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| * POLICY NAME: | Discrimination Grievance Procedure for Resolving Allegations of Discrimination |
| * POLICY TYPE: | Presidential Policy - University Administrative Policy |
| POLICY #: | J.1.1. |
| *STATUS: | Active |
| *CONTACT OFFICE: | Equity and Access |
| *OVERSIGHT EXECUTIVE: | Vice President for Equity and Access & Chief Diversity Officer (CDO) |
| *APPLIES TO: | This grievance procedure is available to students and employees at the University of Mary Washington (UMW) who allege discrimination by one or more persons serving in an official capacity for the University, based on one or more of the discriminatory factors described in this policy. |
| *PURPOSE: | The University recognizes that allegations of discrimination may arise and that procedures for addressing them in a prompt, orderly, and equitable manner should be available. These procedures help UMW comply with Titles VI and VII of the Civil Rights Act of 1964, Sections 503 and 504 of the Rehabilitation Act, the Americans with Disabilities Act, the Age Discrimination in Employment Act, the Equal Pay Act, the Vietnam Era Veterans' Readjustment Assistance Act, Federal Executive Order 11246, the Genetic Information Nondiscrimination Act, Virginia Executive Order No. 2, and other federal and state non-discrimination laws. |
| DEFINITIONS: | AAEEO – Affirmative Action and Equal Employment Opportunity |
| *POLICY STATEMENT: | Principles of Diversity and Inclusion UMW embraces its obligation to serve the educational aspirations of all communities and seeks to reflect the diversities of all people in its students, faculty, and staff. This philosophical approach to diversity and inclusion strengthens our community and is essential to our academic mission and institutional excellence. UMW is committed to its responsibility to be a model of fairness, inclusivity, equity, access, and equal opportunity, providing intellectual and institutional leadership regarding diversity, and maintaining a welcoming, inclusive environment of mutual respect for its members of all backgrounds and identities. In keeping with these tenets, the University is committed to a system of responsibility, accountability, and recognition of all of its members, and seeks to carry out these principles of diversity and inclusion in all of its operations, goals, and objectives. (Board of Visitors, September, 2018) |

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| | <p>Statement of Non –Discrimination At the University of Mary Washington, the principles of equal opportunity and affirmative action are practiced. The University does not discriminate on the basis of race, religion, color, sex, gender identity or expression, sexual orientation, parental status (including pregnancy), national origin, age, disability, family medical history or genetic information, political affiliation, military service, or other non-merit based factors in recruiting, admitting, and enrolling students or hiring and promoting faculty and staff members. Complaints of discrimination should be directed to the AAEEEO and Chief Diversity Officer (CDO) of the University (Board of Visitors, September 2018).</p> |
| <p>PROCEDURES:</p> | <p>Step One - Informal Process. A complainant must meet with the University CDO or their designee within sixty (60) business days after the event that gave rise to the alleged violation. The CDO reserves the right to extend the time limits when circumstances justify an extension. One purpose of the meeting is for the CDO to determine whether or not the allegation is one that comes within the purview of these procedures. The decision as to whether the complaint is covered by these procedures or is properly covered under other procedures shall be made entirely by the CDO, who will give the reasons in writing for this decision to the student within five (5) business days of the meeting. A second purpose for the meeting is to attempt to negotiate a resolution prior to the initiation of the formal investigation process. If the complaint cannot be resolved informally within ten (10) business days of the meeting, then the complainant may advance to the formal investigation by submitting a written complaint to the CDO at the end of the ten (10) business days. The written complaint should provide the following information:</p> <ol style="list-style-type: none"> 1. The basis for the allegation, including the discriminatory factor described above. 2. A clear statement of the facts upon which the complaint is based, including an explanation of how the complainant has been adversely affected. 3. An identification of the person(s) or the University policy or procedure considered responsible for the alleged discrimination upon which the complaint is based and an explanation of why the person(s) is considered responsible or why the University policy or procedure is considered improper or has been violated. 4. A statement of the specific relief sought. <p>The CDO will review all of the information and will cause the investigation of the alleged discrimination. The CDO will communicate in writing the findings of the investigation and the proposed resolution to the complainant within ten (10) business days after receipt of the written complaint. In this communication, the CDO will inform the complainant of the right to proceed to Step Two. In the event the complainant is not satisfied with the Step One resolution, they may request a Complaint Panel hearing.</p> |

Step Two -Panel Hearing

The request for a Panel hearing shall be made in writing and submitted to the CDO within five (5) business days after receipt of the Step One decision.

The Step Two Complaint written request will provide the following information:

1. A list of witnesses to be present at the Panel hearing or written witness statements.
2. The identification of any counsel, advisor, or observer to be present at the hearing.
3. Written statement describing why the Step One Resolution is not satisfactory.

This Step Two written statement together with the Step One written statement will constitute the formal application for the Complaint Panel hearing. The CDO shall transmit these forms to the Chief of Staff within five (5) business days after receiving them.

Within five (5) business days, the Chief of Staff shall appoint a three-member Panel. The Panel shall meet within ten (10) business days of its appointment to review the complaint and elect a chairperson from its ranks. The CDO will provide the panel with copies of the written complaint statements. Within five (5) business days of this initial meeting, the chair shall provide a complete copy of the Step One and Step Two written complaint statements and any attachments to the respondent. The respondent shall have ten (10) business days to present a written reply to the chair of the Panel.

The Respondent's reply shall include:

1. A full statement of the respondent's position with respect to the complaint.
2. Respondent's response or comments to any documents accompanying the complaint forms.
3. A list of witnesses who will appear at the hearing or written witness statements.
4. Identification of any counsel, advisor or observer to be present at the hearing.
5. Within five (5) business days of receipt of the reply, the chair shall provide copies of it to the Panel members and the complainant. The chair shall schedule the hearing to begin no later than ten (10) business days after the distribution of the respondent's reply.
6. The complainant and the respondent shall be immediately notified in writing of the hearing date, time, and location.

Conduct of the Panel Hearing

1. The hearing is not intended to be conducted as a court proceeding. It is intended to be an interview between the complainant, respondent, and the Panel.

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| | <ol style="list-style-type: none"> 2. The Panel is not bound by the technical rules of evidence. 3. The Panel will make decisions on the basis of a simple majority vote. 4. The Panel shall determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing. Both parties have the right to be accompanied by counsel, an advisor, or an observer of his/her own choosing. 5. The Panel will conduct all interviews and questioning of witnesses and parties. 6. The Panel may, at the beginning of the hearing, ask for statements clarifying the issues involved. 7. The hearing shall be recorded by tape, and a copy of the tape may be supplied to either party at their request for the cost of the tape. 8. Exhibits, evidence, and witness statements should be exchanged in advance of the hearing so that the Panel might review them and request more information if needed. Exhibits when offered shall be made part of the record. The parties shall produce such additional evidence as the Panel may deem necessary to an understanding of the dispute. The Panel shall be the judge of relevance and materiality of the evidence offered. 9. The complainant, respondent, and witnesses shall respond to all questions of the Panel. Representatives or observers may only advise the parties, as needed by the party. The Panel may, at its discretion, vary this procedure, but shall afford full and equal opportunity to both to be heard on the issues. 10. The Panel shall offer the parties the opportunity to make closing statements for the Panel's consideration. <p>Following the hearing, the Panel shall deliberate in private and will render its decision in writing to both parties, normally within five (5) business days of the hearing. If additional time is needed, both parties will be notified. The Panel's decision is final.</p> <p>Retaliation: Retaliation against persons filing a complaint or persons participating in the investigation of a complaint is prohibited. Retaliation should be reported promptly to the CDO and may result in disciplinary action separate from the allegations of discrimination.</p> |
| <p>* General Procedures for Implementation:</p> | <p>Exclusions: Complaints of Sexual Assault, Sexual Exploitation, Intimate Partner Violence, Stalking, Sexual or Gender-Based Harassment, Retaliation, and Complicity may be addressed with the Title IX Office. https://diversity.umw.edu/title-ix/.</p> <p>Complaints of students concerning Judicial and Honor procedures and violations, student Disputes with faculty members over grades or grading policies, and student campus housing policies shall be referred to other established procedures for resolution. These procedures may be found in the current Student Handbook. However, if discrimination on the part of one or more persons serving in an official capacity of the University is part of the allegation, these Grievance Procedures may be utilized.</p> |

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| | <p>Complaints of classified employees shall be addressed by the Grievance Policy & Procedure for Classified Employees. http://www.edr.state.va.us/grievance.htm. An employee may obtain information and guidance from the Department of Employment Dispute Resolution (“EDR”) http://www.edr.virginia.gov/gpm_one.htm) and the University’s Office of Human Resources.</p> <p>How to contact the CDO:</p> <p>Sabrina C. Johnson, J.D. Vice President for Equity and Access and CDO George Washington Hall, Rm 113 sjohnson@umw.edu</p> |
| <p>* Process for Developing, Approving, and Amending Procedures:</p> | <p>Proposed changes will be submitted through the Vice President for Equity and Access and CDO who will consult with University counsel. All changes will be approved by the President.</p> |
| <p>* Publication and Communication:</p> | <p>This policy will be posted in BoardDocs and on the Diversity and Inclusion website. It will be included in the faculty, staff, and student handbooks and referenced on the Office of Disability Resources and Office of Human Resources websites.</p> |
| <p>* Compliance Monitoring and Reporting: <i>(How is compliance with the policy monitored and reported?)</i></p> | <p>Compliance will be monitored by the Vice President for Equity and Access and CDO.</p> |
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| <p>RELATED INFORMATION:</p> | |
| <p>Policy Background:</p> | |
| <p>* Policy Category:</p> | <p>Equity and Access</p> |
| <p>Category Cross Reference:</p> | |
| <p>Related Policies:</p> | <p>Statement of Community Values</p> |
| <p>HISTORY:</p> | |

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| * Origination Date: | March 23, 2005 |
| * Approved by: | Vice President for Equity and Access and CDO |
| * Approval Date: | October 3, 2018 |
| * Effective Date: | October 3, 2018 |
| * Review Process: <i>(How is this policy reviewed to ensure that it is effective? By whom? How often?)</i> | The policy will be reviewed and, if necessary, revised every two years or sooner if circumstances require. |
| * Next Scheduled Review: | October 3, 2020 |
| Revision History: | May 22, 2012 – minor revisions October 3, 2018 – revisions to step one including increase from 10 to 60 days, step two including appointment of trained three-member Panel, conduct of the Panel hearing including decision finality, and retaliation including prohibition. |