I. Introduction

Duke University and Duke University Health System (“Duke”) are committed to encouraging and sustaining a learning and work community free from discrimination, harassment, and related misconduct. Duke is committed to an inclusive community that respects and values all of its members, including undergraduate students, graduate and professional students, faculty, and staff (including house staff). The Office for Institutional Equity (OIE) is responsible for administering the Policy on Discrimination, Harassment, and Related Misconduct (“Policy”) and its implementing procedures. Questions about the Policy should be directed to OIE, Smith Warehouse, 114 S. Buchanan Blvd., Bay 8, Durham, North Carolina 27708, (919) 684-8222, oie-help@duke.edu.

II. What Conduct is Prohibited by the Policy?

The Policy prohibits discrimination and harassment on the basis of race, color, national origin, sex (including pregnancy), gender, gender identity, gender expression, sexual orientation, religion, genetic information, age, disability, or veteran status (collectively, “protected status” or “protected characteristics”) in all of Duke’s employment and education programs and activities. The Policy also prohibits relationship violence and stalking. It also includes failing to provide reasonable accommodations to a qualified person with a disability or to reasonably accommodate an employee’s religious beliefs or practices. Finally, it prohibits retaliation against anyone involved in a complaint of discrimination or harassment (as complainant, respondent, or witnesses), anyone who opposes discrimination in some other way, and anyone who requests accommodations. The Policy recognizes and will be applied consistent with the University’s principles of academic freedom.

III. Who Does the Policy Apply to?

The Policy protects all members of the Duke community from discrimination, harassment, and related misconduct. This includes students, staff, faculty members, physicians, post-doctoral scholars, and temporary and contract employees. It also applies to applicants for admission and employment, visitors, visiting scholars, patients, employees of Duke contractors, and visitors. It

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1 This document summarizes the Policy on Prohibited Discrimination, Harassment, and Related Misconduct. The Policy itself can be found at https://oie.duke.edu/sites/default/files/u33/Disc-Har_Consolidated_13May2019.pdf and should be consulted for any questions regarding its application. For
applies to misconduct that takes place on university or health system property or in a university or health system-related activity. It may also apply in some circumstances to conduct that occurs off university or health system property and not in the context of a university or health system related activity.

However, the Policy may not apply to cases alleging discrimination, harassment, and related misconduct carried out by students:

- The Office of Student Conduct will handle cases alleging sexual misconduct carried out by an undergraduate, graduate, or professional student under the procedures in the Student Sexual Misconduct Policy.
- The Office of Student Conduct will handle cases alleging discrimination, harassment, and related misconduct other than sexual misconduct carried out by an undergraduate student under the procedures in the Duke Community Standard in Practice.
- The accused student’s school or college or the Office of Student Conduct may handle cases alleging discrimination, harassment, and related misconduct other than sexual misconduct carried out by a graduate or professional student.

For a flowchart indicating the policies and procedures applicable to misconduct by different members of the Duke community, click [here](#).

Individuals with workplace, academic, or other concerns not covered by this policy have a number of other resources to address them. These include administrators or managers within their program, office, or school; Staff & Labor Relations in Human Resources; the Faculty Ombudsperson and the Faculty Hearing Committee; the Personal Assistance Service; union representatives for those in a bargaining unit; and the Student Ombudsperson for the University and/or the Medical School.

**IV. Where Can I Report Discrimination, Harassment, and Related Misconduct?**

Duke encourages all individuals to seek the support of on and off campus resources, regardless of when or where the incident occurred. These resources can provide guidance on reporting options and information about counseling, support, and the complaint process. Information on both confidential and formal resources can be found [here](#) on Page six of the Policy on Prohibited Discrimination, Harassment, and Related Misconduct.

**V. What Are the Complaint Procedures?**

A. Timeliness

In order to maintain and support a community that is respectful and free from discrimination, harassment, and related misconduct, we urge individuals to come forward with reports of concerns or with complaints. Complainants and other reporting individuals are encouraged to seek assistance and utilize available resources if they feel they have been subjected to or receive
reports of such conduct. In order to maximize Duke’s ability to respond promptly and effectively, individuals are encouraged to report such incidents as soon as possible, preferably within one year after the most recent alleged misconduct.

B. Confidentiality

Duke will attempt to protect the confidentiality of the complaint process as much as possible. Investigators, advisors, mediators, members of hearing panels, and any others participating in the process on behalf of Duke will keep information obtained through the process confidential. All other participants in the process (including the complainant, respondent, non-Duke advisors, and witnesses) are expected to respect the confidentiality of the proceedings and circumstances giving rise to the dispute. We ask participants in the process to not discuss the matter with anyone except those persons who have a genuine need to know.

C. Informal and Formal Procedures

There are several ways in which a concern or complaint can addressed.

1. Informal Procedures: For example, when a complainant does not wish to pursue a harassment or discrimination concern through a formal complaint, the matter may be addressed informally. This could include:

   - One-on-One Meeting between the parties, either alone or with an appropriate third party.
   - Intervention by Supervisor to provide assistance in addressing the behavior.
   - Intervention by a Harassment Prevention Advisor (HPA).
   - Facilitated Conversation or Mediation between the parties. If all parties are willing, OIE may arrange for a facilitator or mediator to help resolve the problem.
   - Training, Education, or Coaching.

2. Complaint Process: Where an informal resolution has not been successful or where the parties do not wish to try it, the complainant can file a complaint with OIE. The complaint should identify the complainant, the respondent, and the specific allegations of the prohibited conduct. OIE will assign the complaint to two investigators from within the Duke community. The investigators will give all parties the opportunity to provide information during the investigation. The investigators will share information obtained during the course of the investigation with the parties and give them the opportunity to respond. The investigation process will generally take no longer than 45 business days from the date the complaint is put into writing. If it will take longer, the parties will be notified.

Advisors: The parties have the right to an advisor of their choosing present at meetings with the investigators. The advisor’s role in any meeting is limited to quietly conferring with the complainant or respondent through verbal or through written correspondence.

Accommodations: Individuals with disabilities may request reasonable accommodations during the investigative process. OIE will consult with the Disability Management System to determine
what accommodations might be appropriate based on documentation provided by the individual regarding the nature of the disability and its impact on the individual’s ability to participate in the proceedings.

**Interim measures:** During the course of the investigation and when appropriate, the department, office, or school, in consultation with OIE, may take interim measures to insure the safety of the individual(s) involved in the investigation, including the parties and/or witnesses.

**Determination:** Once the investigation is completed, the investigators will provide the parties with a written investigative report which will contain a summary of the investigation, any factual findings, and the determination as to whether there is a violation of the Policy. The report submitted to the complainant will also include any remedial actions to address any harm to the complainant caused by the violation. OIE will verify that the actions have been implemented.

**Disciplinary Actions:** In consultation with OIE, the responsible official (usually the respondent’s manager, director, chair, or dean) will determine the appropriate disciplinary action(s) or sanction(s), taking into consideration all of the circumstances of the current incident(s), as well as any prior admissions and/or findings of a violation. Examples include progressive disciplinary action; prohibition from various academic or managerial responsibilities involving the complainant or others; restrictions on a respondent’s access to University facilities; and suspension or dismissal/termination from the University. Again, OIE will verify that the actions have been implemented.

**Appeals:** Either party has the right to appeal the determination of the investigators as to whether there is a Policy violation if:

1. The determination and/or material findings are clearly erroneous when evaluated in light of the information obtained during the investigation;
2. A party presents new information not reasonably available at the time of the investigation and material to the findings or determination; and/or
3. There were procedural error(s) that materially affected the investigators’ decision.

Appeals must be in writing, identify the ground(s) for the appeal, and be submitted to the Vice President for Institutional Equity. Appeals will be heard by a panel of specially trained members of an Appeals Board appointed by OIE under the procedures and timelines set out in the Policy. The panel will provide the non-appealing party with an opportunity to respond to the appeal in writing before scheduling a meeting on the appeal. The decision by the appeals panel to uphold or overturn the findings and determinations is final.

**VI. Coordination with Other Policies and Procedures**

Nothing in these procedures affects the rights of faculty and staff under other Duke policies and procedures, such as the Faculty Hearing Committee or the Dispute Resolution Process. However, OIE should be informed of the results of any such proceedings. The OIE Discrimination and Harassment Q&As provide further explanations of the relationship and interaction of the various procedures.