



STUDENT GRIEVANCE PROCEDURE (Policy 6.14)

Procedure - The purpose of the grievance procedure is to provide students at the College a process for resolving any concerns relative to their student rights within the College and afforded under the Title IX and Violence Against Women Act (VAWA). The grievance procedure has specific number of days in each phase, which is to be understood as the maximum time before the next phase is initiated. However, the time limits may be extended up to five additional days by mutual agreement of the parties involved at each level of the grievance.

Note: The number of days in each step refers to class days not calendar days during fall and spring semesters only. Intersession and summer sessions are not considered class days for this purpose. During intersession and summer sessions, the term “days” shall mean business days (Monday through Friday, excluding holidays).

1. Informal Resolution Process

- a. The student may first discuss his/her grievance with the individual against whom the grievance exists.
- b. If the grievance is not resolved between the individuals involved, the student may begin step two. This action must be taken within thirty days of the original incident.

2. Initiation of Formal Academic or Social Grievance

Step One: If the grievance is not resolved informally within seven days, the student shall formally and in writing present the grievance to the appropriate Dean.

- a. If the grievance is directed against a Dean, the grievance shall be presented to the Vice President responsible for that area directly.
- b. If the grievance is directed against a Vice President, the grievance shall be presented directly to the President.
- c. If the grievance is directed against the President, the grievance shall be presented directly to the Board of Governors.
- d. The student will receive a response to his/her grievance at Step One within seven days.

Step Two: If the grievance is not resolved by the Dean (or other level when applicable) within seven days, the grievant shall formally and in writing present it to the Vice President for Academic Affairs for academic concerns and the Vice President for Administration and Finance for social issues. The Vice President must respond in writing within seven days with his/her decision to the grievant.

(Approved by Quincy College Board of Governors: May 21, 2015)



Step Three: If the grievant is not satisfied with the resolution at Step Two, he/she may request formally and in writing to the President to convene a grievance appeal committee. The selection of the committee to hear a student grievance will be as needed. The College President will appoint neutral and objective individuals from the following representative groups:

- Administrators 1 (acting as Director)
- Faculty members 1
- Students 1

Each committee member will receive a written report of the grievance with the supporting statements and evidence. Within seven days after receiving the written grievance, the committee will hold a hearing and both the grievant and the individual against whom the grievance is directed will be given the opportunity to present and be heard. Within seven days after the hearing, the committee will inform the Director of its decision and the reasons for the decision, in writing. The Director will inform both parties of the committee's decision in writing.

Step Four: Within seven days of the grievance committee's decision at Step Three, the grievant or the respondent may formally and in writing appeal the decision to the College President. That appeal is to be accompanied by the original grievance and copies of all subsequent written statements, evidence, and decisions. The President will make his/her decision known to all parties within seven days after receiving the appeal.

Note: The grievant may withdraw his/her grievance at any phase of the process provided that all concerned parties are notified in writing.

Title IX and VAWA Grievance and Appeal Procedure

Title IX and its implementing federal regulations prohibit discrimination on the basis of sex in its programs and activities. The college is committed to maintaining an educational, working, and inclusive environment free from discrimination and harassment, including maintaining an environment in which no student, faculty or staff member is excluded from participation in or denied the benefits of its programs and activities as a result of gender.

When a student, faculty or staff member, or other participant in the college's programs and activities feels that s/he has been subjected to discrimination on the basis of sex, s/he may use these Title IX grievance procedures to bring concerns to the attention of the College Title IX Coordinator for the purpose of obtaining a prompt and equitable resolution.



Employees Responsibility to Report

When a student reports an act of sexual misconduct to an employee of Quincy College, the employee may be obligated to report disclosed information depending upon their position. The following details the responsibility of employees to report sexual misconduct dependent upon their position:

Professional Counselors – Quincy College does not have licensed counselors on staff. The College refers student needed counseling services to outside agencies. Outside licensed counselors who provide mental-health counseling to members of the campus community and are not obligated to report any information to the College. These counselors are required to maintain near complete confidentiality; talking to them is sometimes called a “privileged communication.” Counselors are obligated to report behavior that may result in harm to self or others.

Non-Professional Counselors – Other individuals that work or volunteer in on-campus counseling centers may talk to a victim without revealing any personally identifying information to the College. However, those individuals must report the nature, date, time, and general location of the incident to their Title IX Coordinator. Disclosures to these employees will not trigger a College investigation into an incident against the victim’s wishes

Responsible Employees – Responsible employees must report all relevant details to the Title IX Coordinator. If a student requests confidentiality, the College will consider the request, but cannot guarantee that it will honor it. A report to these employees (called “responsible employees”) constitutes a report to the College—and generally obligates the College to investigate the incident and take appropriate steps to address the situation

Confidentiality Policy

The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. Adherence to confidentiality is expected of all individuals directly and indirectly involved with the investigation process and its final determination.

If a victim discloses an incident to a responsible employee but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, the College must weigh that request against the College’s obligation to provide a safe, non-discriminatory environment for all students, including the victim.

If the College honors the request for confidentiality, a victim must understand that the College’s ability to meaningfully investigate the incident and pursue disciplinary action against the accused may be limited.

When weighing a victim’s request for confidentiality or that no investigation or discipline be pursued, factors to consider:



- The increased risk that the accused will commit additional acts of sexual or other violence, such as:
 - history of sexual violence complaints about the same accused individual;
 - history of arrests or records from a prior school indicating a history of violence
 - whether the accused has threatened further violence
 - whether the sexual violence was committed by multiple perpetrators;
 - whether the sexual violence was perpetrated with a weapon;
 - whether the victim is a minor;
 - whether the College possesses other means to obtain relevant evidence of the sexual violence (e.g., security cameras or personnel, physical evidence); and
 - whether the victim's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

Statement Against Retaliation

An individual who has engaged in a protected activity is protected against retaliation. A protected activity consists of the following: 1) opposing a practice made unlawful by one of the employment discrimination statutes; or 2) filing a charge, testifying, assisting, or participating in any manner in an investigation, proceeding, or hearing under the applicable statute.

Any individual who believes they are the victim of retaliation as described above, may file an oral or written complaint of retaliation with the Title IX Coordinator(s) or designee. The complaint of retaliation will be addressed in accordance with the provisions of the Equal Opportunity and Anti-Harassment Complaint Procedures which can be located.... The complaint of retaliation will be treated as a new and separate complaint.

Investigative Process - Overview

Except in those cases where the student has contacted a strictly confidential resource, the College will conduct a prompt, thorough, and fair investigation and will take appropriate measures to terminate the misconduct, prevent its recurrence and address its effects. After the complainant has provided the appropriate information, the Title IX Coordinator(s) or designee will conduct an investigation as appropriate to determine whether there has been a violation of Quincy College's policy. The Title IX coordinator will be qualified in accordance to annual training requirements and will not have a conflict of interest in regards to the investigation.

In accordance with VAWA, the College will provide timely notice of meetings and decisions to the parties involved. The accused and victim(s) will be provided timely access to information found in the investigative process to be used in disciplinary proceedings. The investigation timeframe is subject to extension with good cause and with written notice to the accused and victim(s).



Once a finding or decision is made by the College, the College will communicate and document the rationale of the decision. This response may include formal disciplinary action, which may be instituted by an individual complainant or the College itself. The sanctions of disciplinary suspension and disciplinary expulsion will be strongly considered when a student is found to have violated any part of the sexual misconduct provisions of this policy.

Both the complainant and the respondent have the right to present witnesses. All individuals (i.e., employees, students, contractors, visitors) are expected to fully cooperate in the procedure. An unwillingness to cooperate by an individual may result in a sanction(s). The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. When the Title IX Coordinator(s) or designee has completed the investigation he/she will, to the extent appropriate, inform the person filing the complaint and the respondent of the results of that investigation.

When possible, Investigation will be completed within sixty (60) days of the complaint with all appropriate information being filed. If it is determined that more than sixty (60) days is necessary to conduct a complete investigation, the complainant and the respondent will be notified.

If the Title IX Coordinator(s) or designee determines that inappropriate conduct has occurred, he/she will recommend corrective action to the Vice President of Academic Affairs in the case of a student, or to the individual's supervisor and the Vice President of Human Resources responsible for the appropriate work unit in the case of an employee. Disciplinary or other action will be approved by the appropriate Vice President consistent with disciplinary action procedures of this policy.

No complainant will be required to have direct interaction with an alleged perpetrator in any informal resolution or mediation involving a complaint of sexual assault.

It is the intention of Quincy College that the process described herein be the sole process for investigating complaints of sexual misconduct, sexual harassment, or retaliation. Nothing in these procedures is intended to interfere with Quincy College's right to investigate and take appropriate action with respect to any other conduct or behavior. Quincy College reserves the right to discipline members of the Quincy College community who bring false complaints of discrimination. No complaint will be considered "false" solely because it cannot be corroborated.



Notification

All parties must be notified simultaneously and in writing of:

- a) the result of the disciplinary proceeding;
- b) any appellate procedures available (which will be available to both parties);
- c) any change to the result that may occur prior to the time that the result becomes final;
- d) when the results become final.

Hearings and Proceedings

In accordance with VAWA, the College will allow all parties to have advisors present during hearings and proceedings. The College cannot restrict the choice of an advisor(s), but may restrict the amount of their participation, so long as it is restricted equally between the parties involved. For example, if the College permits one party to submit third-party expert testimony, it must do so equally for both parties.

Submission of Evidence

Evidence to be presented by complainant(s) and respondent(s) during any hearing on the charges must be shared with the opposing party at least two (2) business days in advance of the scheduled hearing. The Quincy College official presiding at and/or hearing the case may exclude evidence that has not been shared or adjourn the hearing to afford all parties the opportunity to review evidence to be presented during the hearing. The Quincy College official presiding at and/or hearing the case will make the final decision relating to the admissibility of all evidence.

Interim Measures during an Investigation

While an investigation or grievance proceeding is pending, Quincy College will take interim measures as appropriate under the circumstances to assist or protect persons who were or may have been subjected to sexual misconduct. Interim measures may include, for example, changing the class schedule or work schedule of the person who was subject of the alleged misconduct and/or the person alleged to have committed the misconduct, issuing a no-contact order, or similar action. Such measures may also include connecting the persons who were or may have been subjected to sexual misconduct with counseling, health care, academic support, or other resources.

Standard of Evidence

The burden of proof in all cases is “the preponderance of the evidence” – whether it is “more likely than not” that the sex discrimination, dating violence, domestic violence, sexual assault, or stalking occurred. If the evidence presented meets this standard, then the respondent must be found responsible.



Potential Disciplinary Outcomes

Those found to be in violation of Quincy College' discrimination or harassment or retaliation policy will be subject to disciplinary sanctions. Disciplinary sanctions shall be based on the nature and severity of the offense as well as any record of prior disciplinary action imposed on the respondent. In general, sanctions may include, but are not limited to, one or more of the following: public apologies, public reprimands, written warnings, letters of reprimand, attendance at appropriate workshops, suspensions, expulsion, and, in the case of employees, suspension, denial of merit pay for a specified period of time, involuntary demotion, removal from administrative or supervisory duties, and/or termination of employment.

In investigating complaints under this procedure, Quincy College may impose discipline for inappropriate conduct without regard to whether the conduct constitutes a violation of the law and may take corrective action even if the conduct does not rise to the level of violating Quincy College's sexual misconduct or retaliation policies.

Appeal Process

Both a complainant and a respondent who is aggrieved by disciplinary action imposed as a result of an investigation may, within ten working days of the imposition of the action by the appropriate Vice President, file a written appeal to the President. The President or designee will review the results of the Title IX Coordinator(s) or designee's investigation, the decision of the Vice President, and the discipline imposed and within ten (10) working days will make a final decision regarding the appeal. Nothing in these procedures is intended to interfere with the right of any member of the Quincy College community to utilize other applicable grievance or appeal procedures following the imposition of corrective action. An appeal must be in writing and must be based on a credible claim that:

- a) The investigation was not conducted in conformity with the prescribed procedures; or
- b) New information that was reasonably unknown at the time of the investigation, and which is sufficiently relevant that it could alter the College's decision had it been discovered.

Alternative Resolution Options

Some complainants may wish to explore informal alternatives, which may involve, but are not limited to, one or more of the following:

- a) the Title IX Coordinator(s) or designee may counsel the complainant concerning options for responding to the problem on his/her own initiative, for example through oral or written communication with the respondent or the respondent's department head/supervisor (in the case of an employee) or an appropriate administrator (in the case of a student);
- b) the Title IX Coordinator(s) or designee may arrange for a meeting(s) and/or distribution of relevant policy statements and/or other forms of educational materials to the appropriate department, etc.;



- c) if both complainant and respondent agree, the Title IX Coordinator(s) or designee may arrange and facilitate a meeting between the parties in an attempt to reach a mutually acceptable resolution; or
- d) other options may be pursued which are consistent with applicable laws and/or Quincy College policies and procedures.

Note: Although the informal options above are available, it is at the complainant's discretion as to whether or not to explore these informal alternatives. A complainant who wishes to explore these informal alternatives may, in the complainant's sole discretion, bypass an informal process for a formal process at any point.