DISCRIMINATION GRIEVANCE PROCEDURE FOR FACULTY AND STAFF

A discrimination grievance is a complaint or report of an injury, injustice or wrong in which the grounds for complaint are based on of sex, disability, race, age, religion, color, national or ethnic origin, ancestry, marital status, veteran status, sexual orientation, gender identity, gender expression, or genetic information.

Rollins College is committed to creating and maintaining a community in which students, faculty, and staff can work together in an atmosphere free of all forms of harassment, exploitation or intimidation. Specifically, every member of the College community should be aware that Rollins is strongly opposed to discrimination, sexual misconduct and harassment; and that such behavior is prohibited both by law (not all forms of inappropriate behavior are prohibited by law and by College policy. It is the intention of the College to take whatever action may be necessary to prevent, correct, and, if necessary, discipline for behavior, which violates this policy.

Eligibility and Timing for Filing

Faculty and staff may use this procedure for discrimination related grievances.

Grievances should be reported immediately upon occurrence of the events leading to the complaint, injury or wrong, and in any event must be reported within 180 days of such event unless the College determines that good cause for an extension has been established. However there is no time limit for invoking this policy in cases of alleged sexual misconduct. Faculty and staff are encouraged to report alleged sexual misconduct immediately in order to maximize the College’s ability to respond promptly and effectively.

For Grievances Against Students: The procedures outlined in the Code of Community Standards (www.rollins.edu/csr) are to be used in cases involving faculty or staff complaints against a student. If the complaints relate to sexual harassment/sexual assault by students, faculty and staff may use the Title IX policy (http://www.rollins.edu/sexual-misconduct/title-IX-policy/index.html)

Overview

Upon receipt of a complaint, the Assistant Vice President of Human Resources and Risk Management (AVP) will notify the Dean/Department Head and Vice President over the respondent’s department.

Should the College determine that a formal investigation is necessary; the investigation will be conducted jointly by the AVP and Dean/Department Head, or their respective designees. The AVP (or designee) will act as an information resource for the faculty or staff and be available to answer questions. Should the AVP, Dean/Department Head, or Vice President have a conflict of interest or for any reason is unable to carry out their responsibilities under this policy in an impartial manner, the College may designate alternate officials to preside over the investigation.
The College cannot guarantee confidentiality. However, all reasonable efforts will be made to protect the privacy of the complainant and of the process. No faculty or staff shall be disciplined for filing a good faith grievance or report of discrimination or inappropriate behavior.

If a faculty or staff member exercises his/her rights to file a complaint with a government agency or files a court action, the College reserves the right to terminate the grievance process. In the event that a faculty or staff has already commenced his/her grievance procedure at the time he/she files a complaint with any governmental agency including a state or federal court, the faculty or staff member shall notify the AVP. If the College chooses to terminate the grievance process, the AVP will notify all parties involved.

Note: if the complaint involves allegations of sexual misconduct or harassment, the College will continue the internal investigation regardless of whether the faculty or staff member files a complaint with the police department or an outside agency.

Mediation

A. Faculty and staff may elect to utilize the Mediation Program. This program is designed to help resolve disputes in a more informal way than through the grievance process. It facilitates solutions without having to file a formal grievance. A mediation does not impose any solution but helps parties reach a mutually agreed upon solution.

Mediation is a non-adversarial process that does not guarantee a resolution but is a good way to discuss disputes. Participation in a mediation process does not mean that an individual gives up any rights to file a grievance or any other formal procedure. Further, both parties must agree to mediate a dispute. No one can be forced into mediation. Mediation is not a process that imposes punishment, determines facts or decides who is right or wrong. Mediation is a process whereby miscommunication can be cleared up, individuals agree on solutions and people are empowered to make changes.

B. If Mediation between the parties is (a) not appropriate or (b) not possible, or (c) does not lead to resolution, the AVP and the Dean shall proceed to investigate the report or complaint. Mediation does not preclude the College from conducting an investigation of a complaint or taking such disciplinary action as it determines is appropriate or necessary.

Note: Mediation is not an available option if the faculty or staff member’s complaint is related to sexual assault

Grievance Investigation

Both Complainant and Respondent shall have the option of assistance by an advisor of their choice from the College faculty or staff, during all portions of the Grievance procedure, provided that the chosen faculty or staff is willing to participate in the process. The advisor’s role is to provide support and assistance during the process but not to speak on behalf of the complainant or respondent or in any way interfere with the process Third parties shall not be allowed to participate in the process.
When a grievance is filed (verbally or in writing), the AVP will notify the respondent and provide him/her with the information regarding the complaint. The respondent may submit a written response to the AVP within seven (7) working days.

The AVP and the Dean, or an individual(s) appointed by the AVP, will initiate an investigation of the complaint and where possible, attempt to reach conciliation between the parties. During this period, the AVP and the Dean will have access to all information pertinent to the case, and may meet with any individual with information related to the case. Upon the conclusion of the investigation, the AVP and the Dean will present a report to the appropriate VP. The Dean and the AVP shall make a recommendation for resolution to the VP who will make a final determination within twenty (20) working days. All the time limits here may be extended at the discretion of the AVP. Decisions will be made using the preponderance of evidence standard (i.e. it is more likely than not that the alleged conduct occurred).

**Appeals**

If the VP’s determination is not acceptable to either the Complainant or Respondent, the decision may be appealed within seven (7) working days to the VP. The VP will then convene an appeals committee.

The appeals committee shall be formed as follows. The VP, with the assistance of the AVP, will select a list of 10 faculty, and staff members. A list of these 10 individuals will be provided to the Complainant and Respondent. The appeals committee shall consist of one individual chosen by the Complainant, one individual chosen by the Respondent, and a third chosen by mutual agreement of the two parties. If mutual agreement is not reached, the VP will select the third member of the grievance committee. The grievance committee shall review the complaint, any response, any documents provided by Complainant or Respondent, and all other documents it deems appropriate. The grievance committee shall also have the option, but not the obligation, to schedule a hearing and/or take testimony from the parties and other witnesses. Upon conclusion of its review and/or investigation, the appeals committee will deliberate and shall make a written report, including its conclusions and recommendations to the VP. The VP shall then have the option of amending his/her determination based on the recommendations of the grievance committee. The VP determination shall then be final.

Revised May 19, 2015