

Northeastern University

Equal Opportunity Complaint Procedure

Related Policies: [Policy on Equal Opportunity](#), [Policy on Non-Fraternization](#), [Policy on Sexual Harassment](#)

Responsible Office: Office for University Equity and Compliance

I. Purpose and Scope of this Procedure

These procedures set forth the options and steps for reporting allegations of discrimination and harassment and/or retaliation. Terms used in these procedures are those used in the Policy on Equal Opportunity.

In order to provide a safe and non-discriminatory living, learning, and working environment, Northeastern University prohibits discrimination, including harassment on the basis of race, color, religion, religious creed, genetic information, sex (including pregnancy or pregnancy related condition), gender, gender identity, sexual orientation, age, national origin, ancestry, veteran or disability status. Discrimination, including harassment is defined in the University's [Policy on Equal Opportunity](#).

The Office for University Equity and Compliance (OUEC) is responsible for enforcing university policies prohibiting discrimination, including the [Policy on Equal Opportunity](#), [Policy on Sexual Harassment](#) and [Policy on Non-Fraternization](#) (the Policies). Under this procedure, faculty, staff, students, and certain third-parties may report and seek resolution of complaints of discrimination.

The Procedure offers two forms of resolution for complaints of discrimination, as well as complaints of alleged retaliation, as defined by the Policies:

1. The Informal Resolution Procedure is a voluntary and remedy-driven pathway to a complaint resolution that is acceptable to the Complainant, Respondent, and the OUEC without a full university investigation and without official findings of fact.
2. The Formal Resolution Procedure provides a structured process for investigating and resolving complaints that includes official findings of fact.

The University takes all complaints of discrimination seriously, and will take steps to prevent its recurrence and remedy discriminatory effects where appropriate.

II. Informal Resolution Procedure

The Informal Resolution Procedure offers a way to discuss, evaluate and resolve perceived instances of discrimination without initiating a comprehensive investigation through the Formal Resolution Procedure.

Employees and students have the option to attempt to resolve complaints at the lowest level through the relevant administrative structure of the employment unit or academic department. Some reports of discrimination, specifically those implicating violence or particularly severe harassment, may not be appropriate for resolution under an informal review and the university reserves the right to proceed with a formal investigation at any time.

In keeping with the nature and spirit of an informal resolution, the university would not make a determination as to whether a Respondent(s) has violated the Policies. Instead, the OUEC attempts to facilitate a mutually acceptable resolution through the use of conflict resolution techniques.

Any combination of the options offered under the Informal Resolution Procedure may be utilized in any order. Informal options may include:

- **One-on-One Communication:** If either party wishes to address a situation without the direct involvement of a third party, they may communicate directly with the other party. This option is appropriate if neither party feels threatened and there is no risk of physical harm.

Parties are NOT required to engage in one-on-one communication before seeking third party assistance.

- **Informal Resolution with the Assistance of a Third Party:** A Complainant may seek assistance in informally resolving a report of discrimination from the OUEC. Depending on the nature of the concern, OUEC may bring in various university partners, including, but not limited to (i) the Complainant's supervisor, if the Complainant is an employee; (ii) the Respondent's supervisor, if the Respondent is an employee; (iii) a Human Resources Management representative; (iv) the Ombuds Office; or (v) the Disability Resource Center.
- Possible outcomes of an informal resolution may include, but are not limited to, a written understanding about future conduct, broad-based educational programming or training for relevant individuals or groups, or any other remedial or protective measures that can be tailored to the involved individuals.

If the Complainant requests that the Informal Resolution Procedure be utilized, the following steps shall be taken:

1. OUEC shall request to meet with Complainant, if necessary, to determine whether the complaint states a potential violation of the Policies.
 - a. If OUEC determines that the Complainant's allegations, if true, does not constitute a potential violation of the Policies, or that OUEC has no jurisdiction in the matter, OUEC staff will provide appropriate referrals to both on and off-campus resources. If new information is subsequently provided to OUEC, OUEC may reevaluate whether the allegations constitute a potential violation of the Policies and/or whether OUEC has jurisdiction to investigate.
2. If OUEC determines that the Complainant's allegations, if true, constitutes a potential violation of the Policies, OUEC will notify the Respondent, in writing, that a complaint has been filed against them and that the Complainant has requested an informal resolution. The Respondent may agree to the informal resolution or request a formal investigation.
3. If the Respondent agrees to an informal resolution, the investigator(s) will request to meet separately with the Respondent, and the Complainant, if necessary, for an interview.
4. Both the Complainant and the Respondent will have the opportunity to provide relevant documentary evidence (e.g., photographs, text messages, emails, phone records, receipts, etc.) and the names of any and all relevant witnesses with information about the alleged discrimination. Witnesses cannot participate solely to speak about an individual's character.
5. A summary of the informal process shall be kept on file with OUEC, but will not be considered to be part of the personnel files of the Complainant and the Respondent.
 - a. Complaints resolved informally requires mutual acceptance by the Complainant, the Respondent(s), and the OUEC through a Memorandum of Agreement (MOA). The MOA (1) must be signed by the Complainant, the Respondent(s), and OUEC, (2) shall state the conditions of the resolution, if any, and (3) that the resolution of the complaint via the MOA does not imply an admission of wrongdoing or a clearance of charges. The MOA shall also state which issues are being resolved by the parties and which issues remain unresolved, if any.

- b. If an informal resolution is not achieved, the investigator will notify all parties in writing that the informal process has terminated without a resolution.

If resolution of the report of discrimination is reached through one of the Informal Resolution options, the matter will be considered closed. If resolution is not reached, if OUEC determines that further process is necessary, or if either party fails to comply with the terms of any agreed resolution, OUEC will initiate the Formal Resolution Procedures.

The university retains the discretion and authority to determine whether the Informal Resolution Procedure is inappropriate or is no longer appropriate. The university will consider, among other things, the following factors in making its decision: the length of time of informal review process, the results of the informal process, the gravity of the alleged offense, the risk of harm to an individual, the risk of a violation of law, or any other reason that necessitates elevation to the Formal Resolution Procedure.

III. Complaints Addressed By Others

The Assistant Vice President for University Equity and Compliance reserves the right to decline to investigate any matter which they believe is being or has been addressed in a sufficient and reasonable manner by another department or office within the university.

IV. Formal Resolution Procedure

The Formal Resolution Procedure includes a thorough investigation by OUEC into the allegations of the complaint in order to reach a determination as to whether the Respondent(s) has violated the Policies. Complainants may initiate the Formal Resolution Procedure by filing a complaint with OUEC, regardless of whether resolution under the Informal Resolution Procedure has been attempted. OUEC responds to complaints in accordance with the procedures outlined below. However, there may be circumstances that support a departure from these procedures, and, should such circumstances arise, OUEC will advise the parties.

STEP 1: FILING A COMPLAINT

Any university faculty, staff, student, and certain third-parties may file a complaint directly with OUEC against a student, staff or faculty member, or university volunteer, vendor, contractor or visiting faculty who is believed to have engaged in behavior constituting discrimination as outlined in the Policies.

OUEC strongly encourages the use of its on-line [Complaint Form](#), which is structured to assist Complainants in documenting their allegations and providing OUEC with sufficient information to evaluate the complaint. The complaint should include: (1) the Complainant's name and contact information; (2) the name of the Respondent(s); (3) an explanation of the conduct believed to constitute discrimination or retaliation with approximate date(s) of when these actions occurred; and (4) a brief description of why the Complainant believes that the alleged conduct at issue is based on one or more protected categories.

Complaints may be submitted to OUEC in any one of the following ways:

- On-line [Complaint Form](#)
- Email to OUEC@northeastern.edu
- Verbal complaints or hand-delivery of written complaints at OUEC's main office at 125 Richards Hall
- Mail to:

Office for University Equity and Compliance

360 Huntington Avenue, 125 Richards Hall

Boston, MA 02115

Reports of Title IX Prohibited Offenses involving students such as sexual assault, sexual exploitation, domestic violence, intimate partner violence, dating violence, stalking, retaliation and/or sex or gender-based harassment are addressed by the University's Policy on Rights and Responsibilities Under Title IX and separate procedures referenced in that policy, which outline the investigation and resolution of claims of Prohibited Offenses. Reports of Prohibited Offenses can be reported to OUEC by completing the form available at: [Reporting to OUEC](#) or in person at OUEC. OUEC's policy, as well as other helpful information can be found at <https://www.northeastern.edu/titleix/>.¹

STEP 2: INITIAL ASSESSMENT OF COMPLAINT

1. OUEC shall determine whether the complaint states a potential violation of the Policies.
 - a. If OUEC determines that the Complainant's allegations, if true, do not constitute a potential violation of the Policies, or that the OUEC has no jurisdiction in the matter, OUEC staff will provide referrals to both on and off-campus resources. If new information is subsequently provided to

¹ For purposes of Title IX, Human Resources Management representatives are Responsible Employees and are required to share any allegation with the OUEC.

witnesses with information about the alleged discrimination. Witnesses cannot participate solely to speak about an individual's character.

- b. The investigator(s) may continue to investigate the alleged discrimination or retaliation and produce an investigative report based on the available information, regardless of participation by the parties.
 - c. The investigation may also include the review of any documentation, reports, video or other items the investigator deems relevant to the allegation.
 - d. The investigator(s) has the discretion to determine the relevance of any witness or evidence and may exclude irrelevant, immaterial or unduly prejudicial information in preparing the investigative report.
3. The investigator(s) will provide each interviewed party a written interview summary for review via their university email account. The interviewed party will review the summary and, within two (2) business days of receipt, will confirm the summary's accuracy or provide a written response. Failure to respond within two (2) business days will be considered confirmation of the accuracy of the summary. The investigator(s) will review any written response by an interviewed party and will incorporate into the investigative report information deemed relevant in the discretion of the investigator(s).
 4. The investigator(s) will submit the Investigative Report to the Assistant Vice President for OUEC for review. The Assistant Vice President will review the Investigative Report to assess its thoroughness, reliability and impartiality.

STEP 4: ISSUANCE OF INVESTIGATIVE REPORT

The university utilizes a "preponderance of the evidence" (more likely than not that a policy violation occurred) standard in the review of allegations of discrimination and retaliation.

When the Respondent is an Employee

Following completion of its investigation, OUEC will issue a Notice of Investigative Findings concurrently to both parties setting forth its findings and the rationale for its conclusions. As appropriate, a copy of the Notice will also be forwarded to the administrative official immediately responsible for supervision of the Respondent and the appropriate Vice President, Dean, or Director for the unit in which the Respondent works.

- OUEC may, as appropriate, provide the offices identified in Step 4 with recommended action.

When the Respondent is a Student

Following completion of its investigation, OUEC will refer the investigative summary, that does not include a recommended finding, to the Director of Office for Student Conduct and Conflict Resolution (OSCCR). Resolution of cases when the respondent is a student will follow the procedures established in the [Code of Student Conduct](#).

STEP 5: RESPONSIVE ACTION AND/OR APPEALS

The offices identified in Step 4 are responsible for determining appropriate disciplinary and/or other responsive action when an investigation results in a finding of responsibility, consistent with applicable university policies. These offices will also promptly and simultaneously convey, in writing, their decision to the parties.

- A summary of the Formal Resolution Procedure and any notice of disciplinary and/or other responsive action shall be kept on file with OUEC.
- When an investigation results in a finding of responsibility for violating policy for an employee, the Notice of Investigative Findings and any notice of disciplinary and/or other responsive action will be added to the official personnel file of the Respondent.

Facts established as part of an OUEC investigation that reveal conduct which may violate other university policies, procedures or commonly accepted norms of conduct will be referred to the appropriate office for review.

Appeals Procedures

Complainants and Respondents may appeal a finding issued under these procedures by following the process outlined in this section.

In cases where a student is found responsible for a violation of the Policies and wishes to appeal, the written appeal must be filed with OUEC within five (5) business days of the Notice of Investigative Findings. The appeal will be referred by the Assistant Vice President of OUEC to the Director of OSCCR in accordance with the appeal procedures outlined in the [Code of Student Conduct](#).

The following Appeals Procedure applies in cases involving appeals by staff or faculty members.

1. The Complainant or the Respondent may file a written appeal to the Assistant Vice President of OUEC which specifies the grounds upon which the appeal is based and any supporting materials within five (5) business days of the issuance of the Notice of Investigative Findings. The Assistant Vice President of OUEC

has the discretion to extend the deadline for submission of the appeal. The only accepted grounds for appeal are:

- new, relevant information not reasonably available by the completion of the investigation which would have materially affected the outcome of the investigation; or
 - procedural error that prevented the appealing party from a fair opportunity to present information and/or witnesses.
2. Once the appeal materials are submitted to the Assistant Vice President of OUEC, the non-appealing party and the investigator will be notified of the appeal and given an opportunity to provide a response within two (2) business days. An Appeal Officer will be appointed by the Assistant Vice President of OUEC to consider the appeal.
- If an appeal is granted on the basis of new information, the Appeal Officer will determine if the new information could alter the original finding of fact.
 - The investigator, the parties, and if required, witnesses, may be reconvened to review only the new information. The Appeal Officer will render a decision based on all relevant information provided.
 - If an appeal is granted for procedural error, the process will reset to the point at which the procedural error occurred and proceed from that point.
3. At the conclusion of the appeal, both the Complainant and the Respondent will be notified, in writing, of the outcome by the Assistant Vice President of OUEC, and the written summary will be forwarded to the appropriate office for consideration of the Investigative Findings.

V. Contact Information

Office for University Equity and Compliance (617) 373-4644

Human Resources Management (617) 373-2230

Ombuds Office (617) 373-3362

Office of the General Counsel (617) 373-2157