

## **FAQ for reporting:**

### **1. Who do I take a complaint to?**

You have a few choices about where to make a report. If you are interested in making a report without anonymity, you can speak to any of the following:

- To your supervisor (if appropriate) or any member of UCAR/NCAR/UCP management
- Human Resources Director (Neil Barker)
- Chief Diversity, Equity & Inclusion Officer (Carolyn Brinkworth)
- Ethics Officer (Meg McClellan)

If you would prefer to make an anonymous report then you can do so through the following channels:

- Anonymously, through the UCAR website
- Anonymously through third-party vendor

If you choose to report through the UCAR website then we have no way to respond to you, ask additional questions, or let you know the findings of the investigation. Please provide as much detail as you can so we can investigate. If you go through our third party reporting channel then they are able to pass information back and forth between you and HR while maintaining your anonymity.

### **2. Will my complaint be kept confidential?**

Whoever you report to will maintain confidentiality as much as possible. In order for us to investigate a complaint, an HR representative will need to speak to the respondent (the person who is accused of harassment) and to any witnesses. HR staff will never reveal your identity or the details of your complaint beyond those directly involved in the investigation. The complainant, respondent, and witnesses are instructed not to discuss the details of the investigation, but we cannot absolutely guarantee that they will follow instructions.

### **3. Who will know about my complaint?**

Individuals who know about your complaint include whomever you reported to originally, the HR Employee Relations Manager, the HR Director, the respondent, any witnesses to the incident, and at later stages of the investigation, if appropriate, your lab, program, or department director and your supervisor. If any of these individuals have a conflict of interest, they will not be involved.

### **4. What happens when I make a complaint?**

When you make a complaint, you will sit down with the HR Employee Relations Manager or the HR Director, who will ask you to explain what happened. They will take notes on what happened, who was involved, when the incident(s) happened, where they happened, and whether there were any witnesses. The job of HR in this situation is to

collect enough information to make an assessment of whether a formal investigation needs to be opened, or whether the issue can be resolved without that step. If a formal investigation is opened, HR staff will interview the respondent and any witnesses involved, and on the basis of these interviews and any other evidence, will compile a report with the official findings. Action taken will depend on these findings. If HR deems it unnecessary to open a full investigation, they may still work with the parties involved to resolve the issue. This might take the form of coaching, training, mediation, or some other action or intervention.

**5. Will I be kept up to date with how the investigation is progressing?**

Yes, you will be kept informed about the progress of the investigation, and will be provided with a contact for any support you need. Please understand that we cannot give you any information about the findings until the investigation is complete.

**6. Can I make an informal complaint?**

There is really no such thing as an informal complaint, as UCAR is legally required to look into all issues brought to our attention. If you would like to discuss reporting or other options for your situation in confidence, you can do so either with the Ombuds Office or with the Employee Assistance Program. Talking to those two resources does not constitute making any complaint to UCAR, but may help you decide on whether you wish to proceed with a formal complaint to the organization.

**7. What do I need to provide in order to make a complaint?**

When you bring an issue through any of the formal reporting channels, you may be asked some questions by the person you report to, but you will usually only be fully interviewed by HR staff. You will be asked to describe what happened or has been happening, who was involved, how long it has been going on, when and where the incidents took place, and whether anyone witnessed the incidents. If you cannot remember some of the details, that is ok, but if you have written or other documentation of what has happened, this can be extremely helpful to the investigation.

**8. What if I'm worried about retaliation, or being labeled a "troublemaker"?**

At UCAR, we take retaliation incredibly seriously. If anyone retaliates against you due to an complaint that you have raised, please report this to the HR Director immediately. Individuals found to have retaliated against anyone making a complaint or individuals involved as witnesses are subject to disciplinary action, up to and including termination.

We understand that deciding to report an issue can be intimidating and there could be consequences within your work group and your field or work. We urge you to come to us so that we can help you - if you don't report issues to us then we can't help. Our goal is to ensure that everyone is able to work in an environment free from harassment, intimidation, and bias. In order to do that, we need your help.

**9. What are the possible outcomes?**

The outcomes of an investigation depend on the findings of the report. If an investigation determines that harassment did not occur, then no further action will be taken, although there could be recommendations about conduct or actions in the future. If the investigation determines that harassment did occur, then the action taken can span a range of options depending on the circumstances, severity, and sometimes the intent of the incident. For example, possible outcomes include mediation, coaching, relocation, suspension, and/or termination, among many possibilities.

**10. What control do I have over the outcome?**

In order to ensure the fair treatment of all employees found to have violated UCAR's Code of Conduct or policies, complainants have very little control over the outcome. HR must ensure that similar incidents result in similar outcomes.

**11. What if it involves someone who does not work for UCAR?**

UCAR will work to address any complaints involving someone who does not work for UCAR. If they are a contractor or in some way compensated by UCAR then we have contractual rights to take action. If they are not affiliated with UCAR (e.g. they are a short-term visitor who is no longer on the premises) then we reserve the right to make a report to that individual's home institution.

**12. What if it involves my manager, someone in HR, someone in leadership?**

If your complaint involves your supervisor/manager, your lab/department/program director, or someone else in your leadership chain, you should make a report to one of the other reporting points of contact listed in the reporting policy (e.g. the HR Director) and let them know the situation. If anyone from Human Resources is involved, then please choose a different reporting channel and let the person you are reporting to know about the conflict of interest: e.g. if the complaint involves the HR Director, you can make a complaint to either the Chief Diversity Officer or the Ethics Officer and let them know that the HR Director is either the respondent or a witness. In this case, or in the case of complaints made against senior leadership, UCAR may decide that it is appropriate to bring in an external investigator.

**13. What if I report to someone who is friends with my harasser, or has a conflict of interest in some way?**

All complaints received by any of the points of contact will be treated seriously and confidentially, and without regard to personal relationships. If you are concerned about a conflict of interest then we recommend making a report to one of the other points of contact listed in the procedural guidelines, and letting them know about the situation. As in the response to Q.11, if the conflict of interest may affect the investigation then UCAR may bring in an external investigator.

**14. What if something happens socially?**

As a general matter, we do not engage in any situations outside of work, unless it affects your work environment. Our goal is to maintain a work environment that promotes respect and is free of harassment, intimidation and bias.

**15. What if something happens offsite, such as on a field campaign, at a conference, or on other travel?**

All places where UCAR work is being carried out are part of the UCAR workplace. This includes field campaigns, conferences and meetings, and any other work-related travel. If you are harassed during work-related travel of any kind, please make a report so we can help you.

**16. What happens if I'm a visitor, student, intern?**

All visitors to UCAR are both bound and protected by UCAR's Code of Conduct and policies and procedures. If you experience any harassment, bias or discrimination while here at UCAR, please make a report to HR.

**17. How will UCAR protect me if I complain?**

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 collect additional information from the respondent and any witnesses in order to carry out an investigation. The respondent and witnesses are always instructed to maintain confidentiality.

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 considered a separate incident of retaliation. 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 immediately contact the HR Director immediately.

**18. Do I need an Attorney?**

You do not need an attorney to file a complaint.

**19. What if I'm not satisfied with the outcome?**

If you are not satisfied with the outcome of a complaint, you have the right to make an appeal. The complainant and the respondent may submit a written statement to the HR Director or alternatively to the member of President's Council with oversight for their

lab/program/division challenging the factual basis of the findings. Any such statement must be submitted no later than 7 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 appropriate President's Council member will respond in writing to the complaint within 30 days (see UCAR's 6-8 Problem Resolution Policy).

**20. What if I make complaint and it is not dealt with appropriately?**

As explained in question 19, you have the right to appeal the findings of any investigation. If you believe that your complaint has not been dealt with appropriately then you are also welcome to discuss this with any of the other reporting points of contact.

**21. Do I have to make a written complaint?**

No, you do not have to make a written report. A verbal report made to any UCAR manager or supervisor means that UCAR has legally been informed of your complaint. For this reason, it is imperative that supervisors and managers who are told of any incidents that violate UCAR's Code of Conduct, UCAR policy, or any federal, state, or local laws, report this immediately to HR in order to enable UCAR to carry out its legal responsibility to investigate.

**22. Do I get to see the investigation?**

At the conclusion of the an investigation, and to the extent possible, the complainant and the respondent will be notified of the findings of the investigation, but the full investigative report always remains confidential.

**23. Can I discuss my complaint with anyone else?**

We encourage you to keep complaints confidential in your work environment, for your protection and to protect the integrity of the investigation. We completely understand if you discuss your complaint with your personal support system, such as family members and close friends.

**24. What if someone tells me that they have been harassed? What do I do? Within UCAR? At another institution? At a conference?**

If you are a manager or supervisor working for UCAR and a UCAR employee tells you that they have been harassed in any work-related environment, or any individual tells you that they have been harassed by a UCAR employee in a work-related environment then you are legally required to report the incident to HR. Your knowledge of the incident means that, legally speaking, UCAR as an entity has been informed. You must notify HR in order for UCAR to take the appropriate action.

If you are not a manager or supervisor then you are not required to report the incident to HR, but we highly encourage you to do so. If we don't know about an incident then we can't take action. Please don't assume that someone else has reported what happened - we would rather get three reports of the same incident than not hear about it.

If you hear about harassment of a non-UCAR employee by someone else not employed by UCAR then we encourage you to make a report to whichever entity is involved, e.g. AGU and AMS both have conference codes of conduct and reporting procedures, or you can make a report to a respondent's home institution.

**25. If I don't work for UCAR, but was harassed by a UCAR employee or at a UCAR-run conference, who do I talk to? And what could happen?**

Please contact our HR department to make a report. We will treat the report as we would any other made by an employee. If the incident took place at a UCAR-run conference but did not involve one of our employees then we will most likely refer the incident to the respondent's home institution.

**26. Will you report complaints to the NSF or to any other funding agency?**

New NSF guidelines require us to report the outcome of any investigation of an NSF PI or Co-I where a complaint is upheld. Other funding agencies have not yet instituted a similar policy but this may change.

**27. Who will investigate the complaint?**

Your complaint will usually be investigated either by UCAR's Employee Relations Manager, Lameece Erwin, or the HR Director, Neil Barker. If members of HR have a conflict of interest, or the respondent is in a leadership role at UCAR, an external investigator may be brought in. Under no circumstances will anyone with a conflict of interest be placed in charge of an investigation.