

Equal Opportunity Report and Response

Investigative Guidelines to University Regulations 4-2 (Harassment and Discrimination) and 4-3 (Title IX and Sexual Misconduct)

1. Any member of the University community (students, staff, faculty, and campus visitors) is required to report acts of discrimination or harassment under UW Regulations 4-2 and 4-3 to the Equal Opportunity Report and Response Unit (EORR), the ADA/504 Coordinator, the Dean of Students, or other University officials. The University will identify and annually train all University personnel who are responsible for reporting and responding to complaints of discrimination regarding UW Regulations 4-2 and 4-3 and these policies and procedures. The training will also include information requiring University personnel to refer specific complaints regarding potential disability discrimination complaints to the University's ADA Coordinator. All investigations are conducted by the EORR.
2. All individuals have the right to contact EORR directly, without first notifying managers or supervisors. Reports may be made verbally or in writing.
3. All University personnel who are informed of complaints of discrimination or harassment are advised to first ensure the health and safety of all individuals, and immediately dial 911 when appropriate. They should then forward all relevant information to EORR.
4. The University will maintain the confidentiality of the information provided by complainants, respondents, and witnesses during the investigation to the extent allowed under state and federal laws. As a public institution, complainants, respondents and witnesses should be aware that some or all of the information disclosed as part of the investigation may be made shared with others. For example, the responding party/parties has a right to know the allegations made against them. Additionally, there may be other instances (such as a lawsuit, legal proceeding, or Wyoming Public Records or Freedom of Information Act request) where the information you provide to EORR may be disclosed.
5. EORR will acknowledge such reports no later than three business days after receipt. EORR will refer individuals to resources as appropriate. If the reported behavior is outside the scope of UW Regulations 4-2, 4-3, or 4-4, EORR will refer the matter to the appropriate department. EORR shall also receive and attempt resolution of anonymous complaints and any complaint involving a University contractor, vendor, or affiliate.
6. EORR may, when appropriate, make a recommendation for intermediate intervention or interim measures to the appropriate Vice President or Dean of the applicable College. Such intervention does not indicate that there has been a violation of policy.
7. EORR is responsible for coordinating the investigative process. The University will address and resolve reports or complaints promptly and as quickly as is practicable after the complaint or report is made. An extension of time may be approved for good cause by the General Counsel or designee.
8. EORR is responsible for gathering the facts associated with the issue and does not act as legal representation for the University. Individuals are allowed to bring a support person, including an attorney, but the support person is not permitted to participate in the review process.
 - a. Separate interviews will be conducted with the Complainant and the Respondent; other individuals may also be interviewed as needed (e.g., witnesses, supervisors, department head.)
 - b. All records of discrimination, harassment and related retaliation reports and investigations shall be considered confidential and shall not be disclosed publicly except to the extent required by law.
9. EORR shall review pertinent records, conduct interviews as appropriate, and prepare a written report. A copy of the report shall be given to the Complainant and the Respondent, as well as the appropriate manager/supervisor. For allegations against faculty, notification will include Academic Affairs and the appropriate Dean. For allegations against students, notification will include the Dean of Students Office.
10. The appropriate Vice President or Dean, based upon the findings of the investigation, shall take disciplinary action where appropriate. When discrimination is found, appropriate corrective action for the Respondent will be implemented in accordance with established university rules, policies and procedures, and the University will take steps to address and prevent recurrence of discrimination found to have occurred as well as to remedy its discriminatory effects on the complainant (and others, as appropriate).

11. Upon verification of corrective action being taken, EORR shall notify the Complainant that corrective action has been taken. The notification shall be subject to all applicable state and federal privacy laws as well as established university rules, policies and procedures.

Retaliation

The University prohibits retaliating against individuals who make a good faith complaint pursuant to UW Regulations 4-2 or 4-3 or in any manner assists with the investigation of such a complaint. Employees and applicants will not be subjected to harassment, intimidation, threats, coercion or discrimination because they have engaged in or may engage in any of the following activities: (1) filing a complaint; (2) assisting or participating in an investigation; (3) opposing any act or practice that is unlawful; or (4) exercising any other right protected by law.

Charges of retaliation prohibited under UW Regulation 4-2 or 4-3 shall be treated as separate and distinct from original charges of discrimination and will be investigated by EORR.

Individuals who are found to be participating in any form of employment or educational based retaliation against any employee or student may be subject to disciplinary action up to and including separation from the University.

Similarly, persons who file frivolous or bad faith allegations of discrimination may be subject to disciplinary action.