

Grinnell College Discrimination and Harassment Grievance/Complaint Procedure

If an individual believes that they have been discriminated against or have experienced discrimination or harassment (including sexual harassment), they should follow the procedure outlined below. This grievance/complaint process is for those issues that a person bringing the grievance/complaint believes involve discrimination on the basis of race, color, ethnicity, national origin, age, sex, gender, sexual orientation, gender identity or expression, marital status, veteran status, pregnancy, childbirth, religion, disability, creed or any other protected class. -Employees covered by a collective bargaining agreement should use these procedures for grievances regarding discrimination based upon the protected categories described above. Such employees are nevertheless free to pursue a grievance under the terms of a collective bargaining agreement for unlawful discrimination of any sort.

To file a grievance involving discrimination or harassment on the basis of sex, gender, pregnancy, childbirth, sexual orientation, gender identity or expression, refer to the [Grinnell College Policy, Procedures and Guide to Preventing, Reporting, and Responding to Sexual Misconduct and Other Forms of Interpersonal Violence](#).

Definitions

Harassment and discrimination in violation of state or federal antidiscrimination statutes is unlawful and a violation of Grinnell College policy. Additional information about prohibited discrimination and harassment is available in the College's Non-Discrimination Policy.

Harassment is unwelcome conduct based on a person's membership in a protected class that creates a hostile learning or working environment or limits a person's ability to participate in or benefit from the educational program or limits an employee's ability to work. Harassment can include, but is not limited to, the following behavior: violence, assault, intimidation, threats, stalking, slurs, demeaning jokes or comments, innuendoes, unwelcome compliments, cartoons, pictures, pranks, hazing, stereotypical comments, derogatory descriptions, or other verbal or physical conduct. Behavior is considered harassing when it has the purpose or effect of creating an intimidating, hostile, or offensive working or learning environment, when it interferes with a person's work performance or a student's ability to participate in or benefit from an educational program, or affects a student or employee's workplace or educational opportunities. Harassment may also occur when an authority figure offers or implies that the authority figure will give someone something, such as a good grade or a promotion, in exchange for some type of inappropriate favor. If an individual believes they have experienced harassment or discrimination, they may file a grievance or complaint as described in this policy.

Sexual harassment is a form of discrimination and includes but is not limited to sexual violence, sexual assault, intimate partner violence, domestic violence, dating violence, and stalking. If they believe that they have experienced sexual discrimination, harassment or misconduct, they may refer to the [Grinnell College Policy, Procedures and Guide to Preventing, Reporting, and Responding to Sexual Misconduct and Other Forms of Interpersonal Violence](#) for a detailed description of the policy. They may also file a grievance or complaint for sexual harassment and discrimination by following the procedure described below.

A person making the complaint or grievance is referred to as the Complainant. A person being accused of discrimination or harassment is referred to as the Respondent.

At any time during this procedure, an individual may seek guidance from the College Ombudsperson or the Associate Vice President of Human Resources.

This policy is not intended to limit an individual's rights under a governing collective bargaining agreement or faculty contract. For more information on the collective bargaining agreement procedure for filing a grievance, contact your union steward. For more information on the Faculty grievance/complaint process, see the Faculty Handbook.

Non-retaliation Policy:

It is a violation of College policy to retaliate in any way against a student or employee because they raised allegations of discrimination or harassment. The College recognizes that retaliation can take many forms, may be committed by or against an individual or a group, and that a Respondent or third party may also be the subject of retaliation by other individuals, including the Complainant. An individual reporting harassment or discrimination is entitled to protection from any form of retaliation following a report that is made in good faith, even if the report is not later substantiated. Similarly, individuals accused of discrimination or harassment or those who participate in an investigation related to a complaint or grievance are entitled to protection from any form of retaliation. Retaliation will not be tolerated and will be subject to College disciplinary procedures up to and including dismissal. Complaints of retaliation are subject to the same grievance/complaint process as discrimination and harassment, as defined in this policy.

Support Person

Complainants and Respondents may each choose to have a support person accompany them during any stage of the grievance/complaint process. The support person's role is to help the Complainant or Respondent prepare their statements, advise on the procedural aspects of the matter, and to be a nonparticipating supporter at any hearing the support person's Complainant or Respondent is invited to attend. The support person may be anyone of the student or employee's choosing, provided the support person is a faculty member or staff member. The support person may assist with the student/employee's interview, review of documents, and appeal process in a manner consistent with this policy. The support person may not contact the opposing Respondent or Complainant or contact potential witnesses without express authority from the Senior Official. In cases of sexual harassment or misconduct, the Complainant and Respondent are not limited to a support person from the faculty or staff, but may choose any one person they feel would be helpful. The College reserves the right to dismiss a support person (advisor) who is disruptive to College proceedings or does not abide by the restrictions set forth in this policy.

A. Commencing the grievance/complaint process

If an individual believes that they have been discriminated against or have experienced discrimination or harassment, they should contact the appropriate Senior Official as described below:

- For discrimination/harassment complaints against a **faculty member**, the Complainant should contact the **Dean of the College** to which the faculty member subject to the complaint belongs.
- For complaints against **staff members**, the Complainant should contact the **Assistant Vice President of Human Resources**.
- For complaints against a **student**, the Complainant should contact the **Dean of Students**.
- Harassment/discrimination complaints may also be made directly to the **Title IX Coordinator or Chief Diversity Officer**
- Should a faculty member, staff member, or student consider filing a complaint against the Senior Official with whom they would otherwise consult, they should approach the Title IX Coordinator, Chief Diversity Officer, or another Senior Official from the list above.
- If a person has questions about how to lodge a grievance, the person may contact the Ombudsperson, Assistant Vice President of Human Resources or the Chief Diversity Officer.

In the course of the assessment of the grievance/complaint, the College will consider the interest of the Complainant and their expressed preference for manner of resolution. Where possible, and as warranted by an assessment of the facts and circumstances, the College will seek action consistent with the Complainant's request. Where a Complainant requests that their name or other identifiable information not be shared with the Respondent or that no formal action be taken, the College will balance this request with its dual obligations to provide a safe and non-discriminatory environment for all College community members and to afford a Respondent due process by providing notice and an opportunity to respond before action is taken against a Respondent.

The College will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation, but its ability to do so may be limited based on the nature of the request by the Complainant.

Where the College is unable to take action consistent with the request of the Complainant, the Senior Official will communicate with the Complainant about the chosen course of action that is relevant to the Complainant, within the limits of privacy laws and obligations, including FERPA, and HIPAA.

1. Informal Resolution: Advice and Guidance Before Filing a Complaint

Informal resolution is a viable option when the parties desire to resolve the situation cooperatively or when a formal investigation is not desired. Informal resolution is only appropriate if the conduct is isolated and does not include violence or other forms of harm. An informal resolution will vary from case to

case, but could include the following: (a) direct approach, (b) third party mediation, or (c) indirect action taken by the Senior Official. Mediation cannot be used in cases of sexual assault.

- a. **Direct Approach by Complainant:** After a discussion with the Senior Official or other official designated by the College, a Complainant who feels comfortable confronting the Respondent may choose to take action personally (but is never required to). This direct approach may be appropriate when the goal is to stop the behavior rather than sanction the person accused of discrimination or harassment. The direct approach might include the Complainant writing a letter to the Respondent asking them to change their behavior. Another option might be telling the Respondent in person exactly what behavior is offensive and asking the Respondent to stop the behavior.
- b. **Third Party Mediation:** This option involves having the Senior Official or another third party designated by the College mediate between the Complainant and the Respondent, or asking the Senior Official to bring the Complainant and Respondent together informally to resolve the problem. This type of intervention may result in solutions such as mediating an agreement between the parties, separating the parties, referring either or both parties to counseling programs, negotiating an agreement for corrective action, conducting targeted training or educational programs, or providing remedies for the individual harmed by the discrimination or harassment. If third party intervention is used, the Senior Official should conduct a follow-up review after a reasonable period of time to assure that the resolution has been implemented effectively. Mediation is not an option if the problem involves sexual assault or sexual violence.
- c. **Indirect Action Taken by the Senior Official:** Alternatively, the Complainant may choose an indirect approach. This approach is intended to alter the Respondent's inappropriate behavior in such a way that the behavior stops without the Complainant having to take any action other than talking to the Senior Official. This option has the advantage of maintaining anonymity of the Complainant and Respondent. This option has the disadvantage that the desired message may not be "heard" by the Respondent. One example of indirect action is to have the Senior Official address a group of faculty or staff at a meeting covering policies against discrimination and harassment and/or reminding students, faculty, and staff of their responsibility to foster an environment free of discrimination and harassment.

2. Formal Investigation and Resolution: Decision to File a Grievance or Complaint

If, after consulting with the Senior Official, the Complainant decides to proceed with filing a complaint, they will provide the appropriate Senior Official with a description (verbal or written) of the alleged discrimination or harassment, specifically referring to the section of the policy they believe has been violated. Presenting the complaint as promptly as possible after the alleged discrimination or harassment occurs is encouraged. At the request of the Complainant, they may record an audio description (in a format agreed upon by the College); the Senior Official will have the recording transcribed for review and submission by the Complainant. While the Complainant may be consulted regarding preferred responses, there is no burden on the Complainant to affirmatively seek one form of resolution over another; to the contrary, it is always the College's burden to determine the appropriate course of action in light of the known facts and circumstances.

B. Investigation

1. Complaint Accepted For Investigation

If the Complainant wishes to proceed with formal resolution, the Senior Official will review the complaint and determine if, under the facts alleged, the conduct in question meets the definition of discrimination or harassment. There is no burden on the Complainant to affirmatively seek one form of resolution over another; to the contrary, it is always the College's burden to determine the appropriate course of action in light of the known facts and circumstances.

If the Senior Official accepts the complaint for investigation, they will provide written notice of receipt of a complaint, as appropriate, either to the President, to a member of the President's senior staff, to the Chair of the Faculty, or to the Associate Vice President for Student Affairs. The notice will clarify the nature of the complaint and identify both the Complainant and Respondent.

The Senior Official will meet with the Respondent and provide them a summary of the complaint/grievance and a copy of this policy. As mentioned above, the Respondent may bring a support person of their choice to meetings with the Senior Official. The Senior Official will decide how to proceed and what level of investigation is required for resolution. The Senior Official (or a designated investigator) may set up an appointment for an interview with the Respondent at a later date to further discuss details, evidence, and witnesses regarding the allegation.

The Respondent will be advised that any retaliatory action taken against the Complainant during or after the investigation, or any person who participates in the investigation, will subject the Respondent to disciplinary action. Likewise, the

Complainant will be advised that any retaliatory action taken against the Respondent during or after the investigation, or anyone who participates in the investigation, will subject the Complainant to disciplinary action.

The Senior Official may interview other individuals they identify or who are identified by either the Complainant or the Respondent as having information pertinent to the complaint. If the Senior Official determines that the complaint is of such sensitivity or complexity that assistance may be needed, the official may utilize an outside investigator retained by the College.

The purpose of the investigation is to establish whether there is a basis for believing that the alleged violation of this policy has occurred. The Senior Official or designated investigator will prepare a written report based on the complaint, the response (or failure to respond), interviews with the Complainant and Respondent, and other interviews conducted or materials gathered.

If the Respondent is a student, this report will form the basis for the [College Hearing Board proceedings](#) or in the case of sexual harassment, [Outside Adjudicator proceedings](#). The College Hearing Board will determine whether the Respondent is found responsible or not responsible for the charges and make recommendations for outcomes. In the cases of sexual harassment, an Outside Adjudicator will make the determination.

If the Respondent is a faculty member or staff member, this report will form the basis for the Senior Official to make decisions and recommendations. The report will include either a finding of discrimination or harassment and a recommendation regarding disciplinary action, or a finding of no discrimination or harassment. Any action taken against a faculty or staff member would be consistent with applicable employment contracts and faculty/ staff handbook.

2. Complaint/Grievance Not Accepted For Investigation

If upon receipt of the complaint/grievance the Senior Official determines that the allegation outlined in the complaint does not meet the definition of discrimination or harassment, they will provide written notice to the Complainant that they do not intend to investigate the complaint. The written notice will clarify the reason the complaint has been rejected for investigation.

The Complainant, within five (5) business days of the date of notice, may ask to meet with the Senior Official to discuss the decision of the Senior Official. The Complainant may appeal this decision on the basis of new or additional information regarding his or her complaint. The appeal process is described below.

C. Findings and Appeal Process

1. Appealing the Investigation Decision or Findings

When the Senior Official does not accept a case for investigation, writes a finding of discrimination or harassment, or makes a finding of no discrimination or harassment, they will provide written notice of the decision/finding to the Complainant and Respondent. The Complainant and Respondent, within five (5) business days of the date of notice, may submit a written request to the Appeal Contact (listed below) to appeal the decision on the basis of new evidence not available at the time of the decision or a perceived oversight or error that had a material impact on the fairness of the decision.

2. Who to contact for an Appeal of Finding

Appeals to findings are made to an individual other than the Senior Official. Appeals are made to the supervisor of the Senior Official or as designated by the president as follows:

Student Hearing/Adjudicator Findings: Appeal to Associate Vice President of Student Affairs

Faculty Findings: Appeal to President

Staff Findings: Appeal to Vice President of Finance

If the individual designated for an appeal under this process has been involved in the conduct at issue in the complaint/grievance, or if the individual was consulted about the conduct at issue in the complaint/grievance, then the president will direct the appeal to another Senior Official.

If a person has questions about how to file an appeal, the person may contact the Associate Vice President of Human Resources.

3. Appeal Acceptance and Adjudication

The designated appeal officer will determine whether there are sufficient grounds to accept the appeal for review. The appeal officer will give written notice within three (3) business days whether the appeal is accepted. If accepted, the appeal officer will make a finding within ten (10) business days from date of acceptance notice of appeal. The Appeal Officer may extend this timeframe under extraordinary circumstances and will inform both parties of the extension and the reason for it.

D. Other Remedies

Use of Grinnell College's internal complaint procedures is not a prerequisite to the pursuit of other remedies. At any time, an individual may pursue other remedies available to them under applicable state or federal law. Students and employees may also lodge complaints with the [U.S. Office for Civil Rights](#) and/or the [Iowa Civil Rights Commission](#). Employees may also file complaints with the [U.S. Equal Employment Opportunity Commission](#).