

The A/P Staff Welfare Committee, upon its review of the August 28, 2009 working draft of the Sexual Harassment Complaint and Investigation Procedures, recommends that the items stated below be revisited and possibly rewritten to provide the appropriate clarity necessary to properly implement the policy. Areas of concern include:

1. Reporting timelines

The Staff Welfare Committee questions if the numerous institutional reporting deadlines outlined in the document are realistic. Of particular note is the manner in which a complainant is actually notified of a decision. Is it done via e-mail or certified U.S. Postal Service, containing the proof of the mailing date? If so, how is receipt of such a notice confirmed? These deadlines are pivotal for filing an appeal and should be clarified, especially in the case of an employee who is ill or on an approved leave of absence. The deadlines are also important if the case is under a gag order due to a concurrent investigation conducted by local law enforcement.

2. Role of the informal resolution process

Historical data supports the efficacy of the local resolution process. The draft appears to diminish the role of local resolution

3. Centralization of the process

The Committee is somewhat conflicted concerning the ultimate centralization of the process. Half worry that the requirement to bring all cases to the immediate attention of the Associate Chancellor will compromise anonymity and reduce the number of reported cases. There is also concern with having only one individual remain responsible for determining whether a situation warrants a formal investigation. The Committee suggests that a group of individuals, perhaps the JRB, convene to decide the need for a review of the allegations. However, it was also noted that having additional individuals involved in the decision to investigate could also compromise confidentiality and prolong the ultimate resolution to the case.

4. Exclusive Remedy

The right to seek outside mediation should be mentioned earlier in the procedures.

5. Reporting Requirements of the Associate Chancellor

The Illinois statute makes mention of monthly reporting. The committee suggests that this section of the policy be revisited to guarantee that we are in compliance with the statute.

It should be noted that several of the items stated above repeat the concerns included in the November 2008 review of the policy, also conducted by of the A/P Staff Welfare Committee. While some current Committee members feel that wording in the draft does include several of the recommendations set forth last year, for example, regarding the waiver of set deadlines if deemed necessary by the Associate Chancellor, others feel that exceptions should be clarified.