

C-FSC's Resolution, Approved May 3, 2022:

Proposed Safeguards for the Office of Equal Opportunity's Current Method of Investigating Alleged Violations of the University's Non-Discrimination Policy

Whereas an accusation of prohibited discrimination, leveled against any member of the academic community, is a serious charge, one that could destroy the accused's academic career, and

Whereas the university's Office of Equal Opportunity (OEO) often investigates such accusations, and

Whereas these OEO investigations are important to the university as a whole, and

Whereas OEO currently has no policy to allow an attorney or other advocate to be present when the accused meets with investigators, except in cases where the accused is a union member, and

Whereas OEO's current practice is to deny the accused any written statement that specifies the words or conduct that are alleged to have violated the university's non-discrimination policy, and

Whereas OEO's current practice is also to deny the accused any written statement of the evidence supporting such an accusation, and

Whereas OEO's current practice is to deny the accused any written statement of the reasoning by which OEO has concluded that a violation of the policy has actually occurred, and

Whereas providing the accused a written statement of these elements—of the alleged words or conduct, of the alleged evidence, and of the reasoning by which OEO reaches a finding of fact—is basic to any rational disciplinary process, and

Whereas providing the accused a written statement of these elements is also basic to any reasonable process of appeal, in cases where OEO may have mistakenly endorsed an accusation that was false or unsubstantiated, and

Whereas it is possible to protect witnesses from retaliation, and protect their confidentiality, without making the entire process of investigations effectively secret, with no substantive documentation that the accused ever sees, and with no external checks to prevent a miscarriage of justice, and

Whereas the current practices at OEO, as detailed above, will tend to undermine the credibility of such investigations by OEO, and will do so at a time when the C-FSC

believes that the non-discrimination policy is vitally important to the university, and in need of strict enforcement,

NOW, THEREFORE, BE IT RESOLVED that the C-FSC recommends changes to the current method of investigating alleged violations of the university's non-discrimination policy for employees, so as to provide safeguards against false or unsubstantiated accusations, and other miscarriages of justice, to wit:

1. All those accused of violating the university's non-discrimination policy shall be entitled to representation by an attorney or advocate whenever they appear before investigating officers.
2. Anyone accused of violating the policy shall be entitled to a written statement from the university that specifies the words or conduct that are alleged to have violated the policy.
3. Anyone accused of violating the policy shall be entitled to a written statement from the university of the evidence supporting the accusation, with no redactions other than those required to protect witnesses from retaliation.
4. Anyone accused of violating the policy shall be entitled to a written statement from the university of the reasoning by which the investigating officers have concluded that the accused has indeed violated the policy.