University Personnel Non-Discrimination and Anti-Harassment Response Procedure (Staff)

This procedural document applies where a Colgate University non-faculty employee[1] may have engaged in discrimination or harassment based on a Protected Characteristic or any other form of conduct prohibited by the University Personnel Non-Discrimination and Anti-Harassment Policy.[2]

I. Initiating a Response to Prohibited Conduct

A report or complaint is to be made to the Discrimination and Harassment Team (DHT). This team shall include: the Vice President for Equity and Inclusion (Renee Madison [rmadison@colgate.edu]), the Associate Provost for Equity and Diversity (Carolyn Hsu [chsu@colgate.edu]), the Director for Diversity and Equity & Title VI Coordinator (Amari Simpson [directorde@colgate.edu]), the Title IX Coordinator (Amy Gordon [titleix@colgate.edu]), and the Vice President for Administration (Christopher Wells [cwells@colgate.edu]). However, the Title IX Coordinator and Vice President for Equity and Inclusion have the authority to determine the policy that will be applied in any case involving or potentially involving Title IX.

Reports may be made verbally or in writing. Reports of workplace harassment or discrimination may be made on behalf of another person but should state clearly that the complaint is being made on another person's behalf. Prompt reporting allows the university to address the conduct and, if necessary, take corrective action.

Any individual with supervisory or managerial authority is required to report all formal and informal complaints that they receive or any harassment, discrimination or other act of Prohibited Conduct that they observe or become aware of immediately to the DHT. A supervisor or manager is not a confidential resource, and the DHT likewise is not a confidential resource. Even when an employee asks that a matter be kept confidential or where the employee does not wish to file a formal complaint, the supervisor or manager must report the situation to DHT. When a supervisor or manager makes a report to the DHT, a formal investigation may or may not be necessary, but the DHT must be involved in determining the appropriate response.

The University is committed to a collaborative, flexible response to ensure that the situation is addressed at the most appropriate level and in the most appropriate way. The University's focus is on the resolution of workplace issues fairly and promptly, and the precise manner in which that occurs may vary with the circumstances.

The DHT has the ultimate authority to direct the handling of a particular complaint or concern.

[1] Situations involving employee respondents who are not classroom faculty are handled pursuant to the **University Personnel Non-Discrimination and Anti-Harassment Response Procedure (Staff)** unless otherwise subject to the process described in footnote two (2) below.

[2] The Student Sex- or Gender-Based Discrimination and Harassment Resources and Response Procedures apply where a student is the complainant and the alleged conduct concerns sex discrimination, sexual harassment, domestic violence, dating violence or stalking. Additionally, the university will apply the Student Sex-or Gender-Based Discrimination and Harassment and Sexual Misconduct Resources and Response Procedures (regardless of the faculty, staff or student status of the parties) in any cases where the university determines that Title IX requires the application of the procedures set forth in those documents.

II. The University's Investigation and Response

A. Initial Review

The DHT will conduct an initial review of the complaint or report. The DHT will determine if the situation appears to fall within the scope of the University Personnel Non-Discrimination and Anti-Harassment Policy and Response Procedure. The DHT may direct the complaint to a more applicable policy or procedure.

B. Informal Resolution

The university encourages early disclosure of situations that may constitute harassment, discrimination or other Prohibited Conduct. An individual need not worry about whether the situation currently rises to a level of seriousness sufficient to constitute a violation of university policy, as the university encourages early reporting so as to avoid situations reaching a more serious level. In order to encourage early reporting, and understanding that many individuals with concerns about their work environment are interested in a resolution with the other person(s) involved that is non-punitive, the university considers whether situations are appropriate for informal resolution.

Generally speaking, informal resolution is a voluntary process with the goal of achieving an arrangement acceptable to the parties to resolve the situation. If a complainant or respondent is unwilling to engage in an informal resolution process, an informal resolution generally will not be pursued. However, in some circumstances, the DHT may implement an informal resolution despite the preference of the complainant or respondent for a different outcome. This may be the case where the allegations are such that the appropriate outcome would be non-disciplinary (e.g., an educational mandate, a warning, a separation of the individuals involved, etc.).

An informal resolution generally does not, but may, include a determination as to whether conduct violated the University Personnel Non-Discrimination and Anti-Harassment Policy.

C. Investigation

Any case the DHT determines is appropriate for investigation will be investigated. Not all situations require a formal investigation, and the scope of any factual inquiry will be tailored to the facts and circumstances. In cases where an investigation is appropriate, the investigation will be thorough and as prompt as possible. The University will keep the investigation confidential to the extent possible. However, strict or absolute confidentiality generally is not possible in the course of a thorough investigation.

Broadly speaking, an investigation involves: (i) an opportunity for the complainant to present relevant information, including documents and other evidence relevant to the investigation; (ii) an opportunity for the respondent to respond to the allegations and to present relevant information, including documents and other evidence relevant to the investigation; (iii) ensuring that any witnesses to the incident(s) or individuals with relevant information about the situation are interviewed, and (iv) that any relevant documentation or evidence is collected in the course of the

investigation. The university reserves the right to adapt and modify its investigatory procedure(s), in its discretion, based on the nature of the report and the alleged conduct at issue. A less complex set of allegations generally requires a less expansive investigation, and a more complex set of allegations generally requires a more expansive investigation. Usually, the member of the DHT who initially received the complaint will investigate. However, the DHT may assign other internal or external persons to conduct the investigation. Generally, advisors are not permitted. [3]

In order to ensure that no discriminatory, harassing or retaliatory conduct occurs during the investigation, the university may implement interim measures (e.g. instructing the individuals involved to refrain from communicating with one another, addressing any immediate workplace environment issues) as appropriate. The university may determine that it is appropriate to remove a respondent from the workplace while an investigation is ongoing.

At the conclusion of the investigation, the DHT will determine whether a violation of this Policy occurred and, if such a violation did occur, the appropriate disciplinary and/or other remedial action to be taken. The complainant and respondent will be given notice, in a timely fashion, of the outcome of the investigation and will be provided with a summary of the information gathered in the investigation and the rationale for the outcome. Information about the university's specific responsive action(s) directly concerning the complainant (such as a change in the respondent's work schedule or work assignments to avoid contact with the complainant) is disclosed to the complainant. In order to respect the privacy of personnel records, specific discipline actions imposed on the respondent normally are not disclosed to the complainant.[4]

III. Role of Supervisors and Managers

In addition to being subject to discipline if they engage in Prohibited Conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected harassment, discrimination or other Prohibited Conduct, or otherwise knowingly allowing such situations to continue. Supervisors and managers will also be subject to discipline for engaging in any retaliation or knowingly allowing their subordinates to engage in retaliation.

[3] If the allegations concern sexual assault, domestic violence, dating violence or stalking, the complainant and respondent each may have an advisor, and the advisor may be anyone the party selects, including an attorney. If the respondent is a member of a bargaining unit, the respondent may select as an advisor a union representative regardless of the nature of the allegations; the selection of a union representative does not entitle the respondent to an additional advisor.

[4] In cases alleging sexual assault, dating violence, domestic violence or stalking, the complainant is provided with information concerning discipline imposed.

Report Form for Employees: Reporting Discrimination and/or Harassment

Colgate aims to create and maintain a community whose members can work together in an environment characterized by equal opportunity, inclusiveness, safety, and mutual respect. Furthermore, New York State Labor Law requires all employers to adopt a non-discrimination and anti-harassment policy, a complaint form to report alleged incidents of discrimination and/or harassment, and a process for responding to and resolving such complaints.

If you believe that you have been subjected to, or you believe you have witnessed another person experience, discrimination and/or harassment in the workplace you are encouraged to complete this form and submit it to the Discrimination and Harassment Team (DHT). You will not be retaliated against for filing a complaint. As of 7/1/2022 this team shall include:

- Renee Madison, the Vice President for Equity Inclusion
- Ani Maitra, Associate Provost for Equity and Diversity
- Christopher Wells, Vice President for Administration

If you are more comfortable reporting verbally and/or in-person, please contact the Office of Equity and Diversity (x6161) to make an appointment to speak with any member of the DHT regarding your concern.

Complainant Information: Items marked with a red asterisk (*) are required.

Name of complainant (first and last) *

Job title of complainant *

Work phone number of complainant *

E-mail address of complainant *

Please indicate your preferred communication method *

Supervisory Information: Please provide information about the supervisor of the complainant. **Providing this information does not mean we will automatically contact your supervisor.**

Name of complainant's immediate supervisor (first and last) *

Job title of complainant's immediate supervisor *

Work phone number of complainant's immediate supervisor *

Are there additional complainants who should be associated with this report?*

Complaint Information: Please provide information regarding the person and incident(s) about which you are submitting a complaint.

Name of the person about whom you are submitting this complaint (first and last) *

Job title of the person about whom you are submitting this complaint

Work phone number of the person about whom you are submitting this complaint *

Relationship to you of the person about whom you are submitting this complaint: *

Are there additional people about whom you would like to make this complaint?

Please describe what happened and how it is affecting you and your work. *

Date(s) discrimination and/or harassment occurred

Is the discrimination and/or harassment continuing? *

Please attach any relevant documents or evidence.

Please provide the name and contact information of any witnesses or individuals who may have information related to your complaint.

Information provided in response to the following question may help the investigation.

Have you previously complained or provided information (verbal or written) about related incidents?

Legal Counsel

Harassment or discrimination is not only prohibited by the University, it is also prohibited by state, federal, and, where applicable, local law. Aside from the internal process described in Colgate's non-discrimination and anti-harassment policy and process, individuals may also choose to pursue legal remedies at any time. If you have retained legal counsel and wish for us to speak directly with them please provide their name (and contact information) below.

Name of legal counsel (first and last):

E-mail address of legal counsel:

Phone number of legal counsel:

You may submit this form to any member of the DHT.