether the matter is currently pending or the outcome thereof. All records relevant to employee internal complaints of discrimination are maintained by OIE for examination by the Commission. Please see **Exhibit # 6**.



OFFICE OF INSTITUTIONAL EQUITY

DISCRIMINATION & DISCRIMINATORY HARASSMENT COMPLAINT FORM

INSTRUCTIONS

Please provide all the information requested. Be as specific as possible when discussing incidents by including the date(s) the incident(s) occurred, the name(s) of the person(s) involved and the name(s) of those who may have witnessed the incident(s). Please sign and date this form. Your complaint is not limited to the space provided. You are encouraged to attach additional materials relating to your claim. If you need assistance to complete this form, please contact OIE.

Please note that in order to respond to your concerns, the information you provide to OIE may be shared with other individuals or University offices.

In addition to OIE, you may file a complaint with civil rights enforcement agencies. Please note that the relevant timelines for filing with these agencies is 180-300 days of the alleged act of discrimination. See Appendix II of [OIE's Complaint Procedures](#) for agency contact information.

COMPLAINANT STATUS

☐ Faculty ☐ Employee/Staff ☐ Undergraduate Student ☐ Graduate Student (GA ☐ Yes ☐ No) ☐ Other (Please Specify _____)
Union Affiliation _____

COMPLAINANT INFORMATION

Name: _____ Pronouns/Name in Use: _____

Job Title/Program of Study: _____

Department/Major: _____

Work Telephone: _____ Work Email: _____

Home Address: _____

Home Telephone: _____ Home Email: _____

Preferred Method of Contact: ☐ Work Telephone ☐ Home Telephone ☐ Work Email ☐ Home Email

How long have you worked/studied in your current position? _____

How long have you worked/studied at UConn? _____

Your Supervisor's Name and Job Title: _____

RESPONDENT INFORMATION

Respondent Name: _____

Respondent Job Title: _____

Respondent Department: _____

Relationship: _____ Length of Relationship: _____

- 1) Please describe the specific action(s) or situation(s) that you believe constitute discrimination, discriminatory harassment (or sexual harassment) and/or retaliation.

- 2) Please identify why you believe the action(s) or situation(s) relate to your membership in a protected class (including but not limited to race, sex, age, disability, national origin, etc.) and/or why you believe you were subjected to retaliation

- 3) Please identify any documents, e-mails, records, materials and other evidence including witnesses whom you believe may have information pertaining to your complaint.

ACKNOWLEDGEMENT

I understand that, regardless of any contact with the Office of Institutional Equity, I also retain the right to file an external complaint of discrimination or discriminatory harassment with the Connecticut Commission on Human Rights and Opportunities (CHRO), the Equal Employment Opportunity Commission (EEOC) and/or the Office for Civil Rights (OCR). Further, I understand that the relevant timeline for filing with these agencies varies from 180 days to 300 days from the date of the alleged discriminatory or retaliatory act and is independent of any internal complaint filed with the Office of Institutional Equity.

I understand that under state and federal law, as a complainant, I may not be retaliated against for filing a charge of discrimination, participating in an investigation or opposing an unlawful discriminatory practice.

I hereby attest that the facts asserted in this complaint are true and accurate to the best of my knowledge and belief.

Complainant Signature

Date

Upon completion, please return this form and any evidence pertaining to your complaint to:

STORRS & REGIONAL CAMPUSES

Office of Institutional Equity
University of Connecticut
241 Glenbrook Road – Unit 4175
Storrs, CT 06269-4175
Phone: 860-486-2943 / Fax: 860-486-6771
Email: equity@uconn.edu

UConn HEALTH

Office of Institutional Equity
UConn Health
16 Munson Road – 4th Floor
Farmington, CT 06030-5310
Phone: 860-679-3563 / Fax: 860-679-6512
Email: equity@uconn.edu

The University of Connecticut complies with all applicable federal and state laws regarding non-discrimination, equal opportunity and affirmative action, including the provision of reasonable accommodations for persons with disabilities. UConn does not discriminate on the basis of race, color, ethnicity, religious creed, age, sex, marital status, national origin, ancestry, sexual orientation, genetic information, physical or mental disability, veteran status, prior conviction of a crime, workplace hazards to reproductive systems, gender identity or expression, or political beliefs in its programs and activities. Employees, students, visitors, and applicants with disabilities may request reasonable accommodations to address limitations resulting from a disability. For questions or more information, please contact the Associate Vice President, Office of Institutional Equity, 241 Glenbrook Road, Unit 4175,

THE UNIVERSITY OF CONNECTICUT & UCONN HEALTH

OFFICE OF INSTITUTIONAL EQUITY (OIE)

COMPLAINT PROCEDURES

These procedures, effective for all reports made to the Office of Institutional Equity (OIE)¹ on or after August 1, 2018, govern OIE's investigation process when a University of Connecticut or UConn Health employee or other individual affiliated with the University or UConn Health in one of the capacities set forth below is alleged to have violated any University or UConn Health policy within OIE's jurisdiction.²

Individuals wanting to report alleged violations of University Policies, as defined below, are encouraged to contact OIE as soon as possible following an incident to allow for internal resolution of their complaints, and to connect employees and students with appropriate resources.

These procedures govern OIE's investigations of alleged violations of University Policy. Suspected crimes or any behavior that poses an imminent risk to any person or the University community should be reported immediately to law enforcement.

OIE will make appropriate arrangements to ensure that individuals with disabilities and individuals with limited English proficiency are provided auxiliary aids and services or language assistance services, respectively, if needed to participate in this complaint process. Such arrangements may include, but are not limited to, providing qualified interpreters or assuring a barrier-free location for the proceedings.

¹ OIE maintains office locations on both the Storrs campus and UConn Health.

² Hereinafter, all references to "University" include UConn Storrs campus, UConn regional campuses (including the School of Law and School of Social Work), and UConn Health (including the School of Medicine and School of Dental Medicine). University policies falling under OIE's jurisdiction, include but are not limited to the following policies: *Policy Against Discrimination, Harassment, and Related Interpersonal Violence*; *Policy Statement: People with Disabilities*; *Non-Retaliation Policy*; *Policy Statement: Affirmative Action and Equal Employment Opportunity*; *UConn Health Affirmative Action, Non-discrimination and Equal Opportunity (2002-44)*; *UConn Health Persons with Disabilities (2002-46)*; and *UConn Health Non-Retaliation (2003-40)* (individually, "University Policy"; collectively, "University Policies").

In addition to these procedures, individuals are strongly encouraged to read the relevant University Policies in their entirety. Capitalized terms used within these procedures are given the same meaning as defined in the *Policy Against Discrimination, Harassment, and Related Interpersonal Violence*.

These procedures do not govern reports in which a UConn **student** is alleged to have violated any University Policy (see www.community.uconn.edu).

I. UNIVERSITY POLICIES UNDER OIE’S JURISDICTION

- A. As set forth in the University Policies, the University prohibits unlawful discrimination in education, employment, and the provision of services on the basis of legally protected characteristics (race, color, ethnicity, religious creed, age, sex, marital status, national origin, ancestry, sexual orientation, genetic information, pregnancy, physical or mental disability [including learning disabilities, intellectual disabilities, and past or present history of mental illness], veteran’s status, prior conviction of a crime, workplace hazards to reproductive systems, gender identity or expression, and membership in any other protected classes as set forth in state and federal law). More specifically, the University prohibits discrimination, as well as discriminatory harassment, sexual assault, sexual exploitation, intimate partner violence, stalking, sexual or gender-based harassment, complicity in the commission of any act prohibited by the *Policy Against Discrimination, Harassment, and Related Interpersonal Violence*, and retaliation against a person for the good faith reporting of any of these forms of misconduct or participation in any investigation or proceeding related to any of these forms of misconduct under University Policies (“Prohibited Conduct”).
- B. In accordance with University Policies, all parties who participate in the good-faith reporting, filing, investigation, and/or proceedings related to reports of Prohibited Conduct under these procedures shall be free from retaliation on the basis of their participation in this process.

II. GENERAL PROVISIONS

- A. Who May File a Complaint & Scope of Procedures
 - i. Reports of Prohibited Conduct may be filed by Students, Employees, Patients or Third Parties.
 - 1. “Complainant” means the individual who presents as the victim of any Prohibited Conduct under University Policies, regardless of whether that person makes a report or seeks action under University Policies.
 - 2. “Respondent” means the individual who has been accused of violating University Policy.
 - 3. These procedures apply to reports of Prohibited Conduct by University and UConn Health Employees, including graduate students when the action complained of was taken in the graduate student’s employment capacity (for example, as a Graduate Assistant, Teaching Assistant or Research Assistant, Resident and/or Fellow); or Third Parties³ when:

³ As set forth in Section III.D. of the *Policy Against Discrimination, Harassment and Related Interpersonal Violence*, the University’s ability to take appropriate corrective action against a Third Party will be determined by the nature of the relationship of the Third Party to the University. The University will determine the appropriate manner of resolution consistent with its commitment to a prompt and equitable process.

- a. the conduct occurred on campus or other property owned or controlled by the University;
- b. the conduct occurred in the context of a University employment or education program or activity, including, but not limited to, University-sponsored study abroad, research, on-line, or internship programs; or
- c. the conduct occurred outside the context of a University employment or education program or activity, but has continuing adverse effects on or creates a hostile environment for Students, Employees or Third Parties while on campus or other property owned or controlled by the University or in any University employment or education program or activity.

B. Support Persons

Complainants, Respondents, and witnesses shall have the right to have one (1) support person (which may be a union representative) accompany them to any meeting with OIE related to a report or investigation under these procedures. An individual who is reasonably likely to participate as a witness in the investigation may not serve as a support person during any substantive interview. The Complainant, Respondent or witness is responsible for arranging their support person's attendance at any OIE meeting. It is within OIE's discretion whether to reschedule a meeting or extend other timelines in the investigation process due to a support person's unavailability.

C. Right to File External Complaint

- i. Complainants shall be advised of their right to file an external complaint with the applicable local, state and/or federal agency that enforces laws concerning non-discrimination and anti-harassment in employment or education such as the Connecticut Commission on Human Rights and Opportunities (CHRO), the Equal Employment Opportunity Commission (EEOC), U.S. Department of Labor, Wage and Hour Division, and the Office for Civil Rights (OCR). *See* Appendix I for agency contact information.
- ii. When an external complaint has been filed, OIE will review the complaint and determine on a case-by-case basis, in consultation with other University offices as appropriate, whether OIE will conduct its own, internal investigation or, if OIE has already commenced an investigation, whether such investigation will be discontinued in light of the external filing.

D. OIE Files

OIE will create and maintain a file related to each report of Prohibited Conduct as described herein. The University is committed to protecting the privacy of all individuals involved in the investigation and resolution

of a report. OIE will take reasonable efforts to protect the privacy of participants, in accordance with applicable state and federal law, while balancing the need to gather information to assess the report and to take steps to eliminate the discrimination, harassment or retaliation; prevent its recurrence; and remedy its effects. To that end, OIE may provide information regarding matters it handles to individuals with a need to know the information.

E. Informal Resolution

Nothing in these procedures precludes an individual from seeking to discuss or resolve concerns independently with the University's Ombudsperson or other appropriate resources at the University.⁴ A Complainant may withdraw a complaint and/or their participation at any point; however, it is within OIE's discretion to determine whether and in what manner a matter may proceed, as noted in Section V.A. below.

III. WHERE AND HOW TO REPORT PROHIBITED CONDUCT

A. A report of Prohibited Conduct may be made in written or verbal form to OIE:

Storrs Campus, Wood Hall - Unit 4175, 241 Glenbrook Road, Storrs, CT 06269;
Phone: 860-486-2943; Email: equity.uconn.edu; Fax: 860-486-6771.

UConn Health, at 16 Munson Road, 4th Floor, Farmington, CT 06030; Phone:
860-679-3563; Email: equity.uconn.edu; Fax: 860-679-6512.

B. The following information should be included in reports/complaints (to the extent known): the identities of the Complainant(s) and Respondent(s), the approximate date of the incident(s), a description of the concerning behavior, and, if applicable, the protected characteristic(s) alleged to be the basis of the discrimination or harassment.

C. A Dean, Department Head, Director or Supervisor who knows or should have known about an incident of Prohibited Conduct must comply with that Employee's Reporting Responsibilities as set forth in Section VI ("Employee Reporting Responsibilities") of the *Policy Against Discrimination, Harassment, and Related Interpersonal Violence*.

IV. JURISDICTIONAL REVIEW & ASSESSMENT OF MERITS

A. OIE will review any report made to its office to determine whether OIE has jurisdiction to investigate. If not, OIE will advise the reporting person and will not investigate the report further. However, OIE may, in its discretion, refer the report to other appropriate University offices for further review.

⁴ <https://equity.uconn.edu/campus-resources/>

- B. If OIE has jurisdiction, it will then conduct an assessment of the merits of the allegations to determine whether the conduct at issue, if it occurred as alleged, would constitute a violation of University Policy. To make this determination, OIE's analysis is guided by state and federal law. In making this assessment, OIE will consider information provided by Complainant, and may also, in its discretion, review information from other sources as deemed relevant by OIE. If OIE determines that the conduct would not violate University Policy even if all the allegations are credited, OIE will advise the Complainant of its determination and will not undertake further investigation. OIE may notify other individuals (including the Respondent) or offices within the University of the reported allegations in order to mitigate the impacts of any potentially discriminatory conduct and/or to alert management of concerns potentially implicating other policies outside of OIE's jurisdiction.
- C. If, based on the allegations, OIE determines that the alleged conduct may violate University Policy, the investigation will proceed as described below.

V. THE INVESTIGATION

- A. OIE will notify the Complainant that their matter will proceed to a full investigation after OIE determines that it will initiate an investigation. OIE will determine the appropriate timing of such notification. OIE may determine an investigation must proceed even in the absence or withdrawal of Complainant participation.
- B. Respondents will be informed of the allegations against them and given an opportunity to respond. OIE will determine the appropriate timing of such notification. Respondents also will be informed that they may enlist the assistance of their union representative, if applicable, for support throughout this process. As their support person (sec. II(b)), a Respondent's union representative may accompany the Respondent to any meetings with OIE.
- C. The standard of proof utilized in OIE's investigations is Preponderance of the Evidence ("more likely than not").
- D. It is within OIE's discretion to determine appropriate investigative steps, which may include but are not limited to, interviewing witnesses determined in OIE's discretion, to have relevant information, and obtaining and reviewing relevant documents or other evidence. These investigative steps may be taken prior to notification of the Respondent(s) under subsection B.
- E. During the course of the investigation, OIE will provide the Complainant and Respondent with the opportunity to review their own respective interview summaries and to provide any additional information. The Complainant and Respondent will have three (3) business days to provide a response to their interview summaries.

- F. OIE strives to complete its investigation process within sixty (60) calendar days and to keep parties reasonably informed as to the status of the investigation, consistent with the need to protect the integrity of the investigative process and the privacy of the participants. Investigations may exceed sixty (60) calendar days for good cause, which includes but is not limited to: investigations where additional time is necessary to ensure the integrity and completeness of the investigation; to comply with a request by external law enforcement for temporary delay to gather evidence for a criminal investigation; to accommodate the availability of parties and/or witnesses; to account for University breaks or vacations; to account for complexities of a case, including the number of witnesses and volume of information provided by the parties; or for other legitimate reasons.
- G. OIE will notify the parties in writing at the conclusion of its investigation. OIE will also notify the Office of the President and/or the Executive Vice President of UConn Health, and any other individual or office that may need to know the information.

VI. WRITTEN RESPONSE TO OIE'S FINDINGS AND RECOMMENDATIONS REPORT

- A. Both the Complainant and Respondent may submit a written response to OIE's Findings and Recommendations report in lieu of a request for review (pursuant to Section VII below) no later than 5:00 PM (EST) on the fourteenth (14) calendar day from written receipt of OIE's findings. Written receipt is presumed to be five (5) calendar days after transmittal by U.S. mail and the same day if issued via email before 5:00 PM (EST). A request for an extension of time beyond fourteen days may be granted at the discretion of OIE's Associate Vice President.
- B. All written responses will be added to and maintained with OIE's file.

VII. REVIEW OF OIE'S FINDINGS

- A. Panel of Reviewers
 - i. OIE will appoint a standing pool of trained faculty, staff, and members of the administration to serve two-year terms on a Panel of Reviewers.
 - ii. OIE will select the Chair of the Panel of Reviewers.
 - iii. The Panel of Reviewers shall be given an orientation and training by OIE regarding the nature of the review process, OIE's procedures, prohibited forms of discrimination, harassment and retaliation, and other issues related to their roles.
- B. Request for Review
 - i. Either party may request a review of OIE's findings by submitting a written request for review to the Chair of the Panel of Reviewers, in care

of the OIE Associate Vice President, no later than 5:00 PM (EST) on the fourteenth (14) calendar day from written receipt of OIE's findings. Written receipt is presumed to be five (5) calendar days after transmittal by U.S. mail and the same day if issued via email before 5:00 PM (EST). A request for an extension of time beyond fourteen days may be granted at the discretion of OIE's Associate Vice President.

- ii. The grounds for review are limited to: (1) violations of these complaint procedures, which would have had a material effect on the outcome; and/or (2) additional evidence that was not available during the investigation, which would have had a material effect on the outcome. A party's request for review must identify at least one of the two grounds for review and provide sufficient detail to understand the basis for the request. Mere disagreement with OIE's findings is not sufficient grounds for review.
- iii. If the request for review is submitted within the timeframe set forth in sec. VII(B)(i), OIE will forward the request to the Chair of the Panel of Reviewers within two (2) business days of receipt.

C. Review Committee

- i. The Chair of the Panel of Reviewers shall choose three members from the Panel of Reviewers to serve as a Review Committee. The Chair of the Panel of Reviewers may serve as a member of the Review Committee. The Review Committee will first review the request to determine if at least one of the review grounds is identified. The Review Committee has the discretion to deny a request if it is clear that neither of the two permissible grounds for review are identified. The Review Committee's decision to deny a request for failure to identify either of these two grounds is deemed final.
- ii. If either of the two permissible grounds for review is identified, the role of the Review Committee is to determine whether OIE violated its complaint procedures and/or whether there exists new information that was not available during the investigation, and that such error/new information could have had a material effect on the outcome.
- iii. The proceedings of Review Committees are informal. Review Committees should exercise their discretion not to consider cumulative, repetitious or irrelevant evidence. In discharging their duties, Review Committees may interview the parties and review relevant records. The Review Committees also may interview the OIE investigator(s) with regard to procedural questions. A Review Committee is not obligated to do any or all of those things if the Review Committee deems it unnecessary under the circumstances.
- iv. Once the Review Committee has concluded its evaluation of all relevant evidence, it will make a recommendation to the President and/or the Executive Vice President of UConn Health, which may include accepting or rejecting one or all of OIE's findings, or any other actions deemed necessary or appropriate in the discretion of the Review Committee.

- v. The Review Committee shall make its recommendation in writing and provide it to the President and/or the Executive Vice President of UConn Health within twenty (20) business days of the Committee's receipt of the request for review. Extensions of time may be granted by the President and/or the Executive Vice President of UConn Health on the basis of good cause.

D. Presidential Action

The President or designee and/or the Executive Vice President of UConn Health or designee will notify the parties in writing of his or her response to the Review Committee's recommendation within ten (10) business days of receipt.

APPENDIX I

MOST COMMONLY USED CIVIL RIGHTS ENFORCEMENT AGENCIES

Connecticut Commission on Human Rights and Opportunities (CHRO)*

CAPITOL REGION OFFICE:

450 Columbus Boulevard
Hartford, CT 06103-1835
PHONE: (860) 566-7710
FAX: (860) 566-1997
TDD: (860) 566-7710

EASTERN REGION OFFICE

100 Broadway
Norwich, CT 06360
PHONE: (860) 886-5703
FAX: (860) 886-2550
TDD: (860) 886-5707

WEST CENTRAL REGION OFFICE

Rowland State Government Center
55 West Main Street, Suite 210
Waterbury, CT 06702-2004
PHONE: (203) 805-6530
FAX: (203) 805-6559
TDD: (203) 805-6579

SOUTHWEST REGION OFFICE

350 Fairfield Ave., Sixth Floor
Bridgeport, CT 06604
PHONE: (203) 579-6246
FAX: (203) 579-6950
TDD: (203) 579-6246

*For information on which CHRO field office to utilize, please visit
www.ct.gov/chro/cwp/view.asp?a=2523&Q=315790.

U.S. Equal Employment Opportunity Commission (EEOC)

John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
PHONE: (800) 669-4000
FAX: (617) 565-3196
TTY: (800) 669-6820
ASL Video Phone: (844) 234-5122

**U.S. Department of Education
Office for Civil Rights/Boston (OCR)**

U.S. Department of Education

Eighth Floor

5 Post Office Square

Boston, MA 02109-3921

PHONE: (617) 289-0111

FAX: (617) 289-0150

TDD: (800) 877-8339

<http://www2.ed.gov/about/offices/list/ocr/index.html>

U.S. Department of Labor, Wage and Hour Division

HARTFORD DISTRICT OFFICE

135 High Street, Room 210

Hartford, CT 06103-1111

PHONE: (860) 240-4160; 1-866-4-USWAGE (1-866-487-9243)

TTY: 1-877-889-5627

<https://www.dol.gov/wecanhelp/howtofilecomplaint.htm>

NEW HAVEN AREA OFFICE

150 Court Street, Room 208

New Haven, CT 06510

PHONE: (203) 773-2249; 1-866-4-USWAGE (1-866-487-9243)

<https://www.dol.gov/wecanhelp/howtofilecomplaint.htm>

U.S. Department of Health and Human Services

HHH Building, Room 509F

200 Independence Avenue SW

Washington, D.C. 20201

PHONE: 1-800-868-1019

TDD: 800-537-7697

<http://www.hhs.gov/ocr/office/file/index.html>

<https://ocrportal.hhs.gov/ocr/portal/lobby.jsf>

8/1/2018

Non-Retaliation Policy

Title:	Non-Retaliation Policy
Policy Owner:	Office of the President
Applies to:	Faculty, Staff, Students, Others
Campus Applicability:	All Campuses
Effective Date:	October 22, 2012
For More Information, Contact	Office of Audit, Compliance & Ethics
Contact Information:	(860) 486-4526
Official Website:	http://president.uconn.edu/

Purpose

To define how the University provides for the protection of any person or group within its community from retaliation who, in good faith, participate in investigations or report alleged violations of policies, laws, rules or regulations applicable to the University of Connecticut.

Policy Statement

The University encourages individuals to bring forward information and/or complaints about violations of state or federal law, University policy, rules or regulations. Retaliation against any individual who, in good faith, reports or who participates in the investigation of alleged violations is strictly forbidden. This policy does not protect an individual who files a report or provides information as part of an investigation that he or she knows is false, files a bad faith retaliation claim or participates in any illegal conduct. The University will take appropriate action, up to and including dismissal, against any employee who violates this policy.

Definitions

Retaliation – Any inappropriate or unsubstantiated action taken or threatened against an employee because the individual has, in good faith, made an allegation concerning the violation of state or federal law, University policy, rule or regulation, or has participated in any manner with an investigation of such allegation. Such actions adversely affect or threaten to affect the employment rights or other interests of an individual and can take either work or social form.

Examples of work-related retaliation may include, but are not limited to:

- Unsubstantiated adverse performance evaluations or disciplinary action;
- Unfounded negative job references;
- Arbitrary denial of salary increases, promotions or other job benefits; and
- Unfounded reduced or limited work assignments.

Examples of social retaliation in the workplace may include, but are not limited to:

- discrimination or harassment from co-workers and/or supervisor;
- bullying, which involves repeated intimidation or humiliation, derogatory or insulting remarks, or social isolation and which occurs indirectly (e.g., via e-mail) or directly;
- hostile work environment, described as conduct that is so objectively offensive as to alter the conditions of employment; and
- physical threats and/or destruction of personal or state property.

Actions also considered retaliatory include any action taken or threatened by an employee that would dissuade a reasonable employee from engaging in activities protected by this policy.

Good Faith Reporting – An individual is considered to have reported in good faith if s/he has brought forward the complaint or participated in providing information during an investigation, based upon a reasonable belief that the information provided is true.

Bad Faith Reporting – An individual shall be considered to have reported in bad faith if s/he has brought forward a complaint or participated in providing information during an investigation, knowing that such information is not true or made without a reasonable belief in the truth of the allegation based upon the facts.

Reporting Process

If an individual believes that he or she has been subjected to retaliation, s/he should either contact the office to which the initial complaint was filed or any of the following University offices:

Storrs and Regional Campuses

- The Office of Audit, Compliance and Ethics (OACE)
9 Walters Avenue, Unit 5084
Storrs, CT 06269-5084
Telephone: (860) 486-4526
Information on OACE's Investigation Protocol is available at:
<http://audit.uconn.edu/internal-investigation-protocol/>
Confidential Reportline: 1-888-685-2637
- The Office of Institutional Equity (OIE)
241 Glenbrook Road
Wood Hall, Unit 4175
Storrs, CT 06269-4175
Telephone: (860) 486-2943
Information on OIE's Discrimination Complaint Procedures is available at:
<http://ode.uconn.edu/discrimination/complaint-procedures/>

- Office of Faculty & Staff Labor Relations
9 Walters Avenue, Unit 5075
Storrs, CT 06269-5075
Telephone: (860) 486-5684
<http://lr.uconn.edu/>
- Police Department
126 North Eagleville Road, Unit 3070
Storrs, CT 06269-3070
Telephone: (860) 486-4800
Emergency: 9-1-1

Health Center

- The Office of Audit, Compliance and Ethics (OACE)
263 Farmington Ave.
Farmington, CT 06030 – 5329
Telephone: 860-679-4180
Compliance.officer@uchc.edu
Information on OACE's Investigation Protocol is available at: <http://audit.uconn.edu/internal-investigation-protocol/>
Confidential Reportline: 1-888-685-2637
- The Office of Institutional Equity (OIE)
241 Glenbrook Road
Wood Hall – Unit 2175
Storrs, CT 06269
Telephone: (860) 486-2943
Information on OIE's Discrimination Complaint Procedures is available at <http://ode.uconn.edu/wp-content/uploads/sites/833/2015/02/dcp.pdf>
- Labor Relations at the Department of Human Resources
263 Farmington Ave. Farmington, CT 06030 – 4035
Telephone: 860-679-8067
- Police Department
263 Farmington Ave. Farmington, CT 06030 – 3925
Telephone: 860-679-2511

Employees should expect that any of the above offices will direct her/him to the appropriate department for reporting the retaliation.

Resources Available For Assistance

There are resources on campus that can assist employees who are experiencing retaliation. Individual advocacy through these resources in connection with specific incidents

can include information and referrals, accompanying an employee through the hearing process, assistance with navigating other resources as requested and crisis-intervention services.

- African American Cultural Center – (860) 486-3433
- Asian American Cultural Center – (860) 486-0830
- Employee Assistance Program – (860) 679-2877 or 800-852-4392
- Puerto Rican/Latin American Cultural Center – (860) 486-1135
- Rainbow Center – (860) 486-5821
- Women’s Center – (860) 486-4738

Employees who are covered by a collective bargaining contract are also encouraged to contact their union for assistance:

- The American Association of University Professors (AAUP), University of Connecticut Chapter: (860) 487-0450
<http://www.uconnaaup.org/contact/>
- The University of Connecticut Professional Employees Association (UCPEA): (860) 487-0850
<http://www.ucpea.org/>
- Maintenance and Service Unit – Connecticut Employees Union Independent (CEUI): (860) 344-0311
<http://www.ceui.org/>
- Administrative Clerical Unit – American Federation of State, County and Municipal Employees (AFSCME): (860) 224-4000
<http://www.afscme.org/> <http://www.afscmelocal355.org/>
- Connecticut Police and Fire Union: (860) 953-2626
<http://www.cpfu.org/>
- Social and Human Services Unit – American Federation of State, County and Municipal Employees (AFSCME): (860) 224-4000
<http://www.afscme.org/>
- Administrative and Residual Employees Union (A&R): (860) 953-1316
<http://www.andr.org/>
- New England Health Care Employees Union – District 1199
<http://www.seiu1199ne.org/>
(860) 549-1199
- University Health Professionals (UHP)
<http://ct.aft.org/uhp3837/>
(860) 676-8444

Nothing in this policy shall be deemed to diminish the rights, privileges or remedies of a University (state) employee under other federal or state law or under any collective bargaining agreement or employment contract.

EEO INVESTIGATOR COMPLIANCE TRAINING				
NAME	TITLE	AGENCY	FOUNDATION	UPDATE
Elizabeth Conklin	AVP	UConn	2010	2011, 2013, 2015, 2017, 2019
Sarah Chipman	Director of Investigations	UConn	2014	2015, 2017, 2019
Robert Camilleri	Associate Director of Investigations	UConn Health	2006	2007, 2008, 2009, 2010, 2011, 2013, 2015, 2017, 2019
Alexa Lindauer	EEO Investigator	UConn Health	2017	2019
Jamila Goolgar	EEO Investigator	UConn Health	2014	2015, 2017, 2019

45 DAY UPDATE TO COMPLAINANT

Dear [REDACTED],

I write to provide an update on your OIE case. I am [continuing to investigate/ MODIFY AS APPROPRIATE]. I anticipate being able to complete your case by [PROVIDE ESTIMATED TIME FRAME].

Please also know that, in addition to my office, you have the option to file a complaint regarding discrimination or harassment with the Connecticut Commission on Human Rights and Opportunities (CHRO), the Equal Employment Opportunity Commission (EEOC), the U.S. Department of Labor, or the Office for Civil Rights (OCR). Please note that the relevant timelines for filing with these agencies is 180-300 days of the alleged incident or act of discrimination, regardless of OIE's investigation. Please understand that OIE's investigation does not stop the clock on the deadlines to file external complaints. I would encourage you to review the websites for these agencies (www.ct.gov/chro; www.eeoc.gov; www.dol.gov; <https://www2.ed.gov/about/offices/list/ocr/index.html>) for more information.

**UConn Health INTERNAL Discrimination Complaints
Opened Or Pending Between June 1, 2019 and May 31, 2020**

	Complainant Race/Sex	Date Filed	Type	Respondent	Basis Claimed	Finding	Report/Referral Issued
1	UF	3/17/2020	Internal	4 UConn Health Employees	Retaliation	Withdrawn by Complainant	3/26/2020
2	UF	3/16/2020	Internal	1 UConn Health Employee	Discrimination - Disability	Assessment of Merits - No Referral	3/23/2020
3	UF	2/19/2020	Internal	1 UConn Health Employee	Discrimination - Disability	Referred to Management	3/5/2020
4	BF	1/29/2020	Internal	1 UConn Health Employee	Harassment - National Origin	No Policy Violation - No Referral	4/2/2020
5	UM	1/20/2020	Internal	1 UConn Health Employee	Harassment - National Origin	Assessment of Merits - No Referral	2/18/2020
6	WM	1/3/2020	Internal	1 UConn Health Employee	Harassment - Sex-Based Sexual Harassment Discrimination - Sex-Based	Assessment of Merits - No Referral	2/7/2020
7	WF	1/3/2020	Internal	2 UConn Health Employees	Discrimination/Harassment - Marital Status Retaliation	Assessment of Merits - No Referral	2/7/2020
8	UF	12/6/2019	Internal	1 UConn Health Employee	Sexual Harassment	Pending	
9	N/A	11/21/2019	Internal	1 UConn Health Employee	Harassment - Gender/Race/Sex	No Policy Violation - No Referral	12/18/2019
10	WF	8/28/2019	Internal	1 UConn Health Employee	Sexual Harassment	Policy Violation	11/26/2019
11	WF	8/29/2019	Internal	1 UConn Health Employee	Failure to Report	Policy Violation	11/26/2019
12	UF	8/27/2019	Internal	2 UConn Health Employees	Discrimination/Harassment - Sex-based	Assessment of Merits - No Referral	9/24/2019
13	UF	05/02/2019	Internal	1 UConn Health Employee	Sexual Harassment	No Policy Violation - No Referral	6/10/2019
14	BF	4/18/2019	Internal	2 UConn Health Employees	Discrimination - Disability/Race Failure to Accommodate Retaliation	No Policy Violation - No Referral	7/29/2019

**UConn Health EXTERNAL Discrimination Complaints
Opened or Pending Between June 1, 2019 - May 31, 2020**

1 - Matters closed prior to Plan Year
but UConn Health learned of Closing
Plan Year

Complainant Race/Sex	Date Filed/ Date Received*	Type	Respondent	Basis Claimed	Finding	Resolution	Length of Time to Resolve	Date Closed
1 BM	1/27/2020 Filed at Choro 2/27/2020 Filed at EEOC 2/27/2020 Notice to UConn Health	External	UConn Health	Discrimination/Harassment - Color/National Origin/Race Retaliation	Pending at CHRO Pending at EEOC			
2 UF	12/16/2019 Filed at CHRO 01/18/2020 Filed at EEOC 1/23/2020 Notice to UConn Health	External	UConn Health	Discrimination - Race; Retaliation	Pending at CHRO Pending at EEOC			
3 UF	10/31/2019 Filed at CHRO 12/6/2019 Notice to UConn Health 12/7/2019 Filed at EEOC	External	UConn Health	Discrimination - Disability; Retaliation	Pending at CHRO Pending at EEOC			
4 BF	01/08/2020 Filed at CHRO 2/10/2020 Filed at EEOC 2/11/2020 Notice to UConn Health	External	UConn Health	Discrimination - Race/Color	Pending at CHRO Pending at EEOC			

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Complainant Race/Sex	Date Filed/ Date Received*	Type	Respondent	Basis Claimed	Finding	Resolution	Length of Time to Resolve	Date Closed
5 WF	12/19/2019 Filed at CHRO 1/23/2020 Notice to UConn Health 1/24/2020 Filed at EEOC	External	UConn Health	Discrimination - Sex-based	Pending at CHRO Pending at EEOC			
6 WF	07/23/2019 Filed at CHRO 8/21/2019 Filed at EEOC 8/22/2019 Notice to UConn Health	External	UConn Health	Discrimination -Age/Disability; Retaliation	Pending at CHRO Pending at EEOC			
7 BF	4/30/2019 Filed at CHRO 4/30/2019 Filed at EEOC 5/8/2019 Notice to UConn Health	External	UConn Health	Retaliation	Closed at CHRO Closed at EEOC	No Reasonable finding/Release of Jurisdiction CHRO Dismissed EEOC	146 CHRO 223 EEOC	9/13/2019 CHRO 12/9/2019 EEOC
8 UM	4/1/2019 Filed at CHRO 4/29/2019 Filed at EEOC 4/29/2019 Notice to UConn Health	External	UConn Health	Discrimination - Sex-Based/Race; Retaliation	Closed at CHRO Closed at EEOC	Release of Jurisdiction CHRO Dismissed EEOC	128 CHRO 157 EEOC	8/7/2019 CHRO 10/3/2019 EEOC

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Complainant Race/Sex	Date Filed/ Date Received*	Type	Respondent	Basis Claimed	Finding	Resolution	Length of Time to Resolve	Date Closed
9 UF	3/28/2019 Filed at Claims Commission 5/31/2019 Notice to UConn Health	External	UConn Health	Sexual Harassment; Retaliation	Closed at Claims Commission	Settlement Agreement	407	5/7/2020
10 UF	3/20/2019 Filed in Federal Court 3/20/2019 Notice to UConn Health	External	UConn Health	Discrimination - Gender; Retaliation	Closed in Federal Court	Settlement Agreement	415	5/7/2020
11 BM	1/18/2019 Filed at CHRO 2/18/2019 Notice to UConn Health	External	UConn Health	Discrimination - Age/Color/National Origin/Race; Retaliation	Closed at CHRO	No Reasonable cause/Administrative Dismissal CHRO	77 CHRO	4/20/2020
12 WF	12/31/2018 Filed at CHRO 1/25/2019 Notice to UConn Health	External	UConn Health	Discrimination - Disability; Retaliation	Pending at CHRO Pending at EEOC			
13 HF	12/6/2018 Filed at CHRO 1/10/2019 Notice to UConn Health	External	UConn Health	Discrimination - Age/Race/National Origin	Closed at CHRO Pending at EEOC	No Reasonable Cause CHRO	298 CHRO	9/30/2019 CHRO
14 UF	9/7/2018 Filed at Federal Court	External	UConn Health	Discrimination - Sex-Based; Retaliation	Closed in Federal Court	Settlement Agreement	413 Federal Court	10/25/2019

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Complainant Race/Sex	Date Filed/ Date Received*	Type	Respondent	Basis Claimed	Finding	Resolution	Length of Time to Resolve	Date Closed
15 UF	8/24/2018 Filed at CHRO 9/10/2018 Notice to UConn Health	External	UConn Health	Retaliation	Closed at CHRO	No Reasonable Cause CHRO	530 CHRO	2/5/2020
16 WF	6/27/2018 Filed at EEOC 7/5/2018 Amended at EEOC 07/11/2018 Notice to UConn Health	External	UConn Health	Discrimination - Age/Disability/Sex	Close at CHRO Closed at EEOC	Dismissed DHRO Dismissed EEOC	545 CHRO 513 EEOC	12/31/2019 CHRO 11/21/2019 EEOC
17 WM	6/20/2018 Filed at CHRO 6/27/2018 Notice to UConn Health 7/22/2019 Filed at Federal Court	External	UConn Health	Harassment - Disability	Closed at CHRO Closed at EEOC Pending at Federal Court	No Reasonable Cause CHRO Request for Reconsideration 2/26/2019 CHRO Dismissed EEOC No Reasonable Cause CHRO	224 CHRO 303 EEOC 547 CHRO	1/30/2019 CHRO 4/19/2019 EEOC 12/19/2019 CHRO
18 HF	6/1/2018 Filed at CHRO 9/4/2018 Filed at EEOC 6/20/2018 Notice to UConn Health	External	UConn Health	Harassment - Disability; Retaliation	Closed at CHRO Closed at EEOC	No Reasonable Cause CHRO Dismissed EEOC	365 CHRO 469 EEOC	6/28/2019 CHRO 9/12/2019 EEOC

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Complainant Race/Sex	Date Filed/ Date Received*	Type	Respondent	Basis Claimed	Finding	Resolution	Length of Time to Resolve	Date Closed
19 WF	3/15/2018 Filed at CHRO 3/23/2018 Notice to UConn Health	External	UConn Health	Discrimination - Disability; Retaliation	Closed at CHRO Closed at EEOC	Release of Jurisdiction CHRO Dismissed EEOC	127 CHRO 620 EEOC	7/20/2018 CHRO 11/25/2019 EEOC
20 BM	3/12/2018 Filed at CHRO 3/27/2018 Notice to UConn Health	External	UConn Health	Discrimination - Age/Race; Retaliation	Closed at CHRO	Release of Jurisdiction CHRO	599 CHRO	10/22/2019 CHRO
21 BM	2/8/2018 Filed at CHRO 02/16/2018 Notice to UConn Health	External	UConn Health	Discrimination - Color/Disability/Race	Pending at CHRO			
22 BM	2/7/2018 Filed at CHRO 02/16/2018 Notice to UConn Health	External	UConn Health	Discrimination - Color/Disability/Race	Pending at CHRO			
23 BF	01/31/2018 Filed at CHRO 2/8/2018 Notice to UConn Health Filed at OPH 1/23/2020	External	UConn Health	Discrimination - Race/Color/Marital Status; Retaliation	Pending at CHRO Pending at EEOC Pending at OPH			

UConn Health EXTERNAL Discrimination Complaints
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Complainant Race/Sex	Date Filed/ Date Received*	Type	Respondent	Basis Claimed	Finding	Resolution	Length of Time to Resolve	Date Closed
24 BF	10/30/2017 Filed at CHRO 11/9/2017 Notice to UConn Health	External	UConn Health	Discrimination - Disability/Race/Religion/National Origin; Retaliation	Closed at CHRO Closed at EEOC	Release of Jurisdiction CHRO Dismissed EEOC	655 CHRO 722 EEOC	8/16/2019 CHRO 10/22/2019 EEOC
25 HF	10/5/2017 Filed at CHRO 10/19/2017 Notice to UConn Health	External	UConn Health	Discrimination - National Origin/Sex; Sexual Harassment; Retaliation	Closed at CHRO Closed at EEOC	No Reasonable Cause CHRO Dismissed EEOC	727 CHRO 852 EEOC	10/2/2019 CHRO 2/4/2020 EEOC
26 BF	9/18/2017 Filed at CHRO 10/4/2017 Notice to UConn Health	External	UConn Health	Discrimination - Race	Closed at CHRO Pending at EEOC	No Reasonable Cause CHRO	876 CHRO	1/24/2020
27 UF	6/12/2017 Filed at CHRO 6/27/2017 Notice to UConn Health 5/20/2019 Filed at Superior Court	External	UConn Health	Discrimination - Pregnancy	Pending at CHRO Closed at Superior Court	Withdrawn at Superior Court	250 Superior Court	2/3/2020 Superior Court
28 UF	2/13/2017 Filed at Claims Commission	External	UConn Health	Discrimination - Marital Status	Pending at Claims Commission			
29 UF ¹	3/23/2017 Filed at OCR 4/27/2017 Notice to UConn Health	External	UConn Health	Discrimination - Disability	Closed at OCR	Dismissed at OCR	190 OCR	9/29/2017
30 UF	1/5/2017 Filed at Claims Commission	External	UConn Health	Discrimination - Gender Identity	Pending at Claims Commission			

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	Complainant Race/Sex	Date Filed/ Date Received*	Type	Respondent	Basis Claimed	Finding	Resolution	Length of Time to Resolve	Date Closed
31	UF	10/20/2016 Filed at CHRO Notice to UConn Health 10/21/2016	External	UConn Health	Discrimination - Age	Pending at CHRO Pending at EEOC			
32	BM	5/20/2016 Filed at CHRO 6/27/2016 Notice to UConn Health	External	UConn Health	Discrimination - Color/Race	Pending at CHRO			
33	UM	2/26/2016 Filed at CHRO 4/7/2016 Notice to UConn Health	External	UConn Health	Discrimination - Disability	Closed at CHRO Pending at EEOC	Final Notice of Administrative Dismissal Failure to Cooperate CHRO	1242 CHRO	7/22/2019 CHRO
34	UM	1/16/2013	External	UConn Health	Retaliation	Pending at OPH			