



## Age-Based Complaint Procedure

Charles R. Drew University of Medicine and Science prohibits discrimination against members of the campus community and applicants on the basis of age among other protected characteristics in accordance with federal and state laws. The University values a diverse and inclusive student body and workforce which includes persons of all ages. Therefore, it prohibits discrimination in the form of differential (less favorable) or inequitable treatment because of a person's age. These individuals are also protected from harassment as a form of discrimination which creates a hostile, offensive and/or intimidating work or academic environment based on their age. Protected employees (including faculty), students, and others including applicants for admission, alleging they have been discriminated or harassed because of their age may avail themselves to the complaint and resolution process set forth herein.

### **I. Complaint Process**

Employees and students are encouraged to speak directly with their supervisors or school administrator regarding conduct or practices in their work or academic environment they perceive as ageist or discriminatory based on age, so the University is aware of the concern. Managing administrators are required to notify and consult with the Department of Human Resources or the Compliance/EEO Officer regarding the alleged conduct so further action can be taken to address the concern(s).

If the individual does not wish to speak with a Managing Administrator, if the administrator is the subject of the alleged ageist conduct, or if this process does not resolve the individual's concern, the individual can file a complaint in two ways:

1. Complete the **Complaint of Discrimination** form and submit it to the Office of Compliance, EEO and Diversity. The Compliance, EEO and Diversity Officer will request a meeting with the individual filing the complaint (Complainant) to assess and review its details and the applicability of the Resolution Procedures set forth below in Section II.

Or

2. Utilize the University **MySafeCampus Alert Line** and submit concerns by telephone [800.716.9007](tel:800.716.9007) or website [www.mysafecampus.com](http://www.mysafecampus.com). The Compliance/EEO Officer will request a meeting with the individual filing the complaint (Complainant) to assess and review the details of the complaint and application of the Resolution Procedures set forth below in Section II. Individuals have the option to remain anonymous via this reporting system; however, anonymity can reduce the University's ability to fully assess or otherwise investigate the concerns/complaint and may impact the available redress.

## II. Resolution Procedure

The University has informal and formal processes to resolve complaints. The appropriate resolution process will be determined by the nature and severity of the allegations.

### A. Informal Resolution

An informal process may be appropriate in circumstances where the conduct complained of is not severe, is isolated or does not involve a pattern of behavior in violation of University policy, and might otherwise arise from a misunderstanding between the parties identified through the complaint.<sup>1</sup> An informal process is a mediated resolution between the parties facilitated by the EEO Officer or appropriately trained designee (Mediator). This attempt at resolution shall be conducted no later than ten business 10 days from the date the concern/complaint was reported.

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<sup>1</sup>An informal resolution may also be appropriate in response to anonymous or third-party reports.

1. The Mediator will meet with the parties separately to ascertain and develop a framework to communicate the relevant portions of the complaint/concern and the parties' respective positions.
2. The parties shall sign an Informal Resolution Agreement that explains the guidelines for the informal process.
3. The parties and Mediator will meet collectively, and the Mediator will facilitate a discussion for resolution.
4. Any agreed outcomes will be documented and maintained by Human Resources.

If a sufficient resolution is not reached, the EEO Officer and/or Human Resources (staff) or Academic Affairs (for students or faculty) will refer the complaint to the Formal Investigation process in cases where the allegations may constitute age discrimination.

The EEO or other University Officer retains the right to decline a request for an informal process if it is determined that an informal process is inconsistent with the purpose or guidelines established.

#### B. Formal Investigation Process

An age discrimination complaint is subject to investigation by the University's EEO Officer or other designated personnel, properly trained to conduct such investigations in order to establish the relevant factual evidence in connection to the Complainant's allegations. The process will include:

1. Upon receipt of a report or complaint, the investigating Officer will meet with the Complainant and review the allegations to ascertain:
  - a. The nature of the behavior/concern
  - b. The effect or impact of the behavior on them or the work/academic environment
  - c. The resolution sought
  - d. Dates and details of any witnesses to any incidents; and any documentary or other evidence

- e. Any prior or additional attempts to resolve the concern(s)
2. The responding party (Respondent) will be notified of the pending investigation. A memorialization of the allegations being investigated will be sent to the Complainant and Respondent within **five (5) business days** of the report, whenever possible. The parties shall be advised of the investigation process and applicable University policies, time frames and support counseling/resources available.<sup>2</sup>
3. The Officer's investigation may include:
  - a. Interview/follow-up with the Complainant
  - b. Interview/follow-up with the Respondent
  - c. Interviewing witnesses, as necessary
  - d. Collecting documentation and other evidence, as necessary

The investigating Officer will strive to complete the investigation no later than **thirty (30)** business days of receiving the report or complaint, unless there is a sufficient basis to extend this timeline. The parties will be informed of any extension of the investigation beyond the initial 30 days. The investigation will not exceed 60 business days without the written consent of the parties.

The parties and witnesses are expected to cooperate in the investigation through its conclusion.

4. The investigating Officer will evaluate the information gathered using a preponderance of evidence standard, to determine if the University policy or state or federal law prohibiting age discrimination has been violated. These findings will be memorialized in a report which includes:
  - a. An analysis of the evidence gathered relevant to the allegations relied upon for the findings.

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<sup>2</sup>Some circumstances may necessitate fact-finding before the investigating Officer conducts or engages the Respondent in order to ensure the preservation of evidence, establish the existence of preliminary facts or protect the health and safety of others.

- b. Recommendations for possible courses of action; or, any other recommendations relevant to the findings or facts emanating from the investigative process.
  - c. The report will be submitted to the Division Head and Human Resources.
5. The Division Head (i.e. Provost or Vice President) or their designee, will be responsible for reviewing the written report and determining further action, as necessary, in consultation with Human Resources.<sup>3</sup> The Division Head, or designee will inform the parties of the outcome of the investigation consistent with personnel and privacy practices.

Possible outcomes may include:

- a. Implementation of steps to restore a reasonable working relationship between the parties. This would be appropriate where the claims of age discrimination are not substantiated, and there is a continuing working nexus between the parties.
- b. Initiate training, coaching and monitoring for either party when appropriate if the evidence does not support age discrimination, but the demonstrated behaviors by either party are likely to lead to further issues between them if unresolved, or there are structural issues within the department that require management attention.
- c. Implement disciplinary action where the Division Head or designee, is reasonably satisfied that evidence, by a preponderance, supports the allegations of age discrimination. Such actions can include suspension without pay, termination or expulsion from the University.
- d. Provide appropriate remedies to the complainant, including reinstatement, grade adjustments, counseling, tutoring, and/or other actions designed to eliminate the effect of any discrimination found to have occurred.

The Division Head or designee, shall notify the parties of the outcome of the investigation within **ten (10)** business days of receipt of the investigative report. This time line may be extended for extenuating circumstances, including further fact-finding, and the parties shall be made aware of any time extension, not to exceed 30 business days.

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<sup>3</sup>Such consultation may include deferring the report or submitting the matter for further fact-finding, which under customary circumstances should be in consultation with the investigating Officer.

## **Confidentiality**

Confidentiality in the investigative process will be maintained to the extent possible to protect its integrity. However, when necessary, information may need to be disclosed to further the investigative process or facilitate an essential outcome relevant to the fact-finding process, protect the safety of others, or as required by law.

## **Non-Retaliation**

Charles R. Drew University of Medicine and Science prohibits retaliation against any individual who reports or complains of discrimination based on age, or who participates in an investigation of a claim of discrimination or harassment or its resolution.

Retaliation includes threats, intimidation, reprisals or adverse actions in the employment or academic environment. Individuals who believe they have been subjected to retaliation may file a complaint with the EEO Officer or Department of Human Resources.

## **External Reports**

Discrimination, harassment and retaliation is prohibited by state and federal law. In addition to the internal resources described above, individuals may pursue complaints directly with the government agencies having oversight, such as the United States Department of Education, Office for Civil Rights <https://www2.ed.gov/>; United States Equal Employment Opportunity Commission <https://www.eeoc.gov/>; State of California, Department of Fair Employment and Housing <https://www.dfeh.ca.gov/>.