

Harassment Reporting and Complaint Procedure

UCAR strives to maintain a work environment that encourages mutual respect and professionalism and is free from all forms of harassment, intimidation and violence.

This procedure outlines the reporting process for any harassment complaint. It includes a flow chart describing the process and *Frequently Asked Questions* detailing what to expect if you file a complaint or have a complaint filed against you.

If you have questions or concerns about UCAR's process at any time you should contact:

- Human Resources Director
- Chief Diversity, Equity & Inclusion Officer
- Ethics Officer

UCAR's Commitment

Any person (employees or third parties) who uses this reporting and complaint procedure will be treated with dignity, respect and professionalism by UCAR. UCAR will handle all complaints swiftly and confidentially to the extent possible in light of the need to take appropriate action. Filing a complaint in good faith will in no way be used against any employee or third party or have a negative impact on the individual's employment status. If you feel you have experienced any harassment, you are strongly urged to follow this reporting and complaint procedure as soon as possible. This procedure covers all UCAR employees, including at UCAR sponsored events and activities at all work sites including research facilities, field sites and during conferences and workshops.

How to File a Report and Complaint

UCAR encourages any individual (employee or third party) who feels harassed, discriminated or retaliated against to initiate a written complaint to any of the following points of contact:

- To the employee's immediate supervisor (if appropriate), or to any member of UCAR/NCAR/UCP management
- Human Resources Director
- Chief Diversity, Equity & Inclusion Officer
- Ethics Officer
- Anonymously, through the UCAR website
- Anonymously, through a 3rd party vendor (to be determined)

In cases where employees face imminent danger, they should remove themselves from the dangerous situation and call for emergency assistance.

UCAR management (managers and supervisors) is required to report (to any of the points of contact listed above) any harassment, discrimination or retaliation behavior that they personally observe or which is reported to them. Employees who witness this type of conduct are also encouraged to report it.

Treatment of Complaints

Concerns and complaints will be addressed promptly. The actions taken by UCAR in response to a complaint will depend on the nature of the complaint. Upon receipt of a complaint, UCAR will determine whether an investigation is appropriate, and the form it should take. Some concerns may be resolved without the need for an investigation. Depending on the concern, different internal or external people may be involved, such as the complainant (the person reporting the complaint or the subject of the harassment), respondent (person alleged to have engaged in the conduct), witnesses, human resources and legal counsel. In some cases, an outside investigator will be utilized. The amount of contact between the complainant and the persons conducting the investigation will depend on the nature of the issue and the information needed.

If the conduct reported involves a non-UCAR employee, UCAR will take steps, to the extent possible, to address the situation in a timely manner.

In instances where a report is received alleging violations of UCAR policy and/or federal, state, or local law, UCAR will take appropriate steps to investigate the matter, provided sufficient identifying information is received. If necessary, UCAR will notify appropriate external authorities including law enforcement and regulatory agencies.

Confidentiality

During the complaint process, the confidentiality of information received and any expressed wishes of the complainant for confidentiality will be protected to as great an extent as is possible. However, confidentiality cannot be guaranteed in light of UCAR's legal obligation to act on the information and the need to obtain information from the respondent. This is consistent with the need to conduct a thorough and impartial investigation. In most cases, however, confidentiality will be strictly maintained by UCAR and those involved in the investigation.

During an investigation, UCAR asks the complainant, respondent and all witnesses to maintain the confidentiality of the investigation, including not discussing the interview or its contents with anyone. In particular, in order to maintain the integrity of the investigation process, the witness should not discuss anything about the incident/matter under investigation with anyone else who may be involved and who may be a witness.

Other Resources

Employees wishing to discuss an incident confidentially or seek advice of a personal nature are encouraged to contact the UCAR Ombuds or the Employee Assistance Program (EAP). The role of the EAP or Ombuds will be limited to personal counseling and advice about the process. Contacting the EAP or the Ombuds does not qualify as notification to UCAR of a potential harassment or discrimination issue. (See "How to File a Report and Complaint" above for how to notify UCAR of a complaint or concern).

UCAR Ombuds

An Ombuds is an independent person who offers confidential assistance to employees and visitors related to their employment or appointment to UCAR/NCAR/UCP. UCAR's Ombuds provide confidential guidance and are available to:

- (1) discuss a sensitive UCAR-related issue and explore which UCAR policies or procedures apply
- (2) assist you in resolving conflict with another party at UCAR
- (3) speak with when you do not know whom to talk to, where to turn, or what options are available

Please note that the Ombuds will not be able to maintain confidentiality in instances where there is imminent risk of personal harm or safety.

Link and Contact Information: <https://www2.ucar.edu/oo>

Employee Assistance Program

As a UCAR employee, you have access to the EAP at no cost to you. EAP professionals will work with you to help you resolve issues you may be facing and connect or direct you to a variety of helpful resources.

Link and Contact Information: <https://www2.fin.ucar.eHarassment Jdu/hr/employee-assistance-program-eap>

Non-Retaliation

UCAR will not tolerate any adverse action against anyone as a result of a complaint or an investigation. UCAR prohibits retaliation against any person for opposing harassment, for reporting it, for being a witness, or involved in any part of a complaint or an investigation. Any employee who retaliates will be disciplined appropriately, up to and including termination of employment.

Any complaint or cross-complaint that is filed in bad faith may be found to be retaliation against the person who filed the original complaint or against the respondent, and may be a separate violation of this policy and procedure. Any person who believes they are experiencing negative or adverse action as a result of a report of harassment or participation in a harassment investigation should contact the HR Director immediately.

Resolution

At the conclusion of an investigation, and to the extent possible, the complainant and the respondent will be notified of the findings of the investigation. However, the investigation report itself remains confidential. Employees found to have engaged in harassment or discrimination are subject to the full range of disciplinary actions, up to and including termination.

If the investigation is inconclusive or if it is determined that there has been no violation of policy but potentially problematic conduct may have occurred, appropriate action may be recommended by Human Resources, in consultation with appropriate UCAR management.

If the conduct reported involves a non-UCAR employee, UCAR will take steps, to the extent possible, to address the situation in a timely manner.

Appeal Process

The complainant and the respondent may submit a written statement to the HR Director or if a conflict exists, to the UCAR President (and if there is a conflict with both of those individuals, then to the Chief Legal Officer) challenging the factual basis of the findings. Any such statement must be submitted no later than 14 working days after the meeting with the HR Director or a representative of Human Resources in which the findings of the investigation are discussed. The HR Director (or President or Chief Legal Officer) will respond in writing to the complaint within 30 days (see UCAR's 6-8 Problem Resolution Policy).