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| Subject: | Discrimination and Sexual Harassment Complaints |
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505.1 Purpose

To establish a policy on discrimination and sexual harassment complaints for the Office of the USTC Commissioner.

505.2 Approval

USTC Board of Trustees approval: October 15, 2009. Revised: June 8, 2016; September 13, 2017.

505.3 Policy

- 3.1 **Privacy of Parties:** The privacy of all parties involved in a complaint investigation shall be strictly respected insofar as it does not interfere with the legal obligation to investigate allegations of misconduct, to take corrective action, or as otherwise provided by law.
- 3.2 **Retaliation:** Individuals shall not be subjected to retaliation for initiating or participating in this process.
- 3.3 **Availability of Procedures:** Any employee who is contacted by an individual with a sexual harassment or discrimination issue shall advise that individual of the availability of these complaint procedures. Once informed of an issue related to sexual harassment or discrimination, the employee shall immediately inform the USTC Commissioner. The USTC Commissioner will begin the investigatory process.
- 3.4 **Filing a Complaint:** An individual who believes he or she has been subjected to discrimination or sexual harassment may file a complaint with the USTC Commissioner. The complaint must be written, signed, and allege discrimination or sexual harassment.
- 3.5 **Relationship to Other Proceedings:** All discrimination and sexual harassment complaints must be resolved under this policy. If allegations of discrimination or sexual harassment are raised in proceedings under another policy, the USTC Commissioner shall implement appropriate procedures.
- 3.6 **Dismissal of a Complaint:** A complaint that fails to state a claim of discrimination or sexual harassment, or that is not filed within 120 calendar days of the last alleged discriminatory act, may be dismissed by the USTC Commissioner after an initial review.
- 3.7 **Opportunity to Respond:** The responding party shall be afforded a full opportunity to respond to the allegations.
- 3.8 **Resolution:** At the investigation's conclusion, the USTC Commissioner shall provide a summary of findings and conclusions to the complaining and responding parties. Both parties to the complaint will be afforded the opportunity to respond to the investigative summary and to request a review. If there is no request for a review, the initial finding of the USTC Commissioner shall become the final decision on the matter.



POLICIES

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- 3.9 **Request for Review:** If a review is requested by either party and the complaint has not been previously withdrawn, dismissed, settled, or otherwise resolved, the matter may proceed to a review by the Chairman of the Board of Trustees. The Chairman will review the submitted documentation and recommendations, and shall issue a written decision within ten working days. This will be the final decision, and thereafter the matter will be considered closed.