

December 13, 2013

**YALE UNIVERSITY
COMPLAINT PROCEDURE FOR POSTDOCTORAL APPOINTEES**

Statement of Policy

This procedure is available to postdoctoral appointees who believe they have been treated in a manner inconsistent with University policies or believe they have been discriminated against on the basis of race, color, sex, age, religion, disability, national or ethnic origin, sexual orientation, status as a covered veteran, or gender identity or expression. Decisions based on the professional judgments of faculty members or supervisors, such as academic or performance evaluations, or decisions based on the availability of funding are not subject to review under this procedure. The review of a complaint of discrimination may require an inquiry into the process by which professional judgments or funding allocations are made, but the Postdoctoral Review Committee may not substitute its members' professional judgment for that of the decision maker. Complaints regarding sexual misconduct should be addressed to the University-Wide Committee on Sexual Misconduct or a Title IX coordinator and are not subject to the procedure described here.

Postdoctoral appointees may use this procedure without fear of reprisal. If a postdoctoral appointee believes that he or she has been retaliated against as a result of filing a complaint, a separate or supplemental complaint charging retaliation may be pursued through the procedure described here.

The Complaint Procedure

I. Informal Consultation and Resolution

Many complaints can be resolved informally. Postdoctoral appointees are encouraged to bring complaints covered by this procedure to the attention of the person or persons whose actions are the subject of the complaint in a constructive attempt to resolve the problem. The concerned parties are encouraged to meet with the laboratory manager, principal investigator, departmental Director of Postdoctoral Affairs and/or the department Chair in order to work out a resolution. If these efforts are not successful or if the complainant chooses not to pursue an informal resolution at the department level, he or she should contact the Director of the Office for Postdoctoral Affairs. The Director or a designee will meet with the postdoctoral appointee and the person(s) whose actions are the subject of the complaint to try to reach a resolution acceptable to both parties.

II. Written Complaint to the Dean or Deputy Provost

If an informal resolution cannot be reached and the postdoctoral appointee wishes to pursue a formal complaint, he or she must submit a letter explaining the complaint and the redress sought. Appointees in the School of Medicine should submit the complaint to the Dean of the School of Medicine. Appointees in other schools or departments should submit the complaint to the Provost, who will assign it to a Deputy Provost for review. This complaint

should be submitted as soon as possible but in no case later than 45 days after the date the complainant learned of the action that is the basis of the complaint. This written complaint must describe the substance of the alleged violation, including the facts underlying the complaint and the nature of the relief sought.

Upon receipt of the written complaint, the Dean/Deputy Provost will consider whether the complaint falls within the purview of a postdoctoral review committee and merits review. For example, the Dean/Deputy Provost will reject any complaint based on a disagreement with the professional judgment of the principal investigator or other faculty. As soon as possible, but normally within 30 days of the receipt of the complaint, the Dean/Deputy Provost will forward to a review committee those issues raised by the complainant that have not been resolved, except for any that the Dean/Deputy Provost has concluded are not within the purview of the procedures or are clearly without merit. A copy of the complaint will also be provided to the respondent(s).

III. Review Committee Procedures

A. Composition of the Review Committees

A Review Committee will generally consist of two members from the Advisory Committee of Faculty for Postdoctoral Appointees and one faculty member drawn from outside that committee. One of the members will be designated chair of the particular review. No faculty member who is directly involved in the complaint may serve as a member of the Committee hearing the complaint. When a member is excused for this reason or is otherwise unable to participate, the Dean/Deputy Provost will designate a substitute. For a complaint alleging sex discrimination or discrimination on the basis of disability, the Committee will be advised by, respectively, the University Coordinator for Title IX or the University's Section 504 Coordinator.

B. Review Committee Procedures

The proceedings by their nature are non-adversarial. The complaining postdoctoral appointee must meet with the Committee and may be accompanied by an adviser when doing so. Advisers are present only to provide counsel and support and may not participate directly in the proceedings. The adviser can be any member of the University community who does not have legal training.

The complainant and the respondent(s) will each have the opportunity to present information and to propose that the Committee interview relevant witnesses. The complainant and the respondent(s) may be permitted to submit and inspect documents or parts of documents that the Committee deems directly relevant to the specific complaint and that were not written under a presumption of confidentiality. As its inquiry proceeds, the Committee may interview the witnesses proposed by the complainant or the respondent(s) and any other person it deems relevant. The Committee may at its discretion pursue its inquiry with or without the presence of the complainant and his or her adviser. The Committee may consult separately with the adviser only with the consent of the complainant.

The Committee, having conducted its inquiry, will deliberate privately and will prepare a written report stating its findings of fact and its conclusions as to whether University policy has

been violated. In a separate section of the report, confidential to the Dean/Deputy Provost, the Committee will state its recommendations regarding redress and outline whatever other actions or changes in policies or procedures, if any, it recommends to the Dean/Deputy Provost in light of the information it has gathered in the course of its review. The report of the Committee will be adopted only upon the majority vote of the members of the Committee who participated in the inquiry.

C. Final Resolution of the Complaint by the Dean or Deputy Provost

The Review Committee will submit its report to the Dean/Deputy Provost within a reasonable period of time, ordinarily within 90 days of its receipt of a complaint. The Dean/Deputy Provost will furnish copies of the Committee's findings of fact and conclusions (but not its recommendations) to the complainant and the respondent(s). If the complainant or the respondent(s) wishes to provide a written response, this response must be submitted to the Dean/Deputy Provost within 14 days of receiving the findings of fact and conclusions.

The Dean/Deputy Provost may ask the Committee to re-examine or clarify findings of fact. If necessary, the Committee may submit a revised report. The Dean/Deputy Provost shall accept the Committee's findings of fact. The Dean/Deputy Provost may accept, modify, or reject the Committee's conclusions and any of its recommendations. However, in any case where the Dean/Deputy Provost has reservations about the Committee's conclusions or recommendations, the Dean/Deputy Provost will discuss the matter with the Committee in advance of a final decision and explain his or her reasons for disagreement. The Dean/Deputy Provost will then decide the matter and convey his or her decision in writing to the complainant, the Committee, and the respondent(s).

The Dean's/Deputy Provost's decision shall be final. The Dean's/Deputy Provost's decision should ordinarily be rendered within 30 days of receiving the Committee's Report.

D. Time Periods

In instances where additional time may be required during the review process – for example, delays caused by the absence of faculty members over the summer months – the Dean/Deputy Provost may extend the time periods set out above. If a time period is extended, the complainant and respondent(s) will be informed.