

# *Faculty Rights Regarding Discrimination Claims*

*A reference guide for  
IFO bargaining unit members  
concerned with illegal or unfair  
discrimination.*

# **IFO**

## *Inter Faculty Organization*

*Serving the Faculty of the Minnesota State Universities*

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## **QUESTIONS REGARDING DISCRIMINATION COMPLAINTS**

**Is MnSCU, my university administration or the IFO responsible for providing a work environment free of discrimination?**

MnSCU and your university administration are responsible for providing a safe and healthy work environment free of discrimination and harassment. The IFO will assist you with strategies to make certain that MnSCU and the various campus administrations fulfill this responsibility.

**If I believe that I am being discriminated against, to whom should I report it?**

You should always report allegations of discrimination to the administration. You should contact the affirmative action officer. You might want to meet with your local association grievance officer or committee to discuss your concerns before going to the affirmative action officer. Often your representative can help you sort through your concerns and prepare for your meeting with the affirmative action officer. There is no requirement that you bring your concerns to your union representative prior to contacting the affirmative action office but it is usually helpful to do so.

**Must I seek assistance from my local association?**

No. There may be any number of reasons that you might choose not to discuss issues of discrimination with your representative at the local level. You may call the IFO Equity Advocate, should you elect not to discuss your case with local representatives.

**What representation am I entitled to when bringing a claim of discrimination against a dean or other administrator?**

You are entitled to full representation. This includes advice regarding the strengths and weaknesses of your complaint, preparation and assistance with drafting the complaint, assistance with monitoring the affirmative action officer's investigation of your complaint, assistance with securing information from the administration regarding the affirmative action officer's investigative report, and representation at all meetings with the administration.

**What representation am I entitled to when I am bringing a claim of discrimination against another bargaining unit member?**

You are entitled to advice regarding the nondiscrimination policy and the procedures for investigating discrimination complaints. The member against whom you intend to file the discrimination complaint is entitled to the same representation. The IFO does not process claims brought by one bargaining unit member against another. It owes a duty to both. In the event that discipline results against the bargaining unit member, the IFO is obligated to represent that member through the grievance process.

**What rights do I have if asked by the administration to come to a meeting regarding a discrimination complaint filed against me?**

You have the right to union representation at that meeting. You should meet with your local association representative prior to the meeting with the administration and you should insist that the administration provide you with as much information as is available.

**What procedures should I follow when bringing or defending against a discrimination complaint?**

MnSCU's current procedure for investigation and resolution of discrimination complaints is entitled *System Procedure 1B.1.1*. This procedure replaces the former FSSP-1 policy.

Under the current 1B.1.1 procedure, each university President assigns a "designated officer," usually the university's Affirmative Action Officer, to accept and investigate complaints of discrimination. The designated officer may attempt a type of informal resolution of the complaint, which can range from facilitation of discussion between the parties, meetings with the alleged offender, and/or the request for counseling, sensitivity training, or letters of apology.

The designated officer can move the complaint into a formal complaint procedure at his/her discretion. Under the formal procedure, the designated officer will conduct an investigation and issue a report to a person designated by the President to be the decision-maker, usually the academic vice president. The decision-maker reviews the investigative report and can meet with parties or request additional information, before reaching a decision about whether MnSCU's non-discrimination policy has been violated, and what sanctions, if any, result from the findings.

Should a party disagree with the decision-maker's findings, the party may appeal to the President of your institution.



**Does MnSCU or my campus administration have a policy regarding *general harassment*?**

General harassment is defined by MnSCU as conduct that tends to create hostility in the workplace but is *not a violation of law* in that it is not directed at individuals because of their race, sex, color, creed, religion, age, national origin, disability, marital status, sexual orientation or other protected status. MnSCU has authorized each campus to process general harassment complaints filed by IFO bargaining unit members but no system-wide procedure exists. Each campus must devise its own procedure. Typically deans, academic vice presidents, or human resources personnel are assigned to process these general harassment complaints. Just as in discrimination complaints, however, the IFO cannot represent a bargaining unit member in processing general harassment complaints against another IFO bargaining unit member.

MnSCU has negotiated a formal complaint procedure with AFSCME Council 6, for processing general harassment complaints. General harassment is defined in the *7.17 Policy Statement and Procedure on General harassment for AFSCME Council 6 Employees* as "intentional behaviors whether physical or verbal by one employee toward an AFSCME Council 6 bargaining unit member which has the purpose of interfering with the bargaining unit member's work performance or creates an intimidating, hostile, or offensive environment."

IFO bargaining unit members may have complaints filed against them under this procedure. You have the right to union representation during the processing of an AFSCME Council 6 general harassment complaint against you.

### THE IFO IS COMMITTED TO...

- **Providing fair and full representation** as the exclusive bargaining agent for all faculty in the bargaining unit without discrimination as to race, creed, color, national origin, age, disability, reliance on public assistance, gender, marital status, sexual orientation/affectional preference, or any other class or group distinction as set forth by state and federal anti discrimination laws or in MnSCU Board policy.
- **Maintaining a full-time IFO staff position (Equity Advocate)** with the responsibility to represent faculty members confronted with discrimination issues. This position was created by the IFO Board of Directors at the direction of the Delegate Assembly in 1994.
- **Maintaining support for the Feminist Issues Committee and the Multicultural Issues Committee** (both IFO standing committees) whose purpose is to focus on concerns of women and minorities respectively. Representatives are appointed to these committees from each local campus. These committee members can provide information and advice on a wide range of discrimination issues. You can find members' names on the IFO web site.

### FOR ADDITIONAL INFORMATION

You may obtain a copy of MnSCU's nondiscrimination policies and procedures described herein from your local association or campus administration, particularly the affirmative action office. For more information, you may contact the IFO Equity Advocate, Patrice Arseneault at (800) 325-9644, ext. 15 or [arscn@ifc.org](mailto:arscn@ifc.org) by e-mail.