

Nazareth College

Grievance
Policies and Procedures

Revised and Approved November, 2008

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Policy

It is the policy of Nazareth College of Rochester not to discriminate on the basis of race, color, religion, sex, sexual orientation, gender identity or expression, national or ethnic origin, age, marital or veteran status, or disability in the admission of students to the college; in any of the rights, privileges, programs, and activities generally accorded or made available to students at the College; in the administration of its educational policies, admission policies, scholarship and loan programs, and athletic and other programs administered by the College; or in the employment practices of the College.

Grievance Procedure - Application

The Grievance Procedure shall apply to discrimination complaints relating to race, color, religion, sex, sexual orientation, gender identity or expression, national or ethnic origin, age, marital or veteran status, or disability.

Compliance

- This policy is in compliance with Title IX of the Educational Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975.
- These laws are designed to eliminate discrimination on the basis of sex, age, and disability.
- Pursuant to Part 104.7, Part 106.8, and Part 110.25 of the regulations of the Department of Education, the College **designates the Director of Human Resources**, Nazareth College of Rochester, New York 14618-3790, 585-389-2060, as the individual responsible for coordinating efforts with regard to these laws and regulations.

Purpose

These procedures were established for the purpose of filing formal complaints of discrimination against institutional policies or procedures or in the administration of and compliance with these policies and procedures by faculty, staff, and students. These procedures are designed to provide a way for problems to be resolved.

Informal Process

It is hoped that any problems or disagreements will be resolved at an early, informal stage of consideration. **Human Relations Advisors** have been identified to assist in the informal resolution of complaints. A listing of the Human Relations Advisors is available through the Director of Human Resources. (See Brochure in Appendix)

Formal Process

Where informal resolution does not occur and when a formal proceeding is necessary, the following outlines the procedures:

- A formal grievance must be filed in writing with the Director of Human Resources within **sixty (60)** calendar days of the alleged violation in order to be considered.*
- Forms for filing a grievance may be obtained from the Director of Human Resources or one of the Human Relations Advisors.
- Upon receipt of a formal grievance, a Grievance Committee will be formed to handle the discrimination complaint (see Grievance section for committee composition).

* Please note – No grievant will be penalized for exercising his/her rights under this procedure. The College considers any act of retaliation against any student or employee as a result of his/her involvement in this procedure a violation of College policy.

Grievance Committee

The Grievance Committee will consider cases alleging violation of the College's policy against race, color, religion, sex, sexual orientation, gender identity or expression, national or ethnic origin, age, marital or veteran status, and disability discrimination.

The Committee will meet to decide whether or not there are sufficient grounds to consider a case on the basis of relevant documents, written statements from, and possibly preliminary discussion with the parties to the grievance.

The decision to consider or not consider the case will normally be made within **twenty-one (21)** calendar days of receipt of the complaint, or as soon as practicable when such a grievance occurs outside the regular academic session.

The Committee may direct one or more of its member(s) to act as a mediator between the parties concerned in an attempt to reconcile the differences.

Procedure – Insufficient Grounds

If the Grievance Committee decides that there are insufficient grounds to consider the case further, it shall notify the parties to the grievance, in writing, stating the reasons for its decision.

A copy of this response will be sent to the appropriate Vice President.

Procedure – Sufficient Grounds

If the Grievance Committee decides that there are sufficient grounds to consider a case further, it will notify the parties of its decision and will send a copy of this notice to the designated Vice President.

Formal Hearing

In considering a case, if a formal hearing is deemed not to be required, the Committee will make its formal report and recommendations to the designated Vice President, normally within **ten (10)** calendar days of the first meeting of the Grievance Committee.

If a formal hearing is required (at the discretion of the Grievance Committee), such hearing shall take place as soon as practicable, normally within **fourteen (14)** calendar days of the first meeting of the Grievance Committee.

The hearing will be for such length as the Committee believes necessary and appropriate.

The purpose of the hearing, if held, is to permit the Grievance Committee to secure relevant information or testimony which will help the Grievance Committee reach a just conclusion. Judgment of weight or credibility given to the evidence shall be made without the formal restrictions of admissibility of evidence which would apply in a court of law.

In addition to conferring with the grievant and accused,

The Grievance Committee may invite the accused, appropriate administrative officials and other appropriate individuals to **submit a written statement** responding to the grievance as it deems appropriate, or to **appear at the hearing** if one is held.

The Grievance Committee will make its formal report and recommendations to the designated Vice President, normally within ten (10) calendar days of the completion of the hearing.

The Grievant and the Respondents have the right to present material to the **Grievance Committee** and to **present witnesses** if there is a hearing, and to **have a Human Relations Advisor present** for purposes of consultation during the proceedings.[†]

Conflict of Interest

A **conflict of interest** would occur:

- when a member of the **Grievance Committee** has had prior involvement which would reasonably constitute a conflict of interest or raise a reasonable question as to whether the individual selected is impartial.
- when a member of the **Grievance Committee** is in the same department as the grievant or the accused.

Either the **grievant** or the **accused** may submit concerns about conflict of interest to the **Grievance Committee Chairperson** for consideration.

As a result, where, in the opinion of the Grievance Committee, a **conflict of interest** exists, such person with a conflict will resign from the formal Grievance Committee and **a new Committee member will be selected**. The decision regarding whether a conflict exists will be made by a vote of **all** members on the Grievance Committee, excluding that person who may have a conflict of interest. In the composition of the Grievance Committee, the **Human Relations Advisor** who assisted in the informal procedure will not participate as a Grievance Committee member.

Please Note: The **Grievance Committee** will observe strict **confidentiality** in its investigations in both informal and formal proceedings. All formal complaints will be reviewed and acted upon as promptly and deliberately as is compatible with the proper investigation of and due deliberation about the questions or the issues raised.

[†] (Please note: This Human Relations Advisor will be selected from the Nazareth College community of students, faculty, and staff.)

Grievance Against A Staff Member

Grievance Committee

Will consist of a **four (4)** person committee, including:

- Chairperson (non-voting member) appointed by the **Vice President for Finance**,
- An impartial individual selected by the grievant,
- An impartial individual selected by the accused,
- An impartial (fourth) individual selected jointly by the other two chosen members[‡]

The Grievance Committee

Will submit reports and recommendations to the **Vice President for Finance** with copies to parties involved

The Grievant

- May respond in writing within seven (7) calendar days,
- May state any objections to the report or recommendations,

All information must be sent to the Vice President for Finance.

The Vice President for Finance

- May request any additional information deemed necessary in addition to the record of hearing;
- Will send copies of such information to the grievant or accused, who may wish to respond;
- Reserves the right to send the matter back to the Committee for further consideration;
- Will respond in writing normally within **twenty-one (21)** calendar days, to the findings and recommendations of the **Grievance Committee**;
- Will describe any actions to be taken as a result of said findings and recommendations;
- Will state the reasons for not accepting these recommendations, if this is the case.

[‡] Please note: If the individual selected by the grievant and the individual selected by the accused cannot agree on the selection of the fourth member, the the Chairperson shall appoint the fourth member. All members of the Committee must be members of the Nazareth College community.

Grievance Against A Student

Grievance Committee

Will consist of a **four (4)** person committee, including:

- Chairperson (non-voting member) appointed by the **Vice President for Student Development,**
- An impartial individual selected by the grievant,
- An impartial individual selected by the accused,
- An impartial (fourth) individual selected jointly by the other two chosen members[§]

The Grievance Committee

Will submit reports and recommendations to the **Vice President for Student Development** with copies to parties involved

The Grievant

- May respond in writing within **seven (7)** calendar days,
- May state any objections to the report or recommendations.

All information must be sent to the Vice President for Student Development.

The Vice President for Student Development

- May request any additional information deemed necessary in addition to the record of hearing;
- Will send copies of such information to the grievant or accused, who may wish to respond;
- Reserves the right to send the matter back to the Committee for further consideration;
- Will respond in writing normally within **twenty-one (21)** calendar days, to the findings and recommendations of the **Grievance Committee;**
- Will describe any actions to be taken as a result of said findings and recommendations;
- Will state the reasons for not accepting these recommendations, if this is the case.

[§] Please note: If the individual selected by the grievant and the individual selected by the accused cannot agree on the selection of the fourth member, the Chairperson shall appoint the fourth member. All members of the Committee must be members of the Nazareth College community.

Grievance Against A Faculty Member

Grievance Committee

Will consist of a **four (4)** person committee, including:

- Chairperson (non-voting member) appointed by the **Vice President for Academic Affairs**,
- An impartial individual selected by the grievant,
- An impartial individual selected by the accused,
- An impartial (fourth) individual selected jointly by the other two chosen members.**

The Grievance Committee

Will submit reports and recommendations to the **Vice President for Academic Affairs** with copies to parties involved.

The Grievant

- May respond in writing within **seven (7)** calendar days,
- May state any objections to the report or recommendations.

All information must be sent to the **Vice President for Academic Affairs**.

The Vice President for Academic Affairs

- May request any additional information deemed necessary in addition to the record of hearing;
- Will send copies of such information to the grievant or accused, who may wish to respond;
- Reserves the right to send the matter back to the Committee for further consideration;
- Will respond in writing normally within **twenty-one (21)** calendar days, to the findings and recommendations of the Grievance Committee;
- Will describe any actions to be taken as a result of said findings and recommendations;
- Will state the reasons for not accepting these recommendations, if this is the case.

**Please note: If the individual selected by the grievant and the individual selected by the accused cannot agree on the selection of the fourth member, the Chairperson shall appoint the fourth member. All members of the Committee must be members of the Nazareth College community.

Hearing Procedures

The official record of the formal hearing, if one is held, will consist of

- A written statement of charges,
- Will include a tape recording of the proceedings and/or minutes by any member of the Grievance Committee designated to act as secretary, and
- Will contain documents submitted by the grievant, the College, the charged party, or any witness during the hearing.

The official record shall be available in the Chairperson's office for inspection by the Grievance Committee members, the grievant, the accused, or a College representative.

The Chairperson of the Grievance Committee

- Shall open the hearing by stating the procedures to be followed
- Will read the written statement of charges
- Will provide an opportunity for a statement by the appropriate College representative and/or by the accused, in response to the statement of charges

Following the statement of charges and response, the **Grievance Committee** will hear the relevant evidence from the witnesses present.

The Grievance Committee may question the grievant, appropriate administrative officials, or other individuals as deemed appropriate.

Comments and questions by the grievant and accused during the hearing should be addressed to the **Chairperson of the Grievance Committee**.

Grounds For Appeal

An appeal of **the Vice President's decision to the President** of the College may be requested if the grievant or accused believes one of more of the following conditions exist:

- **He/she was denied rights or an improper hearing was conducted;**
- **Relevant evidence has become available since the hearing that was not available at the time of the hearing;**
- **The decision has no rationale based on the evidence; and/or**
- **The sanction is inconsistent with the offense or the circumstances of the violation.**

Appeals Process

The **grievant or the accused** may appeal the Vice President's decision to the **President of the College**.

- This appeal must be in writing, within **fourteen (14)** calendar days of the receipt of the Vice President's decision.
- The **President** may request any additional information he/she deems appropriate, in addition to the record of the hearing.
- Copies of such information will be sent by the President to all other parties who may wish to respond.
- The **President** also has the right to send the matter back to the Vice President or to the Grievance Committee for further consideration.
- The **President** shall normally issue his/her decision within **fourteen (14)** calendar days of the receipt of the appeal.

March, 2008