



EEO Complaint Resolution Procedures

PURPOSE

Provide uniformity in the processing of Equal Employment Opportunity (EEO) complaints in response to MCG's non-discrimination policy. This procedure covers classified and non-classified employees, and applicants for employment of MCG to address grievances specifically related to discrimination based on the protected categories (*Chart A*).

PROCEDURE

Resolution at departmental level is strongly encouraged for EEO complaints under the direction of the AA/EEO Office. A consultation between the department and AA/EEO Officer will take place to determine how the management review will proceed. **All sexual harassment complaints** are to be reported directly to the AA/EEO Office. A complainant should file an EEO complaint directly to the AA/EEO Office within **180 calendar days** from the date of the last alleged discriminatory act. An *EEO Complaint Form* will be utilized to capture the details of the complaint. EEO complaints that exceed the 180 calendar day period may be sent to the Provost by the AA/EEO Office for consideration in allowing the AA/EEO Office to resolve the complaint. The AA/EEO Office also encourages mediation as a viable option for settling disputes. For further information, contact the Legal Office.

The complainant is required to provide sufficient information to substantiate discriminatory allegations. The charged party (one who is accused of discriminatory act) will be allowed to review the allegations and to provide an explanation and/or denial statement regarding the allegations. At this juncture, a determination will be made by the AA/EEO Office as to whether or not to proceed with a formal investigation or to proceed with a management review. In any proceedings, the investigation will be under the direction of the AA/EEO Office.

Written notification of an EEO complaint will be sent to the Department Chair or Division Director of a complainant's department/school, charged party, Provost, Director of Human Resources Division, and Legal Affairs Office. The notification will occur within five days after an EEO counselor has signed an *EEO Complaint Form*. If the charged party is the Department Chair or Division Director of the department/school, notification will then be sent to one of the following appropriate individuals: Dean, Vice President, Provost, and/or President.

Investigation

Throughout the investigation, confidentiality will be kept to the extent allowed by law and that it does not impede the investigation or taking corrective actions. Participants may have a person (non-legal) attend investigatory meetings. Participants are also protected against any form of retaliatory acts due to participation in an EEO complaint and/or investigation. If participants believe they are being subjected to retaliation, AA/EEO Office should be notified immediately.



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Normally, the AA/EEO Office has thirty days to conduct an investigation and provide the Provost with a *Findings and Recommendations Report*. If an investigation is to exceed the thirty days, written notification to the Provost must be provided regarding the mitigating circumstances and the expected completion date. The complainant, management, and/or accused person will be notified within five working days after the Provost has reviewed the *Findings & Recommendations Report* and the AA/EEO Office has reached a conclusion. A resolution will be finalized with the appropriate parties and implemented within a reasonable period of time not to exceed ten days.

In the event that the department has resolved an EEO complaint, the *EEO Complaint Form* should be utilized and all original documents, notes, findings and resolutions should be forwarded to the AA/EEO Office.

Appeal Process

A complainant may appeal the AA/EEO Office's conclusion or a departmental resolution. In the instance of a complainant, written notice should be sent to the President of MCG within five working days from the receipt of the decision. In the case of a departmental resolution, either party may appeal the decision with written notice to the AA/EEO Office.

External Complaints

The AA/EEO Office is responsible for responding to complaints from the Equal Employment Opportunity Commission (EEOC) or Georgia Commission on Equal Opportunity (GCEO). The Office will elicit information from sources that have information related to the external complaints (e.g. departments, human resources, etc.) in order to facilitate an appropriate response. A response time is preset by the external agency and the institution must comply with this time.

Record Keeping

The AA/EEO Office will maintain a complete record of EEO complaints for a period of two years from the date of resolution, after which it will be archived off-campus for a period of seven years.



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Chart A - EEO Protected Categories

Protected Category	Define
Age	Age (40 years or older)
Color	Skin color
Disability	Perceived or known physical or mental disability; accommodations for disability
Gender	Sexual harassment, sex discrimination, pregnancy, child bearing/rearing, wages based on gender, status as a parent
National origin	Place of birth, parentage
Race/Ethnicity	Examples: African-American, Chinese-American, Caucasian, Hispanic, etc.
Religion	Belief, practice, and/or celebration of one's spiritual faith; accommodations for religious holidays, practice, etc.
Retaliation	Adverse action taken against a person for participation in any EEO complaint whether alleged or validated.
Sexual orientation	Sexual preference or perceived sexual preference for member(s) of same or opposite gender
Veteran status	Status as a Vietnam Era veteran
EMPLOYMENT DECISIONS CAN NOT BE BASED ON ANY OF THESE EEO PROTECTED CATEGORIES.	